Administration & Enforcement - Table of Changes

Current Local Law	Draft Local Law	Key Changes	Change Type
69. Impounding 69.1 An authorised officer may seize and impound anything which is, has been or is being used or possessed in contravention of this Local Law. 69.2 Where anything has been impounded under this Local Law, the Council or an authorised officer must, if it is practicable to do so, serve notice of impounding personally or by mail on the person who appears to be the owner of the impounded thing. 69.3 An impounded thing must be surrendered to its owner or a person acting on behalf of its owner (who provides evidence to the satisfaction of an authorised officer of his or her authority from the owner)- if: 69.3.1 evidence to the satisfaction of the authorised officer being provided of the owner's right to the thing; and 69.3.2 payment of any fee determined by the Council or an authorised officer from time to time. 69.4 If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 14 days of the notice of impounding being served or, if no notice impounding has been served, of the act of impounding, Council may: 69.4.1 sell; 69.4.2 give away; 69.4.3 destroy- the impounded thing.	**8.1 Impounding** (1) An authorised officer may seize and impound anything which is, has been or is being used or possessed in contravention of this Local Law. (2) Where anything has been impounded under this Local Law, the Council or an authorised officer must, if it is practicable to do so, serve notice of impounding personally or by mail on the person who appears to be the owner of the impounded thing. (3) An impounded thing must be surrendered to its owner or a person acting on behalf of its owner (who provides evidence to the satisfaction of an authorised officer of his or her authority from the owner) if: (a) evidence to the satisfaction of the authorised officer being provided of the owner's right to the thing; and (b) payment of any fee determined by the Council or an authorised officer. (4) If an impounded thing has not been surrendered to its owner or a person acting on the owner's behalf within 14 days of serving an impounding notice, or the act impounding, Council may sell, give away or destroy the impounded thing.	**Simplifies** The new clause is a direct reformatting of the old clause. There are no substantive legal changes, but the new version is better organised and easier to read. Key benefits and changes include: • The old clause's complex, multi-level numbering (e.g., 69.3.1) is replaced with simpler, cleaner single-level numbering and a more standard alphabetical list. • This structural change makes the text much easier to scan and understand without altering the legal requirements. • The legal meaning and content of the clause remain identical to the previous version.	**Minor**
75. Notices to Comply 75.1 If an authorised officer reasonably believes that a person has contravened or failed to comply with the Local Law, the authorised officer may issue to the person a written notice to comply, requiring that person to stop contravening or to comply with the Local Law or to remedy any contravention or failure. 75.2 A notice to comply must include: 75.2.1 the name of the person or if not know the statement 'the owner' or 'the occupier'; 75.2.2 the clause of the Local Law contravened or failed to comply with; 75.2.3 the action required; 75.2.4 the time for compliance; 75.2.5 the date on which it is issued; and 75.2.6 the authorised officer's name or Council identification number. 75.3 The time required by a notice to comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable: 75.3.1 the amount of work involved; 75.3.2 the degree of difficulty; 75.3.3 the availability of necessary materials or other necessary items; 75.3.4 climatic conditions; 75.3.5 the degree of risk or potential risk; and 75.3.6 any other relevant factor. 75.4 A person must comply with a notice to comply. 75.5 If a person does not comply with a notice to comply, Council or an authorised officer or any employee or any other person authorised in writing by Council or an authorised officer, may enter upon any private land or public land on which there is any such failure to comply and do all acts, matters or things that are required to comply with the notice to comply. 75.6 All costs and expenses including any administration fee incurred by council in carrying out any acts, matters or things are a debt due to Council from the person on whom the notice to comply was issued.	**8.2 Notice to comply** (1) If an authorised officer reasonably believes that a person has contravened or failed to comply with the Local Law, the authorised officer may issue to the person a written notice to comply, requiring that person to stop contravening or to comply with the Local Law or to remedy any contravention or failure. (2) A notice to comply must include: (a) the name of the person or if not know then, 'the owner', 'the occupier' or similar (b) the clause of the Local Law contravened or failed to comply with (c) the action required (d) the time for compliance (e) the date on which it is issued and (f) the authorised officer's name or Council identification number. (3) The time required by a notice to comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable: (a) the amount of work involved (b) the degree of difficulty (c) the availability of necessary materials or other necessary items (d) climatic conditions (e) the degree of risk or potential risk (f) any other relevant factor (4) A person must comply with a notice to comply. (5) If a person does not comply with a notice to comply, Council or an authorised officer or any employee or any other person authorised in writing by Council or an authorised officer, may enter upon any private land or public land on which there is any such failure to comply and do all acts, matters or things that are required to comply with the notice to comply. (6) All costs and expenses including any administration fee incurred by council in carrying out any acts, matters or things are a debt due to Council from the person on whom the notice to comply was issued.	**Simplifies** The new clause a direct reformatting of the old law. There are no substantive legal changes, but the new version is better organised and easier to read. Key benefits and changes include: • The old clause's complex, multi-level numbering (e.g., 75.2.1) is replaced with simpler, cleaner single-level numbering and a more standard alphabetical list. • This structural change makes the text much easier to scan and understand. • The legal requirements for issuing a notice to comply, including the criteria for determining a reasonable timeframe and the consequences of non-compliance, remain exactly the same.	**Minor**

Current Local Law	Draft Local Law	Key Changes	Change Type

77. Urgent Circumstances 77.1 Council or an authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, or which Council or the authorised officer considers necessary to prevent any danger to the environment or any nuisance arising, without serving a notice to comply, provided that: 77.1.1 the circumstance arises out of a person's use of *Council land*, a recreational reserve, a municipal building, a *road* or *footway* or failure to comply or contravention of a clause of this Local Law; 77.1.2 Council or the authorised officer considers the circumstance to be sufficiently urgent and that the time necessary to serve, or the potential difficulty in serving a notice to comply may place the person's life, health or property, or the animal, or the environment at risk or in danger of substantial detriment; 77.1.3 the action taken is no more than the minimal reasonably necessary to remedy the urgent circumstance; and 77.1.4 the person on whom a notice to comply would have been issued is notified of the urgent circumstance and action taken to remedy it as soon as possible.	**8.5 Urgent circumstances** (1) Council or an authorised officer may act to urgent circumstances without serving a notice to comply or official warning as a result of any failure to comply with this Local Law which threatens: (a) the health or safety of any person or animal (b) to prevent any danger to property or the environment (c) the amenity or any nuisance (2) Any action taken by Council must be no more than the minimal reasonably necessary to remedy the urgent circumstance and should only be taken if the time required to serve a notice would place a person, animal, property, or the environment at risk or danger of substantial detriment. (3) The person who would have received a notice must be notified of the urgent circumstance and the action taken as soon as possible.	**Simplifies** The new clause is a consolidation and clarification of the previous law. While both clauses serve the same purpose, the new version is more direct, organised, and easier to understand. Key benefits and changes include: • The content is consolidated and restructured, presenting the rules in a more organised manner. • The new version uses more direct language, making the clause easier to interpret and apply in time-sensitive situations. • The core legal ability and intent to act in urgent circumstances remain identical to the previous clause.	**Minor**
78. Offences 78.1 A person who: 78.1.1 contravenes or fails to comply with any provision under this Local Law; or 78.1.2 contravenes or fails to comply with any condition contained in a permit; or 78.1.3 contravenes or fails to comply with a notice to comply; or 78.1.4 fails to comply with a direction of an authorised officer- is guilty of an offence and is liable to: 78.1.5 the penalty stated under a provision, or if no penalty is stated then twenty (20) penalty units; 78.1.6 a further penalty of two (2) penalty units for each day after conviction during which the contravention continues; and 78.1.7 upon conviction for a second or subsequent offence, a penalty of twenty (20) penalty units will apply. 78.2 As an alternative to prosecution for an offence, a person may be served with an Infringement Notice under clause 79. 78.3 A person who is found guilty of an offence under this Local Law must pay Council all reasonable costs incurred by Council in remedying the contravention or failure.	**8.6 Offences** (1) A person is guilty of an offence if they: (a) contravenes or fails to comply with any provision under this Local Law (b) contravenes or fails to comply with any condition contained in a permit (c) contravenes or fails to comply with a notice to comply (d) fails to comply with a direction of an authorised officer (2) A person who is found guilty of an offence under this Local Law is liable to: (a) the penalty stated under a specific provision, or if no penalty is stated, a penalty of 20 penalty units (b) further penalty of 2 penalty units for each day the contravention continues after being found guilty. (c) for a second or subsequent offence, a penalty of 20 penalty units (d) upon conviction for a second or subsequent offence, a penalty of twenty (20) penalty units will apply. (3) As an alternative to prosecution for an offence, a person may be served with an Infringement Notice under clause 8.7. (4) A person who is found guilty of an offence under this Local Law must pay Council all reasonable costs incurred by Council in remedying the contravention or failure	**Clarifies** The new clause is a direct reformatting of the old law. While the content and legal effect are similar, the new version is better organised and includes one minor, clarifying change. Key benefits and changes include: • Sub-clause (2)(b) is updated to remove the requirement for a 'conviction' and replaces it with 'being found guilty.' This ensures the law covers instances where a court finds a person guilty of an offence, even if a formal conviction is not recorded in sentencing. • The old clause's complex, multi-level numbering (e.g., 78.1.1) is replaced with simpler, cleaner single-level numbering and a more standard alphabetical list. • This structural change makes the text much easier to scan and understand.	**Minor**
79. Infringement Notices 79.1 If an authorised officer reasonably believes that a person has committed an offence against this Local Law, the authorised officer may issue and serve on that person an infringement notice as an alternative to a prosecution for that offence. 79.2 The penalties fixed for infringement notices are set out in Schedule 1, or if no penalty is fixed, the penalty is two (2) penalty units.	**8.7 Infringement notices** (1) If an authorised officer reasonably believes that a person has committed an offence against this Local Law, the authorised officer may issue and serve on that person an infringement notice as an alternative to a prosecution for that offence. (2) The penalties fixed for infringement notices are set out in Schedule 1, or if no penalty is fixed, the penalty is one (1) penalty unit.	**Simplifies; Now specifies that penalty for an offence where no specific amount is fixed has been reduced from 2 penalty units to 1** The new clause is a direct reformatting of the old clause, but with one significant legal change related to the penalty amount. Key benefits and changes include: • The penalty for an offence where no specific amount is fixed (sub-clause 2) has been reduced from two (2) penalty units to one (1) penalty unit. • The entire clause has been reformatted to be better organised and easier to read. • Other than the change in the penalty unit amount, the legal content and effect of the clause remain identical.	**Medium**