



WELLINGTON
SHIRE COUNCIL

Community Impact Statement

Wellington Shire Council Community Local Law (Amendment) Local Law 2025

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1. Introduction

Wellington Shire Council is proposing to make the Community Local Law (Amendment) Local Law 2025 (**the Proposed Local Law**). If made, it will amend Council's Community Local Law 2021 (**the Principal Local Law**).

This Community Impact Statement has been prepared to inform the community about the Proposed Local Law. The statement will assist any member of the public who intends to provide feedback during the consultation process, which has been developed in accordance with Council's community engagement policy. The Proposed Local Law will be reviewed by a qualified legal practitioner prior to its release for public consultation.

2. Background

Local laws are a form of local regulation that enable councils to make legislative controls that reflect the different circumstances of each municipality. The authority for councils to make local laws is granted under the *Local Government Act 2020*.

The Principal Local Law was adopted in June 2021 and is scheduled to sunset in June 2031—its tenth anniversary—unless it is revoked earlier. The Proposed Local Law aims to amend the Principal Local Law ahead of its scheduled expiry, to incorporate clearer language, respond to legislative updates, correct some minor typographic issues and remove any inconsistencies that have emerged since the Local Law was adopted.

3. Objectives

The objectives of the Proposed Local Law are set out in clause 1.3 of the Proposed Local Law and outlined below:

- a) amend the Community Local Law 2021, by removing obsolete provisions and correcting anomalies; and
- b) provide for the peace, order and good government of the municipal district of Wellington Shire Council.

4. Main Amendments

The Proposed Local Law will, if made, make a number of amendments to the Principal Local Law. The main amendments are:

- a) the removal of clause 4.1 6) of the Principal Local Law; and
- b) a broadening of clause 4.4 of the Principal Local Law to cover vaping.

Beyond this, the amendments are relatively minor (although a correction to the number of cats that can be kept on some properties is being made, and a revised Schedule 5 has been prepared, setting out infringement penalties). To

assist anyone wishing to understand what the Principal Local Law will look like if the Proposed Local Law is made, a consolidated version of the Principal Local Law will be made available. Anyone reviewing the consolidated version will see the nature and extent of all amendments that are being proposed (through the Proposed Local Law).

5. Evaluation of the Local Law

Subject	Evaluation
Measures of Success of proposed Local Law	<p>The success of the Proposed Local Law will be measured against the following:</p> <ul style="list-style-type: none"> • Recording levels of compliance/non-compliance using inspection data; • Review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions; and • Volume of complaints
Existing legislation that might be used instead	In preparing the Proposed Local Law care was taken to ensure that no clauses are included that relate to matters addressed under existing State or Federal legislation.
Overlap of Existing Legislation	The Proposed Local Law does not overlap, duplicate, or conflict with existing legislation
Overlap of Planning Scheme	The Proposed Local Law does not overlap, duplicate, or conflict with the Wellington Planning Scheme
Risk Assessment	A risk assessment was undertaken when drafting the Proposed Local Laws and is attached to this document.
Legislative Approach Adopted	<p>The Proposed Local Law adopts a medium impact regulatory approach and complies with Council's Enforcement Guidelines, which adheres to the principles of natural justice, during the delivery of enforcement action by Council officers. The Enforcement Guidelines can be viewed on Council's website. Provision for an internal review process for infringement notices is included within the proposed Local Law.</p>
Restriction of Competition	<p>The Proposed Local Law was drafted having regard to the National Competition Principles.</p> <p>Any permit process, standard or requirement referred to in the Proposed Local Law (including any standards or guidelines) will not restrict competition unless:</p>

Subject	Evaluation
	<ul style="list-style-type: none"> • The benefits of the restriction to the community outweigh the costs; and • The objectives of the Local Law can only be achieved if competition is restricted.
Penalties	<p>The maximum penalty for a Local Laws offence is currently 20 penalty units. Section 110 of the <i>Sentencing Act 1991</i> provides the meaning of a penalty unit.</p> <p>Infringement notices offer an alternative method for dealing with minor offences, giving the person to whom a notice is issued the option of paying a fixed penalty, rather than proceeding to a court hearing. This system uses inducements such as convenience of payment, lower penalties than court prosecutions, the avoidance of a conviction being recorded, and the saving of legal costs to dispose of matters in an efficient and timely manner.</p> <p>The administration of infringement notices is governed by the <i>Infringements Act 2006</i>.</p> <p>Attachment C to the Proposed Local Law details the fixed penalties for infringement offences. The penalties were set after a benchmarking exercise with other similar councils and are consistent with neighbouring councils.</p>
Standards	<p>Part 11 of the Principal Local Law sets standards that set out any objective that needs to be achieved to comply with the specific provision of the Local Law.</p> <p>While most of the standards can be described as performance based (what actions need to be done to achieve compliance), some rely on prescriptive provisions, such as the maximum height of grass or weeds on a property within a residential zone.</p> <p>Some standards are being amended by the Proposed Local Law.</p>
Charter of Human Rights	<p>The Proposed Local Law has been reviewed in accordance with the requirements of the <i>Victorian Charter of Human Rights and Responsibilities Act 2006 (The Charter)</i>.</p> <p>Some provisions of the Proposed Local Law could be considered as impacting on the right to freedom of movement, which is recognised in section 12 of the</p>

Subject	Evaluation
	<p>Charter, in that entry to and remaining municipal places is subject to certain conditions. The provisions are considered reasonable and proportionate to the purpose and objectives of the Local Law.</p>
Consultation	<p>The Proposed Local Law has been developed in consultation with key stakeholders, including Councillors, Council staff and an external legal firm.</p> <p>Community engagement will be undertaken as part of the statutory process outlined in the <i>Local Government Act 2020</i>.</p> <p>The Proposed Local Law will be available for a period of four weeks on Your Wellington, Your Say, which is an online consultation platform.</p> <p>Council will publish a notice stating that a copy of the Proposed Local Law will be available for inspection at Council's principal office, and on Council's website.</p>
Community Engagement	<p>Feedback will be considered after undertaking the community engagement process outlined above.</p>

REVISION HISTORY

VERSION	DATE	UPDATE TYPE	SUMMARY OF CHANGES
V.1	June 2025	New document	Document created to accompany the Community Local Law (Amendment) Local Law 2025



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