

Public Interest Test Plan

1. PURPOSE

The purpose of this Public Interest Test Plan is to provide a basis for community consultation and to detail the activities to be conducted during the test.

2. BACKGROUND

In 1996 the Queensland Government issued a Policy Statement which required that all local laws being made by local governments would be subject to the Competition Principles Agreement (**CPA**).

Clause 5(1) of the CPA, set out the guiding principle that legislation should not restrict competition, unless it can be demonstrated that:

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

In reviewing legislation that restricts competition, clause 5(9) of the CPA requires that the review should:

- clarify the objectives of the legislation;
- identify the nature of the restriction on competition;
- analyse the likely effect of the restriction on competition and on the economy generally;
- assess and balance the costs and benefits of the restriction; and
- consider alternative means of achieving the same result including non-legislative approaches.

Without limiting the matters to be taken into account in a review, clause 1(3) of the CPA sets out matters which should be taken into account, as follows:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;
- the interests of consumers generally or of a class of consumers;
- the competitiveness of Australian businesses; and
- the efficient allocation of resources.

3. PROPOSED LOCAL LAW AMENDMENTS

The Council is conducting a PIT regarding possible anti-competitive provisions identified in proposed amendments to the following proposed Local Laws and Subordinate Local Laws (**Proposed Amended Local Laws**):

- **AMENDED** Local Law No. 1 (Administration) 2011;
- **NEW** Subordinate Local Law No. 1 (Administration) 2025 – note although this is a new Subordinate Local Law it consolidates existing Subordinate Local Laws and hence only the Amendments to those existing Subordinate Local Laws are considered as part of this review;
- **AMENDED** Local Law No. 2 (Animal Management) 2011;
- **AMENDED** Subordinate Local Law No. 2 (Animal Management) 2011;
- **AMENDED** Local Law No. 3 (Community and Environmental Management) 2011;
- **AMENDED** Subordinate Local Law No. 3 (Community and Environmental Management) 2011;
- **AMENDED** Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;
- **AMENDED** Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;
- **AMENDED** Local Law No. 5 (Parking) 2011;
- **AMENDED** Subordinate Local Law No. 5 (Parking) 2011;
- **AMENDED** Local Law No. 6 (Operation of Saleyards) 2011;
- **AMENDED** Local Law No. 7 (Operation of Aerodromes) 2011;
- **AMENDED** Local Law No. 8 (Waste Management) 2018.

A copy of the Proposed Amended Local Laws can be accessed on Council's website ([Home | Maranoa Regional Council](#)), or may be viewed at Council's offices at:

Roma Customer Service Centre – Cnr Bungil & Quintin Streets, Roma;

Injune Customer Service Centre – 32 Hutton Street, Injune;

Mitchell Customer Service Centre – 100 Cambridge Street, Mitchell;

Surat Customer Service Centre – 73 Burrowes Street, Surat;

Yuleba Customer Service Centre – 20 Stephenson Street, Yuleba.

4. PROCESS FOR REVIEW OF ANTI-COMPETITIVE PROVISIONS IN LOCAL LAWS

Under Section 38 of the Local Government Act, a local government must not make a local law that contains ***an anti-competitive provision*** unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions.

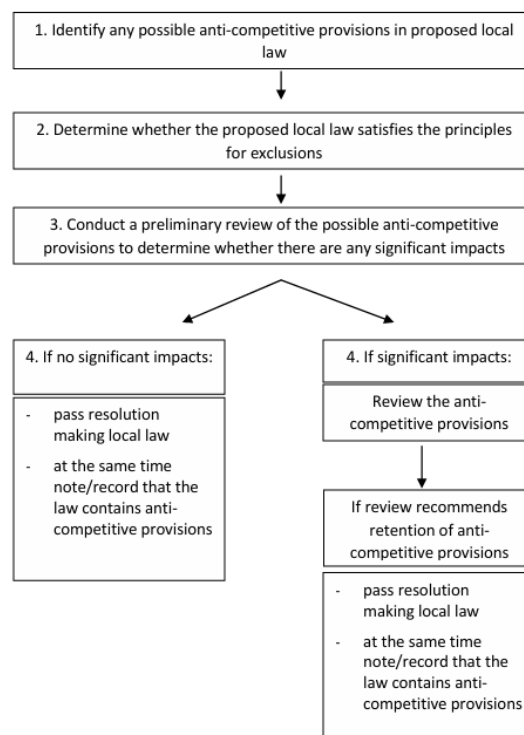
What are the procedures that must be complied with?

Regulation 15(2) and (3) of the Local Government Regulation provides that the procedures are those mentioned in the competition policy guidelines being the document called 'National Competition Policy Guidelines for conducting reviews on anti-competitive provisions in local laws', version 1, made by the department.

The flow chart below extracted from the National Competition Policy Guidelines, details the process (**Steps**) which must be followed

3. Review process

The process for undertaking a review of anti-competitive provisions in a local law is set out below. The following process must be undertaken when making local laws, subordinate local laws and model local laws.



a. **STEP 1: Identify any possible anti-competitive provisions in proposed local law**

Schedule 4 of the Local Government Act, ***an anti-competitive provision*** means a provision that a regulation identifies as creating barriers to—

- (i) entry to a market; or
- (ii) competition within a market.

Regulation 15(1) of the Local Government Regulation provides a provision is identified as creating a barrier to entry to a market or competition within a market if a local government, applying the competition policy guidelines, identifies the provision as creating one of those barriers.

b. STEP 2: Determine whether proposed local law satisfied the principles for exclusion

As set out in the National Competition Guidelines, the particular types of local laws excluded from the review of anti-competitive provisions are:

- (i) local laws regulating the behaviour of individuals;
- (ii) local laws dealing solely with internal administrative procedures of a local government;
- (iii) local laws intended as legitimate measures to combat the spread of pests and disease;
- (iv) local laws to ensure accepted public health and safety standards are met;
- (v) repealing local laws

c. STEP 3: Conduct a preliminary review of the possible anti-competitive provisions to determine whether there are any significant impacts

As set out in the National Competition Guidelines, in determining whether significant impacts will exist, the local government must consider the following factors:

- (i) the probability of impacts occurring;
- (ii) the size and characteristics of the affected businesses;
- (iii) the intensity of the potential impact on affected businesses;
- (iv) whether particular businesses will incur a disproportionate impact;
- (v) the duration of the impact (for example ongoing or “one-off”).

d. STEP 4: Outcome of preliminary assessment

As set out in the National Competition Guidelines the actions to be undertaken as a result of the preliminary assessment, depend on where there is considered to be significant impacts in relation to the anti-competitive provisions.

5. CONDUCT OF REVIEW

	STEP 1: Identify any possible anti-competitive provisions in proposed local law	STEP 2: Determine whether proposed local law satisfied the principles for exclusion	STEP 3: Conduct a preliminary review of the possible anti-competitive provisions to determine whether there are any significant impacts
AMENDED Local Law No. 1 (Administration) 2011;	No	Not Applicable	Not Applicable
NEW Subordinate Local Law No. 1 (Administration) 2025 – <i>note although this is a new Subordinate Local Law it consolidates existing Subordinate Local Laws and hence only the Amendments to those existing Subordinate Local Laws are considered as part of this review;</i>	Schedule 9 – Extension of Temporary Home provisions	Yes. Regulates the behaviour of individuals.	Not Applicable
	Schedule 32 – Requires a permit for the commercial supply of fodder at a saleyard	Yes. Deals solely with internal administrative procedure being the need for the supplier of fodder to obtain an approval.	Not Applicable
AMENDED Local Law No. 2 (Animal Management) 2011;	No	Not Applicable	Not Applicable
AMENDED Subordinate Local Law No. 2 (Animal Management) 2011;	Requirements for approvals to keep bees and for limits on the number of hives able	Partial exclusion to the extent that the proposed amendments regulate individuals and deal with	Not considered to be a significant impact.

	to be kept on a particular lot based on lot size.	internal administrative procedures and the need to obtain an approval.	There is some probability of impacts occurring and the restriction on the number of hives is ongoing,
AMENDED Local Law No. 3 (Community and Environmental Management) 2011;	Requirement to maintain premises.	Partial exclusion but only to the extent the proposed amendments deal with health and safety standards.	Not considered to be a significant impact. While there is some probability of impacts occurring and the obligations are ongoing, the local law will be applied to all businesses and is intended to maintain a base level of amenity for the benefit of the community.
AMENDED Subordinate Local Law No. 3 (Community and Environmental Management) 2011;	No	Not Applicable	Not Applicable
AMENDED Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;	No	Not Applicable	Not Applicable
AMENDED Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2011;	No	Not Applicable	Not Applicable
AMENDED Local Law No. 5 (Parking) 2011;	No	Not Applicable	Not Applicable
AMENDED Subordinate Local Law No. 5 (Parking) 2011;	Declaration of Traffic Area to facilitate the future enforcement of parking restrictions.	No.	Not considered to be a significant impact. While there is some probability of impacts occurring, if future

			enforcement is undertaken it will be applied to the entire declared traffic area.
AMENDED Local Law No. 6 (Operation of Saleyards) 2011;	No	Not Applicable	Not Applicable
AMENDED Local Law No. 7 (Operation of Aerodromes) 2011;	No	Not Applicable	Not Applicable
AMENDED Local Law No. 8 (Waste Management) 2018.	No	Not Applicable	Not Applicable

6. REALISTIC REGULATORY AND NON-REGULATORY ALTERNATIVES TO PROPOSED ANTI-COMPETITIVE PROVISIONS

Regulatory and non-regulatory alternatives available to local government which may achieve the objectives of the Local Laws and Subordinate Local Laws identified as anti-competitive include the following:

- performance-based regulation;
- market/Industry self-regulation;
- Codes of Conduct;
- Standards;
- no regulation;
- public information and education programs;
- economic incentives;
- industry accreditation; and / or
- negative licensing.

In its assessment of the viability of the abovementioned alternatives, Council does not consider any of these options as viable alternatives to the regulation as set out in the proposed Local Laws and Subordinate Local Laws.

7. TYPE OF REVIEW REQUIRED

The review of anti-competitive provisions in the Local Laws and Subordinate Local Laws will be conducted as a *minor* review on the basis that:

- the Local Laws and Subordinate Local Laws have been developed for social, rather than economic objectives;
- the level of concern about the possible anti-competitive provisions is considered to be low as they are uncontroversial. The impact is on a discrete number of possible local businesses and does not have state-wide or national implications;
- the restrictions are introduced predominantly for health and safety reasons;
- a major review will have significant cost with little or no likely reform;
- the number of stakeholders involved in the review is low and the potential impact on stakeholders is low;
- the complexity of the issues relating to the review is considered to be low and the level of uncertainty as to the impact or changes on stakeholders is also considered to be low;
- public consultation with local residents and business will be conducted;

- the complexity of the issues relating to the review is considered to be low and the level of uncertainty as to the impacts the changes will have on stakeholders is also considered to be low; and
- the review will be conducted in-house.

8. CONSULTATION PROCESS TO BE UNDERTAKEN

Consultation with the public will be conducted by giving the public notice of the review in the Maranoa Today, on Council's website and by inviting submissions. Public notices will also be posted on notice boards in the Council's administration offices.

This PIT Plan, as well as the proposed Local Laws and the Subordinate Local Laws will be available for inspection on the Council's website and at Council's offices free of charge.

9. KEY STAKEHOLDERS AFFECTED BY THE CURRENT SITUATION

The following key stakeholders have been identified as being affected by the current situation.

Stakeholders	Size	Distribution	Impact, rating and rationale
Local Government	1	Local government area	Low/Negative – Increased compliance costs of regulation
Commercial operators Existing and potential businesses	Unknown	Nil direct notification to businesses that operate locally. Information will however be available on Council's website for reference.	Low/Negative - Potential Increased burden of compliance
State Government	1	Relevant State Government agencies will be contacted directly, notifying of the potentially anti- competitive provisions.	Low/Negative – Increased compliance costs of regulation
Queensland Beekeepers Association	1	Peak industry body for Queensland beekeepers will be notified directly.	Low – potential that additional requirements might be sought to safeguard the industry
Public	All residents in the Local Government Area	Public notification to occur in the Maranoa Today, on Council's website and at Council's offices.	Low – potential for increased non-compliance with minimum standards

10. TIMETABLE FOR CONDUCTING THE PUBLIC INTEREST TEST

Public Interest Test Stage	Timeframe
Commence Public Interest Test	By 24 October 2025
Estimate of time for completing Public Interest Test	4 weeks including public consultation
Public Consultation period	21 days
Target date for presenting Public Interest Test Report to Council	January 2026

11. CONTENT OF THE PUBLIC INTEREST TEST REPORT

At the conclusion of the public consultation, MacDonnells Law on behalf of the Council will prepare a Public Interest Test Report. This will include the following:

- a summary of the consultation process including a list of stakeholders consulted and the outcomes of consultation;
- any alternatives to the existing anti-competitive provisions and whether (or not) they are viable; and
- recommendations.

A copy of the Public Interest Test Report will be made available on the Council's website, ([Home | Maranoa Regional Council](#)).