

By-laws – Fact Sheet

What are by-laws?

By-laws are local laws established by councils to manage issues specific to the areas under the care and control of the council.

What are Council's by-law making powers?

Councils are given the power to make by-laws under various Acts and Regulations of Parliament including the *Local Government Act 1999*.

When are by-laws made?

By-laws are usually in effect for seven years and our existing by-laws will expire on the following dates:

- **By-law 1 Permits and Penalties** – expires 1 January 2024
- **By-law 2 Moveable Signs**- expires 1 January 2024
- **By-law 3 Roads**- expires 1 January 2024
- **By-law 4 Local Government Land**- expires 1 January 2024
- **By-law 6 Foreshore**- expires 1 January 2024
- **By-law 7 Dogs** - expires 1 January 2023

How are by-laws made?

When an existing by-law is approaching its expiry date (or earlier if desirable), the by-law is reviewed. The *Local Government Act* sets out the process to review and remake a by-law. The key steps in the process include:

Step 1 – A by-law and public notice is drafted

Legal services are engaged to assist in the drafting of the proposed by-law.

Council staff are also involved to assist with identifying any issues and suggesting proposed amendments in the drafting of the by-law. The steps below are carried out at least 21 days before council makes a by-law.

Step 2 - A community engagement/consultation process is carried out with internal and external stakeholders

Consultation with related agencies, council staff and the community is conducted as part of the by-law making process. This process gives the community an opportunity to provide feedback about proposed by-law amendments and additions.

The consultation process assists in by-law decision making and allows us to collect evidence of community support for or disapproval of the proposed by-law. The community can easily provide their feedback and suggestions via our [Your Say page](#). We also accept and consider written submissions made by the public on the proposed by-law.

The proposed draft by-law is made freely available for public inspection at our council offices during office hours as well as on our website. A notice advising the public of the proposed by-law review is also placed in The Advertiser newspaper.

Step 3 – The proposed by-law is presented in a council report

A council report is prepared and includes the proposed by-law and recommendations provided through community consultation. The report is presented at a council meeting, allowing a resolution to be formed by Council.

At least two-thirds of the members of the Council must be present at the council meeting when the by-law is presented as the relevant resolution that is made must be supported by an absolute majority of members of the Council.

Step 4 - Legal services are engaged to assist in developing the by-law – when a final draft is made

The council must obtain a certificate signed by a legal practitioner certifying that, in their opinion, the council has the power to legally make the by-law and the by-law is not in conflict with the *Local Government Act 1999*.

Step 5 - By-law is published in the government gazette, by public notice in the newspaper and on our website

Step 6 – By-law comes into effect

A by-law comes into operation four months after the day on which it is published in the Gazette or from a later day or days fixed in the by-law.

More information

For more information about our by-laws, please contact our Community Rangers team on 8384 0666 or email us at mail@onkaparinga.sa.gov.au or visit our webpage [By-laws and regulations](#).