

**TOOWOOMBA REGIONAL COUNCIL**  
**Community and Environmental Management (Amendment)**  
**Local Law (No. 1) 2023**

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## **Part 1 Preliminary**

### **1 Short title**

This local law may be cited as *Community and Environmental Management (Amendment) Local Law (No. 1) 2023*.

### **2 Local law amended**

This local law amends *Local Law No. 3 (Community and Environmental Management) 2011*.

## **Part 2 Amendment of local law**

### **3 Amendment of s2 (Purpose and how it is to be achieved)**

- (1) Section 2(2)(f), ‘.’—

*omit, insert—*

‘; and’.

- (2) After section 2(2)(f)—

*insert—*

‘(g) inadequate regulation of shopping trolleys.’.

### **4 Insertion of new pt 6A**

After part 6—

*insert—*

## **Part 6A Regulation of shopping trolleys**

### **21A Application of this part**

This part applies if—

- (a) a shopping trolley is owned by, or under the control of, a retailer;  
and
- (b) the retailer—
  - (i) makes the shopping trolley available for use by customers of the retailer at the retailer’s premises; or
  - (ii) permits or allows customers of the retailer to use the shopping trolley at the retailer’s premises.

### **21B Leaving or taking shopping trolley outside retail premises**

A person must not take a shopping trolley from retail premises or leave a shopping trolley at a prescribed place outside retail premises unless—

- (a) the person takes or leaves the shopping trolley with the consent of the owner of the shopping trolley; or

- (b) the person has a reasonable excuse

Maximum penalty—20 penalty units.

### **21C Responsibilities of retailer for retailer's premises**

- (1) A retailer that provides shopping trolleys for customers of the retailer at the retailer's premises must ensure that the shopping trolleys remain at the retailer's premises.

Maximum penalty—50 penalty units.

- (2) It is a defence to a proceeding for a contravention of subsection (1) for the retailer to prove that it took all reasonable measures to ensure that the shopping trolley would remain at the retailer's premises.

Examples of reasonable measures include—

- providing a system requiring the payment of a deposit to use a shopping trolley;
- implementing a trolley containment system, identification system or tracking system.

- (3) The local government may exempt a retailer, or a particular class of retailers, from the obligation to comply with subsection (1), on such conditions as the local government considers appropriate—

- (a) by subordinate local law; or

- (b) by resolution.

- (4) A retailer that provides shopping trolleys for customers of the retailer at the retailer's premises must collect the retailer's shopping trolleys from areas outside the retailer's premises within a reasonable time.

Maximum penalty—50 penalty units.

### **21D Compliance notice about trolley collection**

If a shopping trolley of a retailer is removed from the retailer's premises and left unattended, or abandoned, at a prescribed place, an authorised person may, by compliance notice, given to the retailer, require the retailer to take specified action to—

- (a) remove the shopping trolley from the prescribed place; and
- (b) return the shopping trolley to a safe and secure location, for example, the retailer's premises.

### **21E Seizure of trolley left at a prescribed place**

- (1) An authorised person may seize a shopping trolley from a prescribed place and remove the trolley to a place for safe keeping if the authorised person considers on reasonable grounds that the trolley has been left unattended, or abandoned, at the prescribed place in contravention of—

- (a) this local law; or

- (b) a compliance notice.

- (2) The local government may recover the cost of action taken under this

section as a debt from the person responsible for the contravention mentioned in subsection (1).

## **21F Shopping trolley identification requirement**

- (1) Within 60 days of the commencement of this section, a retailer must ensure that each shopping trolley of the retailer is clearly identified with—
  - (a) the name or brand of the retailer; and
  - (b) the contact details of the retailer including a telephone number to report the shopping trolley found or abandoned outside of the retailer's premises; and
  - (c) a unique number which is only attributable to the shopping trolley; and
  - (d) any other information prescribed by subordinate local law.
- (2) If a shopping trolley of a retailer is not identified in compliance with subsection (1), the retailer must not—
  - (a) make the shopping trolley available for use by customers of the retailer at the retailer's premises; or
  - (b) permit or allow a customer of the retailer to use the shopping trolley at the retailer's premises.

Maximum penalty for subsection (2)—50 penalty units.’.

## **5 Amendment of s22 (Subordinate local laws)**

- (1) Section 22(f) ‘.’—

*omit, insert—*

‘; or’.
- (2) After section 22(f)—

*insert*

‘(g) the exemption of a retailer, or a particular class of retailers, from the obligation to ensure that shopping trolleys remain at the retailer's premises;<sup>24</sup>

or

(h) the other information that a retailer must ensure is clearly identified on each shopping trolley of the retailer;<sup>25</sup> or

(i) the specification of a place as a prescribed place;<sup>26</sup> or

(j) an other area which is prescribed as retailer's premises;<sup>27</sup> or

(k) an other thing which is specified as a shopping trolley.<sup>28</sup>’.

<sup>24</sup> See section 21C(3).

<sup>25</sup> See section 21F(1).

<sup>26</sup> See schedule, definition of *prescribed place*.

<sup>27</sup> See schedule, definition of *retailer's premises*.

<sup>28</sup> See schedule, definition of *shopping trolley*.

## 6 Amendment of sch (Dictionary)

Schedule—

*insert—*

***‘prescribed place*** includes—

- (a) a local government controlled area; and
- (b) a road; and
- (c) another place specified in a subordinate local law.

***retailer—***

- (a) means a vendor of goods, or goods and services, to be sold direct to its customers within the local government area who makes shopping trolleys available for use by its customers; and
- (b) includes any on-site, or designated agent, of the retailer, which makes shopping trolleys available for use by the customers of the retailer.

***retailer’s premises***, for a retailer, means premises —

- (a) which are owned or occupied by the retailer, including areas which are provided for use by customers of the retailer, for example, car parking areas, pedestrian walkways and common areas and other areas prescribed by subordinate local law; and
- (b) from which the retailer sells goods, or goods and services, direct to its customers.

***shopping trolley*** means a wheeled basket or frame used for transporting goods purchased from a retailer and any other thing specified in a subordinate local law.’

This and the preceding 4 pages bearing my initials is a certified copy of *Community and Environmental Management (Amendment) Local Law (No. 1) 2023* made in accordance with the provisions of the *Local Government Act 2009* by Toowoomba Regional Council by resolution dated the            day of            2023.

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Chief Executive Officer