



**Animal Management
Local Law 2023**

Proposed

Moreton Bay City Council

Animal Management Local Law 2023

Contents

Page

Chapter 1	Preliminary	
Part 1	Introductory provisions	
1	Short title	9
Part 2	Object and achievement of Local Law	
2	Object	9
3	How object of Local Law is to be achieved	9
Part 3	Interpretation	
Division 1	Dictionary	
4	Definitions	10
Division 2	Key concepts	
5	Who is an owner of an animal	10
6	Who is a responsible person for an animal	10
7	Keeping of animals	10
8	Control of an animal	10
Part 4	Operation of Local Law	
9	Relationship with other Acts	11
10	Effect of Local Law	11
Chapter 2	Keeping of Animals	
Part 1	What this chapter is about	
11	Overview	11
Part 2	Prohibitions and restrictions on keeping animals	
12	Prohibitions and restrictions on keeping animals	11

Part 3	Keeping of animals for which approval is required	
Division 1	What this part is about	
13	Overview	12
Division 2	Approvals	
Subdivision 1	Application process	
14	Need for approval	12
15	Making an application	13
Subdivision 2	Timeframes for deciding applications	
16	Timeframe for deciding applications when no further information is needed.....	13
17	Timeframe for deciding applications when further information is needed.....	14
18	Timeframe for dealing with applications that are not properly made	15
Subdivision 3	Deciding an application	
19	Deciding an application.....	15
20	Effect of failure to decide application on time	15
21	Third-party certification	15
22	Permitted conditions	16
23	Failure to comply with conditions of an approval	16
24	Term of approval	16
Subdivision 4	Administering approvals	
25	Definitions for this subdivision	16
26	Renewal of approval	16
27	Transfer of approval.....	16
28	Approval holder may apply to amend conditions	16
29	Local government may amend, suspend or cancel approval.....	17
30	Procedure for immediate suspension of approval.....	18
Part 4	Registration of cats	

Division 1	What this part is about	
31	Overview.....	19
Division 2	How a cat is registered	
32	Registration obligation	19
33	Local government may ask for further information.....	19
34	Local government must give registration notice.....	19
35	Duration of registration	20
Division 3	Amendment of registration	
36	Amendment of registration.....	20
Division 4	Renewal of registration	
37	Local government must give renewal notice.....	20
38	Owner of a cat must renew registration	21
39	Local government may ask for further information upon renewal of registration.....	21
Part 5	Minimum standards	
40	Purpose	21
41	Animal nuisance	22
42	Minimum standards for keeping animals	22
43	Koala area requirements	22
Chapter 3	Control of animals	
Part 1	What this chapter is about	
44	Overview.....	24
44A	Application	24
Part 2	Identification for cats and dogs	
45	Definitions for part 2.....	24
46	Identification for dogs at places other than registered address..	24
47	Identification for cats at places other than registered address...	24
Part 3	Animals found wandering at large	

48	Duty to provide proper enclosure and prevent animal from wandering	24
Part 4	Animals in public places	
Division 1	Exclusion of animals	
49	Exclusion of animals from public places	25
Division 2	Dog off-leash areas	
50	Dog off-leash areas	25
51	Conditions for use of dog off-leash areas	26
Division 3	Control of animals in public places	
52	Control of animals in public places	26
53	Person in control of prescribed animals to clean up faeces...	~~28~~ 27
Part 5	Aggressive behaviour by animals	
54	Limited application of division to dogs	~~28~~ 27
55	Animals not to attack or cause fear to persons or animals	~~28~~ 27
56	Duty to assist if animal causes injury	~~29~~ 28
Part 6	Dangerous animals other than dogs	
57	Declaration of dangerous animal other than a dog	~~30~~ 29
58	Power to require responsible person for declared dangerous animal to take specified action	~~30~~ 29
Chapter 4	Seizure, impounding, destruction and disposal of animals	
Part 1	What this chapter is about	
59	Overview.....	30
59A	Application	29
Part 2	Seizure of animals	
60	Seizure of animals	~~31~~ 30
Part 3	Destruction of animal without notice	
61	Power to immediately destroy seized animal.....	~~32~~ 31
Part 4	Immediate return of animals	
62	Immediate return of animal seized wandering at large	~~33~~ 32

Part 5 Impounding of animals

63	Definitions for part 5.....	<u>3332</u>
64	Impounding of seized animal.....	<u>3332</u>
65	Requirements for reclaiming an impounded animal.....	<u>3332</u>
66	Dealing with animal seized and impounded for wandering at large	<u>3433</u>
67	Dealing with animal seized and impounded for non-compliance with Local Law	<u>3433</u>
68	Dealing with animal (other than a dog) seized and impounded for attacking a person or another animal.....	<u>3433</u>
69	Reclaiming an impounded animal.....	<u>3534</u>

Part 6 Destruction of animal following notice

70	Definitions for part 6.....	<u>3534</u>
71	Destruction orders	<u>3534</u>
72	Dealing with animals where destruction order subject to review	<u>3635</u>
73	Dealing with animals where destruction order subject to appeal	<u>3635</u>

Part 7 Disposal of impounded animals

74	Application of this part	<u>3635</u>
75	Sale, disposal or destruction of animals	<u>3736</u>

Part 8 Other impounding matters

76	Register of impounded animals	<u>3837</u>
77	Access to impounded animal.....	<u>3837</u>
78	Unlawful removal of seized or impounded animal	<u>3837</u>

Chapter 5 Further offences and enforcement

Part 1 What this chapter is about

79	Overview.....	<u>3938</u>
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Part 2 Offences

80	Providing false or misleading information	<u>3938</u>
81	Threatening an authorised person	<u>3938</u>

82	Attempts to commit offences	<u>3938</u>
83	Liability of third parties	<u>3938</u>
Part 3	Powers of the local government	
84	Appointment of authorised persons	<u>4140</u>
85	Directions generally	<u>4140</u>
86	Production of records.....	<u>4140</u>
87	Compliance notice for contravention of Local Law	<u>4140</u>
88	Compliance notice authorised by Local Law.....	<u>4241</u>
89	Stop orders	<u>4342</u>
Part 4	Offence proceedings in Magistrates Court	
90	Enforcement orders	<u>4443</u>
91	Joint and several liability.....	<u>4443</u>
Part 5	Defences	
92	Defence of reasonable excuse	<u>4443</u>
93	Owners and occupiers must ensure compliance with this Local Law	<u>4443</u>
Chapter 6	Reviewing decisions	
94	Application for review.....	<u>4544</u>
95	Review decision.....	<u>4544</u>
96	Stay of operation of original decision	<u>4544</u>
Chapter 7	Appeals against destruction orders	
97	Who may appeal.....	<u>4544</u>
98	Starting appeal	<u>4645</u>
99	Stay of destruction order.....	<u>4645</u>
100	Hearing procedures	<u>4645</u>
101	Magistrate Court's powers on appeal	<u>4645</u>
102	Appeal to District Court.....	<u>4645</u>
Chapter 8	Administrative provisions	
103	Liability of local government	<u>4746</u>

104	Fees.....	<u>4746</u>
105	Rewards	<u>4746</u>
106	Conditions on sale of animals.....	<u>4746</u>
107	Subordinate Local Laws	<u>4746</u>
108	Extrinsic material	<u>4847</u>
Chapter 9	Repeal and Transitional Provisions	
109	Transitional arrangements for the repealed Moreton Bay Regional Council Local Law No. 1 (Administration) 2011	<u>4948</u>
110	Local Law repeal	<u>4948</u>
111	Transitional provisions for the repealed Local Law	<u>4948</u>
Schedule 1	Dictionary	<u>5049</u>
Schedule 2	State-controlled roads to which this Local Law applies	55

Moreton Bay City Council

Animal Management Local Law 2023

Chapter 1 Preliminary

Part 1 Introductory provisions

1 Short title

This Local Law may be cited as the *Animal Management Local Law 2023*.

Part 2 Object and achievement of Local Law

2 Object

The object of this Local Law is to regulate and manage the keeping and control of animals in the local government area in a way that—

- (a) promotes responsible pet ownership; and
- (b) balances community expectations with the rights of individuals; and
- (c) protects the community against risks to health and safety; and
- (d) prevents pollution and other environmental damage; and
- (e) preserves the amenity of the local community and environment.

3 How object of Local Law is to be achieved

The object of this Local Law is to be achieved by providing for—

- (a) regulation of the number and type of animals that can be kept; and
- (b) the prescription of minimum standards for keeping animals; and
- (c) imposing registration obligations on cat owners; and
- (d) the control of animals in public places; and
- (e) wildlife conservation requirements; and
- (f) the management of dangerous or menacing animals other than dogs; and
- (g) the seizure, impounding and destruction of animals in certain circumstances.

Part 3 Interpretation

Division 1 Dictionary

4 Definitions

The dictionary in Schedule 1 defines particular words used in this Local Law.

Division 2 Key concepts

5 Who is an owner of an animal

owner of an animal means a person who is—

- (a) the registered owner of the animal; or
- (b) a person who usually keeps the animal, including through an agent, employee or anyone else; or
- (c) the resident, or residents, of the property if that animal resides on, or is regularly on that property and another owner cannot be identified; or
- (d) if a person mentioned in paragraphs (a) to (c) is a minor— a parent or guardian of the minor.

6 Who is a responsible person for an animal

responsible person, for an animal means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) the parent or guardian of a minor who has immediate control or custody of the animal; or
- (c) a person who occupies the place at which the animal is usually kept,

but does not include—

- (d) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (e) a person who has the control or custody of, or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

7 Keeping of animals

- (1) *Keep*, for an animal, means to have ongoing charge or custody of the animal.
- (2) For subsection (1), a person will be taken to keep an animal if the animal is kept on the premises for 14 days or longer in any 3-month period.

Note—

For subsection (2), the 14 days may be consecutive days or cumulative days in a 3-month period.

8 Control of an animal

control, of an animal, means the management of an animal's behaviour and movement.

Part 4 Operation of Local Law

9 Relationship with other Acts

This Local Law is in addition to and does not derogate from—

- (a) any other laws that may regulate matters relating to the keeping or control of animals, including a law about—
 - (i) the use or development of land or road; or
 - (ii) the keeping, control or welfare of animals; or
 - (iii) guide, hearing and assistance dogs or assistance animals; or
 - (iv) environmental management and protection; or
 - (v) bodies corporate; or
 - (vi) residential tenancies; or
 - (vii) criminal offences or penalties; or
 - (viii) police powers and responsibilities; or
- (b) any provision of the *Local Government Act 2009*.

10 Effect of Local Law

Nothing in this Local Law effects a person's—

- (a) rights under—
 - (i) the *Guide, Hearing and Assistance Dogs Act 2009*; or
 - (ii) the *Disability Discrimination Act 1992* (Cth); or
- (b) ability to keep an animal or animals authorised to be kept on land under the *Planning Act 2016*.

Chapter 2 Keeping of Animals

Part 1 What this chapter is about

11 Overview

This chapter outlines—

- (a) the local government's powers to regulate the number and type of animals that can be kept on land; and
- (b) the obligations that the local government can impose on owners and responsible persons for the keeping of animals or particular species of animal.

Part 2 Prohibitions and restrictions on keeping animals

12 Prohibitions and restrictions on keeping animals

- (1) The local government may, by Subordinate Local Law, prohibit or restrict the keeping of

animals with reference to one or more of the following factors—

- (a) species; or
 - (b) breed; or
 - (c) sex; or
 - (d) age; or
 - (e) number; or
 - (f) whether an animal is a restricted dog; or
 - (g) the locality in which the animal would be kept; or
 - (h) the nature of the premises in which the animal would be kept; or
 - (i) the size of the enclosure or allotment in which the animal would be kept.
- (2) Subject to subsections (3) and (4), a person must not keep an animal in contravention of a prohibition or restriction under this section.
- Maximum penalty— 50 penalty units.
- (3) A person does not commit an offence against subsection (2) if they hold an approval under this Local Law for the keeping of an animal or animals.
- (4) The local government may, by Subordinate Local Law, specify certain categories of animal or circumstances to which the prohibitions or restrictions under subsection (1) do not apply.
- (5) The local government may require a statutory declaration from the owner of an animal to support the keeping of an animal in accordance with subsection (4).

Part 3 Keeping of animals for which approval is required

Division 1 What this part is about

13 Overview

This part details—

- (a) the circumstances in which an approval is required to keep an animal; and
- (b) the process for obtaining an approval to keep an animal under this Local Law.

Division 2 Approvals

Subdivision 1 Application process

14 Need for approval

- (1) Subject to subsection (4), the local government may, by Subordinate Local Law, require an approval for keeping an animal or animals (*approval*) in prescribed circumstances.
- (2) The circumstances in which an approval is required may be specified by reference to one

or more of the following factors—

- (a) species; or
 - (b) breed; or
 - (c) age; or
 - (d) sex; or
 - (e) number; or
 - (f) the locality in which the animal is to be kept; or
 - (g) the nature of the premises in which the animal is to be kept; or
 - (h) the size of the enclosure or allotment in which the animal would be kept; or
 - (i) the purpose for which the animal is to be kept.
- (3) If an approval is required by this Local Law, a person must not keep an animal without an approval granted by the local government.
- Maximum penalty— 20 penalty units.
- (4) The local government may, by Subordinate Local Law, specify animals, or particular categories of animal that can be kept without an approval.

15 Making an application

- (1) An application for an approval (*application*) must be—
- (a) made in the form prescribed by the local government; and
 - (b) accompanied by—
 - (i) the documents required by the prescribed form; and
 - (ii) the prescribed fee for the application.
- (2) The local government—
- (a) must accept an application that the local government is satisfied complies with subsection (1); and
 - (b) may accept an application that the local government is satisfied does not comply with subsection (1); and
 - (c) may accept an application where the keeping of the animal or animals would otherwise be prohibited or restricted under this Local Law.
- (3) An application that complies with subsection (1), or that the local government accepts under subsection (2)(b) or subsection (2)(c), is a properly made application (*properly made application*).
- (4) The local government may prescribe forms for this Local Law.

Subdivision 2 Timeframes for deciding applications

16 Timeframe for deciding applications when no further information is needed

- (1) This section applies if the local government—
- (a) receives a properly made application; and
 - (b) does not require any further information in relation to the application.

- (2) The local government must decide the application within 15 business days of receiving it, or a further period agreed with the applicant.

17 Timeframe for deciding applications when further information is needed

- (1) This section applies if the local government—
 - (a) receives a properly made application; and
 - (b) requires further information in relation to the application.
- (2) The local government may make an information request to the applicant within 5 business days of receiving an application, or a further period agreed with the applicant.
- (3) An applicant must respond to an information request within 10 business days of receiving it, or a further period agreed with the local government (*information request response period*).
- (4) The local government must decide the application within 5 business days of the earlier of—
 - (a) an information request response being received; or
 - (b) the information request response period ending.

- (5) In this section—

information request means a notice to the applicant, requiring them to provide further information or documents in relation to the properly made application.

information request response means a response to an information request.

18 Timeframe for dealing with applications that are not properly made

If the local government receives an application for the keeping of an animal (or animals) which is not a properly made application, the local government must—

- (a) provide the applicant with written notice to that effect within 5 business days of receiving the application, or a further period agreed with the applicant; and
- (b) take no further action in relation to the application.

Subdivision 3 Deciding an application

19 Deciding an application

- (1) The local government must, after carrying out an assessment of a properly made application, decide to—
 - (a) approve the application; or
 - (b) approve the application, but impose conditions on the approval; or
 - (c) refuse the application.
- (2) The local government may refuse an application under section (1)(c) if they consider that approving the application would be inconsistent with the object of this Local Law.
- (3) The local government may approve an application under section (1)(a) or (1)(b) to allow the keeping of an animal or animals, on a permanent or temporary basis, in exceptional circumstances, where the keeping of the animal or animals would otherwise be prohibited or restricted under this Local Law.
- (4) For a decision under subsection (1), the local government must give a decision notice to the applicant.

20 Effect of failure to decide application on time

The local government is taken to have refused an application if the local government fails to decide a properly made application in accordance with—

- (a) section 16(2); or
- (b) section 17(4).

21 Third-party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third-party certifier as evidence about any application requirement that is mentioned in a Subordinate Local Law for this subsection.
- (2) In this section—

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval under this Local Law.

third-party certifier means—

- (a) an individual or organisation declared under a Subordinate Local Law for this paragraph as a third-party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a Subordinate Local Law for this paragraph as necessary to provide a certificate

about particular application requirements.

22 Permitted conditions

Any condition imposed on an approval must relate to the object of this Local Law.

23 Failure to comply with conditions of an approval

A person must not contravene an approval.

Maximum penalty— 50 penalty units.

24 Term of approval

An approval is valid for the term specified in the approval.

Subdivision 4 Administering approvals

25 Definitions for this subdivision

In this subdivision—

show cause notice means a written notice stating—

- (a) the proposed action; and
- (b) the grounds for the proposed action; and
- (c) an outline of the facts and circumstances that are the basis of the grounds; and
- (d) if the proposed action is suspension of the approval— the proposed suspension period; and
- (e) that the approval holder may make written submissions within the stated reasonable time as to why the proposed action should not be taken.

26 Renewal of approval

An approval granted under part 3 of this Local Law is not renewable.

27 Transfer of approval

An approval granted under part 3 of this Local Law is not transferable.

28 Approval holder may apply to amend conditions

- (1) An approval holder may apply to the local government to amend the conditions of the approval (*amendment application*).
- (2) An amendment application must be—
 - (a) made in the form prescribed by the local government; and
 - (b) accompanied by—
 - (i) the documents required by the prescribed form; and
 - (ii) a statement of the proposed amendment and reasons for it; and
 - (iii) the prescribed fee.
- (3) Sections 16 and 17 apply to an amendment application as if it were a properly made application.

- (4) The local government must, after carrying out an assessment of an amendment application, decide to—
 - (a) grant the application; or
 - (b) refuse the application.
- (5) In deciding an amendment application under subsection (4), the local government may have regard to—
 - (a) the object of this Local Law; and
 - (b) whether the conditions of the existing approval have been or are being complied with by the applicant.
- (6) For a decision made under subsection (4), the local government must give a decision notice to the applicant.
- (7) The local government may amend the conditions of the approval under this section without following the procedure in section 29.

29 Local government may amend, suspend or cancel approval

- (1) This section applies if the local government is satisfied that one of the following grounds for amending, suspending or cancelling an approval exists—
 - (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) for the protection of animals; or
 - (b) another approval required for the keeping of the animal or animals under an Act has been suspended or cancelled; or
 - (c) in keeping the animal or animals, the approval holder has failed to comply with an Act; or
 - (d) the approval holder has failed to comply with a condition of the approval; or
 - (e) the approval holder has failed to comply with
 - (i) a direction under section 85; or
 - (ii) a compliance notice under sections 87 or 88 that relates to the keeping of the animal (or animals); or
 - (iii) a stop order; or
 - (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.
- (2) Before taking action to amend, suspend or cancel an approval (***proposed action***), the local government must give the approval holder a show cause notice.
- (3) If a show cause notice is issued, the approval holder may, within a stated reasonable time of at least 15 business days after the notice is given (***stated reasonable time***), make written submissions to the local government as to why the proposed action should not be taken.

- (4) Notwithstanding subsection (3), where the approval holder consents or agrees to the proposed action, they may waive their right to provide written submissions within the stated reasonable time.
- (5) The local government must consider all submissions made in accordance with subsection (3).
- (6) If the local government decides that—
 - (a) a ground under subsection (1) no longer exists to take the proposed action, the local government must take no further action in respect of the show cause notice; or
 - (b) a ground exists to take the proposed action, the local government may—
 - (i) if the proposed action was to amend the approval— amend the approval; or
 - (ii) if the proposed action was to suspend the approval— suspend the approval for no longer than the period stated in the notice; or
 - (iii) if the proposed action was to cancel the approval— amend the approval, suspend it for a period or cancel it.
- (7) For any decision made under subsection (6), the local government must give a decision notice to the approval holder.
- (8) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

30 Procedure for immediate suspension of approval

- (1) Despite section 29, the local government may immediately suspend an approval if the local government believes that continued keeping of the animal (or animals) by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The local government must give a notice to the approval holder about the decision to immediately suspend the approval (**suspension notice**), together with a show cause notice about the proposed action under section 29.
- (3) The suspension operates immediately upon the notices in subsection (2) being given to the approval holder.
- (4) The suspension continues to operate until the earliest of the following occurs—
 - (a) the local government cancels the suspension; or
 - (b) the local government gives the approval holder a decision notice under section 29(7) for a decision made under section 29(6); or
 - (c) 15 business days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice; or
 - (d) 15 business days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 4 Registration of cats

Division 1 What this part is about

31 Overview

This part details—

- (a) the obligations cat owners have in relation to registering their cats with the local government; and
- (b) the process for registering, amending and renewing registration of cats with the local government.

Division 2 How a cat is registered

32 Registration obligation

- (1) This section does not apply to—
 - (a) the operation of a pound or animal shelter; or
 - (b) the owner of a cat less than 12 weeks old.
- (2) An owner of a cat, or a person who becomes an owner of a cat, must register the cat within 14 days after starting to keep the cat in the local government area by giving to the local government—
 - (a) the registration form prescribed by the local government; and
 - (b) the documents required by the prescribed form; and
 - (c) the registration fee for the cat; and
 - (d) if the cat is desexed— a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed.

Maximum penalty for subsection (2)— 20 penalty units.

33 Local government may ask for further information

- (1) This section applies if the owner of a cat gives the local government—
 - (a) a registration form under section 32; or
 - (b) a notice mentioned in section 36(3) or 38(2) for the cat.
- (2) The local government may, by written notice, require the owner to give other information or documents reasonably required to register the cat.
- (3) A notice under subsection (2) must be given to the owner of the cat within 5 business days of the local government receiving the registration form or notice mentioned in subsection (1).
- (4) The notice must state a reasonable period of at least 10 business days to comply with the notice.

34 Local government must give registration notice

- (1) This section applies if an owner of a cat complies with sections 32 and 33 for the cat.

- (2) The local government must give the owner of the cat notice (a **registration notice**) that the cat has been registered by the local government.
- (3) The registration notice must—
 - (a) state the information, for the owner and the cat, required to be given under sections 32 and 33(2); and
 - (b) state the period of the registration.
- (4) The registration notice must be given to the owner of the cat within 10 business days after the cat is registered by the local government.
- (5) The local government must record the information given to it under section 32 and 33(2) in a register (**register of cats**).

35 Duration of registration

The registration of a cat is for the period fixed by resolution of the local government.

Division 3 Amendment of registration

36 Amendment of registration

- (1) If any information stated in the registration notice for a cat changes (the **changed information**), the owner of the cat must, within 5 business days, give the local government notice of the changed information.
Maximum penalty— 5 penalty units.
- (2) The notice must be—
 - (a) in the prescribed form; and
 - (b) accompanied by other information or documents to enable the local government to record the changed information in the local government's register of cats.
- (3) If the owner complies with subsection (2), the local government must, within 10 business days after receiving the notice, ensure the owner is given a written notice for the cat that includes the changed information.

Division 4 Renewal of registration

37 Local government must give renewal notice

- (1) This section applies if—
 - (a) a cat has been registered by the local government; and
 - (b) the local government has given the owner of the cat a registration notice.
- (2) The local government must give the owner notice (a **renewal notice**) to renew the registration for the cat.
- (3) The renewal notice must state—
 - (a) the information, for the owner and the cat, stated in the register of cats maintained by the local government; and
 - (b) the period of renewal of registration; and

- (c) that the owner must notify the local government of any change to the registration information within 5 business days of the change.
- (4) The renewal notice must be given to the owner of the cat at least 10 business days before the period of registration for the cat expires.

38 Owner of a cat must renew registration

- (1) This section applies to the owner of a cat whether or not the owner has been given a renewal notice.
- (2) The owner of the cat must, before the period of registration for the cat expires—
 - (a) if the local government has given the owner a renewal notice and any information on the renewal notice has changed— give the local government written notice of the change; and
 - (b) pay the registration fee for the cat; and
 - (c) if the cat is desexed— ensure the fee is accompanied by a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed.

Maximum penalty— 20 penalty units.

- (3) However, if a registration form for the cat has already been accompanied by the certificate or evidence mentioned in subsection (2) for the cat, the certificate or evidence need not accompany the fee.

39 Local government may ask for further information upon renewal of registration

- (1) If the local government receives information or documents under section 38(2) (***renewal information***), it may, by written notice, require the owner of the cat to give further information or documents reasonably required to renew the registration of the cat (notice for further information).
- (2) A notice for further information must be given to the owner of the cat within 5 business days of the local government receiving the renewal information.
- (3) The owner must give the local government the information or documents required by the notice for further information.

Maximum penalty— 5 penalty units.

- (4) If the owner complies with subsection (3), the local government must update the register of cats within 5 business days after receiving the further information or documents.

Part 5 Minimum standards

40 Purpose

The purpose of this part is to ensure appropriate standards of responsible care are met by pet owners to preserve public health, safety and amenity of the surrounding community and environment, by—

- (a) making it an offence for animals to cause a nuisance; and
- (b) enabling Council to establish minimum standards for the keeping of animals, or certain species of animals; and
- (c) enabling Council to prescribe requirements for keeping a dog on land that is within a koala area.

41 Animal nuisance

- (1) A responsible person for an animal must not allow the animal to cause a nuisance.
Maximum penalty— 50 penalty units.
- (2) Without limiting subsection (1) an animal causes a nuisance if it disrupts or inhibits lawful activities ordinarily carried out on adjoining or nearby land by—
 - (a) making a noise which is repetitious or incessant; or
 - (b) creating excessive dust; or
 - (c) creating odour.
- (3) It is a defence for an offence against subsection (1) if—
 - (a) the animal the subject of the alleged nuisance is a rooster; and
 - (b) the rooster is being lawfully kept on the property; and
 - (c) the property is more than 20,000m²; and
 - ~~(e)(d)~~ the alleged nuisance relates to noise; and
 - ~~(d)(c)~~ the owner or responsible person for the rooster has complied with the minimum standards prescribed by Subordinate Local Law.
- (4) An authorised person may, by giving a compliance notice, require the responsible person for an animal to take specified action to stop the nuisance.

42 Minimum standards for keeping animals

- (1) The local government may, by Subordinate Local Law, prescribe minimum standards for the keeping of animals or a particular species of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by Subordinate Local Law are complied with.
Maximum penalty— 20 penalty units.
- (3) The obligation to comply with the minimum standards prescribed by Subordinate Local Law is in addition to obligations imposed by conditions of an approval (where an approval is required).

43 Koala area requirements

- (1) The local government may, by Subordinate Local Law, prescribe requirements for keeping a dog on land that is within a koala area.
- (2) The prescribed requirements may relate to—
 - (a) the enclosure in which the dog must be kept between sunset and sunrise; or
 - (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or
 - (c) fencing that must be in place to separate dogs from koalas on the land or a part of the land; or
 - (d) other measures that are likely to prevent an attack by the dog on a koala.
- (3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

Maximum penalty— 20 penalty units.

(4) In this section—

koala area means—

- (a) a koala habitat area; or
- (b) an area designated by Subordinate Local Law as a koala area.

koala habitat area means an area designated as a koala habitat by—

- (a) a conservation plan made under the *Nature Conservation Act 1992*; or
- (b) a State planning instrument.

Proposed

Chapter 3 Control of animals

Part 1 What this chapter is about

44 Overview

This chapter details the local government's powers to regulate how animals are required to be managed and controlled in public and other places.

44A Application

This chapter applies to all land and roads in the local government area.

Part 2 Identification for cats and dogs

45 Definitions for part 2

In this part—

sufficient contact information means a current telephone number of the owner of the animal.

46 Identification for dogs at places other than registered address

For section 45 of the *Animal Management (Cats and Dogs) Act 2008*, the identification required for a dog (other than a regulated dog) that is at a place other than the address stated in the registration notice for the dog, is a tag which contains sufficient contact information to reunite the dog with its owner.

Note—

A person who fails to ensure the dog bears identification under this section commits an offence under section 45 of the Animal Management (Cats and Dogs) Act 2008.

47 Identification for cats at places other than registered address

- (1) This section applies if a cat is at a place other than the address stated in the registration notice for the cat.
- (2) The person who keeps the cat must ensure it bears an identification tag containing sufficient contact information to reunite the cat with its owner.

Maximum penalty for subsection (2)— 20 penalty units.

Part 3 Animals found wandering at large

48 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping the person's land.

Maximum penalty— 20 penalty units.

- (2) The local government may, by Subordinate Local Law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.

- (3) If an animal is found wandering at large, the owner of the animal is guilty of an offence. Maximum penalty— 20 penalty units.
- (4) Where a person is charged with an offence against subsection (3), it is a defence ~~to a~~ prove to prove that—
 - (a) the defendant maintained a proper enclosure for the animal, and could not, by exercise of reasonable diligence, have prevented the escape of the animal; or
 - (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a Local Law.

Part 4 Animals in public places

Division 1 Exclusion of animals

49 Exclusion of animals from public places

- (1) The local government may, by resolution, specify public places where animals, or animals of a particular species or breed, are prohibited or restricted.
- (2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition or restriction imposed under subsection (1). Maximum penalty— 20 penalty units.
- (3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited or restricted in a particular public place.
- (4) The local government must keep a record available for public inspection identifying the public places where an animal, or animals of a particular species or breed, are prohibited or restricted.
- (5) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

 - (a) the animals that are prohibited or restricted in the place; and
 - (b) in general terms, the provisions of subsection (2).

Division 2 Dog off-leash areas

50 Dog off-leash areas

- (1) The local government may, by resolution, designate an area within a public place as an area where a dog is not required to be on a leash (**dog off-leash area**).
- (2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.
- (3) The local government must keep a record available for public inspection identifying areas that are designated dog off-leash areas (**register of dog off-leash areas**).
- (4) The register of dog off-leash areas must contain the following information about each dog off-leash area—
 - (a) a map or diagram clearly identifying the location and boundaries of the dog off-leash area; and

- (b) any conditions that have been adopted by resolution of the local government under section 51(1) for each dog off-leash area.
- (5) In this section—
reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of the area.

51 Conditions for use of dog off-leash areas

- (1) The local government may, by resolution, specify conditions that apply to the use of a particular dog off-leash area or all dog off-leash areas (*conditions for use*).
- (2) Any conditions for use imposed by the local government must relate to the object of this Local Law.
- (3) An owner or responsible person for a dog in a dog off-leash area must comply with the conditions for use.

Maximum penalty for subsection (2)— 20 penalty units.

Division 3 Control of animals in public places

52 Control of animals in public places, other than dogs

- (1) The owner or responsible person for an animal that is not a dog must ensure that the animal is not in a public place—
 - (a) unless the animal is under the effective control of a person in accordance with subsection (1); and
 - (b) if the animal is a declared dangerous animal— unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

Maximum penalty— 20 penalty units.
- (2) For subsection (1), an animal that is not a dog is under *effective control* if—
 - (a) a person who can physically control the animal—
 - (i) is holding it by an effective leash, halter or rein; or
 - (ii) has effectively tethered it to an object that cannot be moved by the animal and the animal is under the direct supervision of the person; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and the animal is under the direct supervision of the person; or
 - (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
 - (c) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government.
- (3) In determining whether a person can physically control the animal in accordance with subsections (1)(a), an authorised person may consider—

- (a) the number of animals under that person's supervision; and
- (b) any other relevant matter the authorised person considers appropriate.

(4) In this section—

direct supervision means the continuous observation of an animal by a person who is in a position to immediately respond to the animal's behaviour, including where a person, who can physically control the animal, holds the animal by an effective leash.

52—Control of animals in public places

~~(1) The owner or responsible person for an animal must ensure that the animal is not in a public place—~~

- ~~(a) unless the animal is under the effective control of a person in accordance with subsection (2); and~~
- ~~(b) if the animal is a declared dangerous animal—unless the animal is securely restrained to prevent it from—~~
 - ~~(i) attacking a person or animal; or~~
 - ~~(ii) acting in a way that causes fear to a person or animal; or~~
 - ~~(iii) causing damage to property.~~

~~Maximum penalty—20 penalty units.~~

~~(2) For subsection (1), if the public place is—~~

- ~~(a) a dog off-leash area, a dog is under effective control if—~~
 - ~~(i) the dog is under the direct supervision of a person who can physically control the dog; and~~
 - ~~(ii) the person supervising the dog does not have more than 2 dogs in total under their supervision; and~~
 - ~~(iii) the dog is not harassing, intimidating, stalking or attacking other dogs or people; and~~
 - ~~(iv) if the dog off-leash area is not fenced—the dog is under the supervision of a person who is able to control the dog by voice command; and~~
- ~~(b) a public place other than a dog off-leash area, an animal is under effective control if—~~
 - ~~(i) a person who can physically control the animal—~~
 - ~~(A) is holding it by an effective leash, halter or rein and, if the animal is a dog, the person responsible for the dog has no more than 4 dogs in total under their supervision; or~~
 - ~~(B) has effectively tethered it to an object that cannot be moved by the animal and the animal is under the direct supervision of the person; or~~
 - ~~(C) has corralled it in a temporary enclosure adequate to contain the animal and the animal is under the direct supervision of the person; or~~

- ~~(ii) — the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or~~
 - ~~(iii) — the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or~~
 - ~~(iv) — the animal is a working animal actually engaged in moving stock and under the supervision of a person who is able to control the animal by voice command.~~
- ~~(3) — In determining whether a person can physically control the animal in accordance with subsections (2)(a)(i) and (2)(b)(i), an authorised person may consider —~~
- ~~(a) — the number of animals under that person’s supervision; and~~
 - ~~(b) — any other relevant matter the authorised person considers appropriate.~~
- ~~(4) — In this section —~~
- ~~**direct supervision** means the continuous observation of an animal by a person who is in a position to immediately respond to the animal’s behaviour, including where a person, who can physically control the animal, holds the animal by an effective leash.~~

53 Person in control of prescribed animals to clean up faeces

If an animal prescribed by Subordinate Local Law defecates in a public place prescribed by Subordinate Local Law for that animal, the person who has control of the animal must immediately remove and dispose of the faeces in a sanitary manner.

Maximum penalty— 20 penalty units.

Part 5 Aggressive behaviour by animals

54 Limited application of division to dogs

- (1) Unless otherwise indicated, this part does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, a person or another animal.

55 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty—

- (a) if the attack causes the death of or grievous bodily harm to a person— 300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to another animal— 100 penalty units; or
- (c) if the attack causes bodily harm to a person or another animal— 50 penalty units; or
- (d) otherwise— 20 penalty units.

- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty—

- (a) if the attack causes the death of or grievous bodily harm to a person— 300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal— 100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal— 50 penalty units; or
 - (d) otherwise— 20 penalty units.
- (3) It is a defence to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—
- (a) as a result of the animal being attacked, mistreated, teased or provoked by the person or other animal, including a dog; or
 - (b) to protect the responsible person, or a person accompanying the responsible person (*accompanying person*), or the responsible person's or accompanying person's property.
- (4) In this section—

allow or encourage, without limiting sections 7 and 8 of the *Criminal Code*, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- A pet mouse or guinea pig.
- Vermin that are protected animals under the *Nature Conservation Act 1992*.

bodily harm has the same meaning as in the *Criminal Code*, Schedule 1.

grievous bodily harm has the same meaning as in the *Criminal Code*, Schedule 1.

56 Duty to assist if animal causes injury

- (1) This section applies if an animal (including a dog) has injured a person or other animal.
- (2) If the responsible person for the animal that caused the injury is present during or immediately after the incident, they must—
- (a) render reasonable assistance to the injured person or animal; and
 - (b) provide required particulars to the injured person or to the responsible person for the injured animal.

Maximum penalty— 20 penalty units.

- (3) In this section—

required particulars means—

- (a) the name of the responsible person for the animal that caused injury; and
- (b) if the responsible person is not the owner of the animal that caused injury— the name of the owner of the animal; and
- (c) sufficient contact details to enable the injured person or the responsible person

for the injured animal to contact—

- (i) the responsible person for the animal that caused injury; and
- (ii) if the responsible person is not the owner of the animal that caused injury— the owner of the animal.

Example for paragraph (c)—

- *Telephone number.*
- *Residential or postal address.*

Part 6 Dangerous animals other than dogs

57 Declaration of dangerous animal other than a dog

- (1) The local government may, by Subordinate Local Law, prescribe criteria for declaring an animal (other than a dog) a declared dangerous animal.
- (2) An authorised person may declare an animal (other than a dog) a declared dangerous animal, if the animal meets the criteria prescribed by Subordinate Local Law.
- (3) A declaration under subsection (2) takes effect at the time the local government gives the owner or responsible person for the animal a decision notice about the declaration.

58 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice, require the responsible person for a declared dangerous animal other than a dog to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack, or cause fear to, persons or other animals or cause damage to another person's property.

Chapter 4 Seizure, impounding, destruction and disposal of animals

Part 1 What this chapter is about

59 Overview

This chapter outlines—

- (a) the circumstances in which an authorised person may seize, impound, destroy or otherwise dispose of an animal; and
- (b) the processes for seizing, impounding, destroying or otherwise disposing of an animal.

59A Application

This chapter applies to all land and roads in the local government area.

Part 2 Seizure of animals

60 Seizure of animals

- (1) An authorised person may seize an animal, other than a dog, in the following circumstances—
 - (a) the animal is found wandering at large; or
 - (b) the responsible person for the animal has not complied with a compliance notice; or
 - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (2) An authorised person may seize a dog in the following circumstances—
 - (a) the dog is found wandering at large; or
 - (b) the responsible person for the dog has not complied with a compliance notice; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or subsection (2)(a) where—
 - ~~(a) another person has found the animal wandering at large and delivered it to the authorised person; or~~
 - (a) another person has found the animal wandering at large and delivered it to—
 - (i) the authorised person; or
 - (ii) a veterinary surgery; or
 - (b) an occupier of private land has found the animal wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.
- (6) In this section—
veterinary surgery has the same meaning as in the *Animal Management (Cats and Dogs) Act 2008*.

Part 3 Destruction of animal without notice

61 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal (other than a regulated dog) under this Local Law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person cannot control it; or
 - (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
 - (c) an owner of the animal has requested the authorised person to destroy it by signing a written authorisation for the destruction of the animal.

Proposed

Part 4 Immediate return of animals

62 Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 60(1)(a) or section 60(2)(a); and
 - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

Part 5 Impounding of animals

63 Definitions for part 5

notice of impounding means a written notice, given to the owner or responsible person for an animal—

- (a) stating the animal has been impounded; and
- (b) specifying the requirements that must be met under section 65 before the owner or responsible person can reclaim the animal.

64 Impounding of seized animal

An authorised person who seizes an animal under this Local Law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government entity prescribed by resolution of the local government.

Example for paragraph (a)—

- *An animal pound.*

Example for paragraph (b)—

- *A veterinary surgery or an animal refuge.*

65 Requirements for reclaiming an impounded animal

- (1) An impounded animal may be reclaimed within the prescribed period provided that—
 - (a) the cost-recovery fee is paid; and
 - (b) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (c) if the animal is a cat or dog and is not implanted with a PPID in accordance with section 14 of the *Animal Management (Cats and Dogs) Act 2008*— the cat or dog is implanted with a PPID; and
 - (d) if the animal has been seized under section 60(1)(b) or 60(2)(b)— the owner or responsible person has complied with the compliance notice; and
 - (e) if the animal has been seized under section 60(1)(b) or 60(2)(b) more than 2 times in a 12-month period— an authorised person is reasonably satisfied the

enclosure in which the impounded animal is to be enclosed complies with the requirements for a proper enclosure prescribed by Subordinate Local Law under section 48(2); and

~~(e)~~(f) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and

~~(f)~~(g) no destruction order has been made for the animal.

- (2) For subsection (1)(b), obtaining the approval or registration required for the keeping of the animal includes paying any current and outstanding fees prescribed by the local government for the relevant approval or registration.

66 Dealing with animal seized and impounded for wandering at large

- (1) An authorised person must give the owner or responsible person a notice of impounding in circumstances where—
- (a) an authorised person has impounded an animal seized under section 60(1)(a) or section 60(2)(a); and
 - (b) the animal was not a declared dangerous animal at the time of being seized; and
 - (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) Where an authorised person has impounded a declared dangerous animal seized under section 60(1)(a), the authorised person may—
- (a) give the owner ~~of responsible or responsible~~ person for the animal a notice of impounding; or
 - (b) make a destruction order for the animal under section 71.
- (3) Where an authorised person has impounded an animal, that has been seized more than 3 times during a 12-month period for wandering at large, the authorised person may—
- (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) make a destruction order for the animal under section 71.

67 Dealing with animal seized and impounded for non-compliance with Local Law

- (1) This section applies where an authorised person has impounded an animal seized under section 60(1)(b) or section 60(2)(b).
- (2) The authorised person may—
- (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) if the animal was being kept in contravention of section 12 or is an animal for which an approval cannot be granted under this Local Law or is an animal for which an application for approval under this Local Law has been rejected—dispose of the animal under part 7.

68 Dealing with animal (other than a dog) seized and impounded for attacking a person or another animal

- (1) This section applies where an authorised person has impounded an animal seized under section 60(1)(c).
- (2) The authorised person may—

- (a) give the owner or responsible person a notice of impounding; or
 - (b) make a destruction order for the animal under section 71.
- (3) Nothing in this section prevents an authorised person from declaring an animal, other than a dog, a declared dangerous animal under section 57 if the prescribed criteria are met.

69 Reclaiming an impounded animal

- (1) This section applies where—
 - (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person—
 - (i) has impounded an animal seized under section 60(1)(a) or section 60(2)(a); and
 - ~~(i)~~(ii) does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within the prescribed period; and
 - (b) satisfies the requirements in section 65(1)(a)-(d).
- (3) An impounded animal may not be reclaimed if continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal, unless—
 - (a) the continued retention of the animal as evidence is no longer required; and
 - (b) the owner or responsible person has satisfied the requirements under subsection (2).
- (4) An impounded animal may not be reclaimed if a destruction order has been made for the animal under section 71, unless—
 - (a) a review or appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
 - (b) the owner or responsible person has satisfied the requirements under subsection (2).

Part 6 Destruction of animal following notice

70 Definitions for part 6

In this part—

review means a review conducted under chapter 6 of this Local Law.

appeal means an appeal under chapter 7 of this Local Law.

71 Destruction orders

- (1) This section does not apply to regulated dogs.
- (2) An authorised person may make an order (a **destruction order**) stating the person

proposes to destroy an animal 14 days after the destruction order is served.

- (3) A destruction order may only be made in 1 or more of the following circumstances—
- (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (b) the animal is a declared dangerous animal and was found wandering at large; or
 - (c) the animal has been seized more than 3 times during a 12-month period.
- (4) The destruction order must—
- (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include or be accompanied by a decision notice.
- (5) If a destruction order is made for the animal, the authorised person may destroy the animal 14 days after the destruction order is served if no review application has been made relating to the decision to make the destruction order.

72 Dealing with animals where destruction order subject to review

- (1) If an application for review has been made against the decision to make the destruction order, the authorised person may destroy the animal if—
- (a) the review is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the destruction order; and
 - (c) the destruction order is still in force.
- (2) If an application for review has been made against the decision to make the destruction order, and the animal has been impounded, the owner or responsible person may reclaim the animal if—
- (a) the review is finally decided or otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 65(1)(a)-(d).

73 Dealing with animals where destruction order subject to appeal

- (1) If an appeal is made relating to the decision to make the destruction order, the authorised person may destroy the animal if—
- (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (2) If an appeal is made relating to the decision to make the destruction order, the owner or responsible person may reclaim the animal if—
- (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 65(1)(a)-(d).

Part 7 Disposal of impounded animals

74 Application of this part

This part applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 69(2); or
- (b) if section 69(3) applies— the impounded animal has not been reclaimed within 3 days of a circumstance mentioned in sections 69(3)(a) and 69(3)(b); or
- (c) an impounded animal has not been reclaimed within 3 days of the events mentioned in section 72(2) occurring; or
- (d) an impounded animal has not been reclaimed within 3 days of the events mentioned in section 73(2) occurring; or
- (e) an authorised person has seized an animal mentioned in section 67(2)(b); or
- (f) the owner of an animal has surrendered the animal to the local government.

75 Sale, disposal or destruction of animals

(1) The local government may—

- (a) offer the animal for sale by public auction or by tender; or
- (b) if the animal is of a species, breed or class specified by Subordinate Local Law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it; or
 - (iii) destroy the animal.

Example for paragraph (b)—

- *The Subordinate Local Law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.*

(2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this Local Law.

Examples—

- *A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a Subordinate Local Law could be sold to a person outside the urban area but not to another person in an urban area.*
- *An animal that a Subordinate Local Law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.*
- *A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.*

(3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 business days before the date of the auction.

(4) An amount realised on sale of an impounded animal must be applied—

- (a) first, towards the costs of the sale; and
- (b) second, towards the cost-recovery fee for impounding; and
- (c) third, in payment of the balance to the former owner of the animal, unless the owner had surrendered the animal to the local government.

(5) If no person establishes a valid claim to the amount to which the former owner is entitled

under subsection (4)(c) within 3 months of the date of the sale, the amount becomes the property of the local government.

- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as ~~it~~considers appropriate.

Examples—

- *The local government may give the animal away.*
- *The local government may have the animal destroyed.*

Part 8 Other impounding matters

76 Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the **register of impounded animals**) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—
 - (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable— the registration number of the animal; and
 - (d) if known— the name and address of the responsible person; and
 - (e) the date, time and place of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by resolution of the local government.

77 Access to impounded animal

- (1) This section applies to an animal impounded under section 64.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

78 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
 - (a) a seized animal from the custody or control of an authorised person; or

- (b) an impounded animal from the local government's facility for keeping impounded animals.

Maximum penalty— 50 penalty units.

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Chapter 5 Further offences and enforcement

Part 1 What this chapter is about

79 Overview

This chapter outlines—

- (a) further offences under this Local Law; and
- (b) the enforcement mechanisms that can be utilised by the local government; and
- (c) offence proceedings in the Magistrates Court; and
- (d) defences for offences against this Local Law.

Part 2 Offences

80 Providing false or misleading information

A person must not give information in connection with this Local Law (either orally or in a document) that the person reasonably knows or ought to have known is false or misleading.

Maximum penalty— 20 penalty units.

81 Threatening an authorised person

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty— 50 penalty units.

82 Attempts to commit offences

- (1) A person who attempts to commit an offence under this Local Law commits an offence.
Maximum penalty— half the maximum penalty for committing the offence.
- (2) The provisions of the *Criminal Code* (relevant to attempts to commit offences) apply to the attempt.

83 Liability of third parties

- (1) Any person involved in a contravention of this Local Law commits an offence.
Maximum penalty— the penalty for which any person who committed the contravention would be liable.
- (2) For subsection (1), a person involved in a contravention of this Local Law is any person who—
 - (a) has aided, abetted, counselled or procured the contravention; or

- (b) has induced, whether by a threat or a promise or otherwise, the contravention;
or
- (c) has been in any way, directly or indirectly, knowingly concerned in, or party to,
the contravention; or
- (d) has conspired with another person to effect the contravention; or
- (e) has knowingly benefited from or knowingly was capable of benefiting from the
contravention.

Proposed

Part 3 Powers of the local government

84 Appointment of authorised persons

The document that appoints an authorised person must state this Local Law, or the provisions of this Local Law, as the Local Law or the provisions for which the person is appointed as an authorised person.

85 Directions generally

- (1) An authorised person may direct a person contravening this Local Law to—
 - (a) cease any conduct or activity which contravenes this Local Law; and
 - (b) take such action determined by the authorised person to ensure that the person does not contravene this Local Law.

- (2) A person must comply with a direction of an authorised person given under subsection (1).

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

86 Production of records

- (1) This section applies where an authorised person has entered a property under the *Local Government Act 2009* to find out whether the conditions of an approval have been complied with.
- (2) The authorised person may require the occupier of the property or another relevant person to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty— 10 penalty units.

- (4) In this section—

occupier of the property includes a person who reasonably appears to be the occupier of, or in charge of, the property.

property has the same meaning as in the *Local Government Act 2009*.

87 Compliance notice for contravention of Local Law

- (1) This section applies if a person contravenes this Local Law.
- (2) An authorised person may give a notice, in writing (***compliance notice***), to—
 - (a) a person who contravenes this Local Law; or
 - (b) any person involved in the contravention of this Local Law under section 83.
- (3) The compliance notice may require a person to—
 - (a) stop a contravention, if the contravention is of a continuing or recurring nature; or
 - (b) take reasonable steps necessary to stop or remedy the contravention, by the date and time specified in the compliance notice, whether or not the contravention is of a continuing or recurring nature.
- (4) The compliance notice must state the following—

- (a) the particular provision of this Local Law the authorised person believes is being, or has been, contravened; and
- (b) briefly, how the provision of this Local Law is being, or has been, contravened; and
- (c) the date and time by which the person must stop or remedy the contravention; and
- (d) the reasonable steps necessary to remedy the contravention or avoid further contravention; and
- (e) that it is an offence to fail to comply with the compliance notice; and
- (f) the maximum penalty for failing to comply with the compliance notice.

Examples of reasonable steps to avoid further contravention in paragraph (d)—

- *The repetition of a specified action at stated intervals for a certain period.*
- *Stopping taking an action that is prohibited by this Local Law.*

- (5) The date and time under subsection (4)(c) must be reasonable having regard to—
 - (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the person has been aware of the contravention.
 - (6) If the compliance notice is in relation to a nuisance caused by a barking dog, the authorised person may issue a compliance notice to the owner or responsible person for the dog to—
 - (a) complete a plan to the satisfaction of the local government, which identifies the steps the owner or responsible person will take to resolve the barking nuisance (***barking management plan***); and
 - (b) submit the barking management plan to the local government within a specified timeframe of at least 5 business days; and
 - (c) comply with the barking management plan.
 - (7) The compliance notice must include, or be accompanied by, a decision notice.
 - (8) A person who is given a compliance notice must comply with the compliance notice.
- Maximum penalty for subsection (8)— 50 penalty units.

Note—

A compliance notice may be a remedial notice under the Local Government Act 2009, chapter 5, part 2, division 2.

88 Compliance notice authorised by Local Law

- (1) This section applies if—
 - (a) this Local Law provides that an authorised person may give a compliance notice to a person; and
 - (b) the authorised person gives a notice in writing (***compliance notice***) to a person.
- (2) The compliance notice must state the following—

- (a) the provision of this Local Law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the date and time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required by a remedial notice, to be taken under another Local Government Act.
- (4) The date and time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, a decision notice.
- (6) The recipient must comply with the compliance notice.

Maximum penalty for subsection (6)— 50 penalty units.

Note—

A compliance notice may be a remedial notice under the Local Government Act 2009, chapter 5, part 2, division 2.

89 Stop orders

- (1) This section applies if a relevant person is keeping an animal under an approval granted under this Local Law.
- (2) An authorised person may give a relevant person an order to immediately stop keeping an animal or animals if the authorised person believes that the continued keeping of the animal or animals causes, exacerbates or impedes the local government's ability to respond to—
- (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity; or
 - (c) a serious obstruction to urgent works on road or public land; or
 - (d) a serious obstruction of access to a road; or
 - (e) a serious or urgent threat to the safety of vehicle or pedestrian traffic.
- (3) An order under this section—
- (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 5 business days, specified by the authorised person when the order is given; or
 - (ii) where there is an approval— the local government immediately suspends the approval for the keeping of the animal (or animals) under section 30.
- (4) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.

- (5) A person who receives an order under this section must comply with the order.
Maximum penalty for subsection (5)— 50 penalty units.
- (6) This section does not affect the local government's powers under another law.

Part 4 Offence proceedings in Magistrates Court

90 Enforcement orders

- (1) After hearing proceedings for an offence against this Local Law, a Magistrates Court may make an order (***enforcement order***) for the defendant to take stated action within a stated period.
- (2) The enforcement order may be in terms the Court considers appropriate to secure compliance with this Local Law.
- (3) An enforcement order must state the period within which the defendant must comply with the order.
- (4) An enforcement order may be made under this section in addition to the imposition of a penalty.

91 Joint and several liability

- (1) Where this Local Law imposes a liability on an owner or responsible person for an animal, or a person keeping the animal and 2 or more persons are the owners or responsible persons for the animal, or persons keeping the animal, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

Part 5 Defences

92 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of this Local Law, it is a defence to prove that the person had a reasonable excuse for the contravention.

93 Owners and occupiers must ensure compliance with this Local Law

- (1) Except where the owner and occupier of a place is the local, State or Commonwealth government, the owner and occupier of the place must ensure that an offence is not committed in or on a place.
- (2) If an offence is committed in or on a place, the owner and occupier of the place also commits an offence, namely the offence of failing to ensure that an offence is not committed in or on the place.

Maximum penalty— the penalty for the commission of the offence in or on the place.

- (3) Evidence that an offence has been committed on a place is evidence that the owner and occupier of the place committed the offence of failing to ensure that the offence is not committed in or on the place.
- (4) However, it is a defence for an owner or occupier to prove that—
 - (a) the owner or occupier exercised reasonable diligence to ensure that an offence

was not committed in or on the place; and

- (b) the offence was committed in or on the place without that person's knowledge or consent.

Chapter 6 Reviewing decisions

94 Application for review

- (1) A person who is given, or is entitled to be given, a decision notice may apply to the local government for a review of the decision (**review application**).
- (2) The review application must be made within 15 business days of—
 - (a) if the person is given a decision notice— the day the person receives the notice; or
 - (b) if paragraph (a) does not apply— the day the person otherwise becomes aware of the decision.
- (3) The review application must be in writing and accompanied by a statement of the grounds on which the applicant seeks the review of the decision.

95 Review decision

- (1) The local government must review the original decision within 20 business days of receiving a review application and make a decision (**review decision**) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision unless that person was the chief executive officer.
- (3) The local government must, within 5 business days of the review decision being made, give the applicant notice of the decision (**review notice**).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice to the applicant in accordance with subsection (3), the local government is taken to have made a review decision confirming the original decision.

96 Stay of operation of original decision

A review application does not stay the original decision that is the subject of the application.

Chapter 7 Appeals against destruction orders

97 Who may appeal

An owner or responsible person for an animal the subject of a destruction order made

under this Local Law may appeal to the Magistrates Court against the decision to make the destruction order.

98 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
 - (a) filing a notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with the rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

99 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the Magistrates Court decides the appeal.

100 Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—
 - (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

101 Magistrate Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this Local Law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

102 Appeal to District Court

An appeal against a decision made by a Magistrates Court under section 101, lies to a District Court, but only on a question of law.

Chapter 8 Administrative provisions

103 Liability of local government

Except where expressly stated, the local government incurs no liability to a person, and no person has any claim for relief or compensation against the local government, in respect of any action taken by the local government under this Local Law, if the local government has acted in good faith and without negligence.

104 Fees

- (1) If this Local Law provides for payment of a fee and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the *Local Government Act 2009*, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.
- (3) Unless specific provision to the contrary is made in this Local Law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

105 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for an offence against this Local Law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

106 Conditions on sale of animals

- (1) The local government may, by Subordinate Local Law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

Maximum penalty for subsection (3)— 50 penalty units.

107 Subordinate Local Laws

The local government may make Subordinate Local Laws about—

- (a) specifying the circumstances in which the keeping of animals is prohibited or restricted under section 12(1); and
- (b) specifying the categories to which the prohibitions or restrictions for the keeping of animals do not apply under section 12(4); and
- (c) specifying the circumstances in which an approval is required for the keeping of animals under section 14(1); and
- (d) specifying animals, or particular categories of animal that can be kept without an approval under section 14(4); and

- (e) any application requirement for which a third-party certifier's certificate may be accepted by the local government under section 21(1); and
- (f) declaring an individual or organisation as a third-party certifier for particular application requirements under section 21(2)(a); and
- (g) prescribing qualifications necessary for an individual or organisation to provide a certificate about particular application requirements under section 21(2)(b) and
- (h) minimum standards for the keeping of animals or a particular species of animal under section 42(1); and
- (i) prescribe requirements for keeping a dog on land that is within a koala area under section 43(1); and
- (j) designate an area as a koala area under section 43(4); and
- (k) prescribe requirements for a proper enclosure for an animal or species or breed of animal under section 48(2); and
- (l) animals whose faeces must be removed and disposed of when in public places under section 53; and
- (m) prescribe categories of public places in which animal faeces must be removed and disposed of under section 53; and
- (n) prescribe criteria for declaring an animal (other than a dog) a declared dangerous animal under section 57(1); and
- (o) the species, breed or class of animal that may be disposed of, or destroyed under section 75(1)(b); and
- (p) specify conditions to be complied with by persons who offer animals for sale under section 106(1); and
- (q) animals excluded from the application of this Local Law under Schedule 1.

108 Extrinsic material

- (1) The local government may make an explanatory note to assist in the interpretation of this Local Law.
- (2) The local government makes an explanatory note by—
 - (a) passing a resolution to make the explanatory note; and
 - (b) publishing the explanatory note on the local government's website.
- (3) An explanatory note made in accordance with this section is declared to be a relevant document for the purposes of section 14B of the *Acts Interpretation Act 1954* (as modified by section 15 of the *Statutory Instruments Act 1992*).

Note—

Pursuant to part 4, division 1 of the Statutory Instruments Act 1992, the Acts Interpretation Act 1954 (AIA) is modified so that a document declared by a Local Law to be a "relevant document" for the purposes of section 14B of the AIA is extrinsic material which may assist in the interpretation of a provision of this Local Law.

Chapter 9 Repeal and Transitional Provisions

109 Transitional arrangements for the repealed Moreton Bay Regional Council Local Law No. 1 (Administration) 2011

The transitional arrangements for decisions in relation to the control of animals and approvals for the keeping of animals granted under the repealed *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* are set out in the *Commercial Use of Public Land and Roads Local Law 2023*, part 7.

110 Local Law repeal

The provisions of *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* and its Subordinate Local Law are repealed (***repealed Local Law***).

111 Transitional provisions for the repealed Local Law

- (1) A decision made under the repealed Local Law, that was in force immediately before the commencement of this section, continues in force as if the decision were made under this Local Law.
- (2) Any animal that has been seized and impounded under the repealed Local Law will be treated as an animal seized and impounded under this Local Law.
- (3) In this section—

decision means an appointment, registration, declaration, delegation, direction, notice, order, resolution.

Examples—

- *A compliance notice.*
- *A resolution designating a dog off-leash area.*
- *A dangerous animal declaration.*
- *A destruction order.*

Schedule 1 Dictionary

Section 4

Act means—

- (a) has the same meaning as in the *Acts Interpretation Act 1954*, sections 6 and 7; and
- (b) includes a local law made by the local government.

accompanying person see section 55(3).

agent includes a contractor, assistant, driver and any other person aiding the person in keeping the animal under this Local Law.

aggressive behaviour see section 54(2).

allotment means an individual parcel or piece of land.

allow or encourage for section 55, see section 55(4).

amend, for an approval, includes varying a condition, removing a condition or adding a condition.

amendment application see section 28(1).

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by Subordinate Local Law from the application of this Local Law.

another animal, for section 55, see section 55(4).

appeal see section 70.

application see section 15(1).

application requirement see section 21(2).

approval see section 14(1).

assistance dog has the same meaning as in the *Guide, Hearing and Assistance Dogs Act 2009*.

attack, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of the person.

authorised person means a person—

- (a) appointed by the chief executive officer as an authorised person under section 202 of the *Local Government Act 2009*; and
- (b) whose instrument of appointment provides that they are an authorised person for this Local Law, or provisions of this Local Law.

barking management plan see section 87(6)(a).

bodily harm see section 55(4).

cat has the same meaning as in the *Animal Management (Cats and Dogs) Act 2008*.

changed information see section 36(1).

chief executive officer means the chief executive officer of the local government.

compliance notice means a compliance notice given under (as the context requires)—

- (a) section 87(2); or
- (b) section 88(1)(b).

conditions for use see section 51(1).

control of an animal, see section 8.

decision means—

- (a) for chapter 9, see section 111(3); or
- (b) a decision made by the local government under sections 19, 28 or 29; or
- (c) a decision made by an authorised person to give a compliance notice under section 87 or section 88.

decision notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) any relevant details about the decision; and
- (c) the reasons for the decision; and
- (d) that the person to whom the notice is given may apply for a review of the decision within 15 business day after the notice is given; and
- (e) how to apply for a review.

Examples for paragraph (b)—

- *Conditions on an approval.*
- *The date on which the decision takes effect or actions required under the notice must be taken.*

declared dangerous animal means an animal—

- (a) of a species declared by another law as a declared dangerous animal; or
- (b) declared under section 57 of this Local Law to be a declared dangerous animal.

destroy, an animal includes causing it to be destroyed.

destruction order see section 71(2).

direct supervision see section 52(1)(4).

dog has the same meaning as in the *Animal Management (Cats and Dogs) Act 2008*.

dog off-leash area see section 50(1).

~~**effective control** see section 52(2).~~

effective control—

- (a) of an animal other than a dog— see s 52(2); and
- (b) of a dog— has the same meaning as in the *Animal Management (Cats and Dogs) Act 2008*.

enforcement order see section 90.

environmental harm has the same meaning as in the *Environmental Protection Act 1994*.

guide dog has the same meaning as in the *Guide, Hearing and Assistance Dogs Act 2009*.

grievous bodily harm see section 55(4).

hearing dog has the same meaning as in the *Guide, Hearing and Assistance Dogs Act 2009* (Qld).

information request see section 17(5).

information request response see section 17(5).

information request response period see section 17(3).

keep an animal, see section 7.

koala area see section 43(4).

koala habitat area see section 43(4).

land—

- (a) has the same meaning as in the *Planning Act 2016*, Schedule 2; and
- (b) includes land occupied by water.

local government means Moreton Bay City Council.

Local Government Act has the same meaning as in the *Local Government Act 2009*.

local government area means the local government area of the local government under the *Local Government Act 2009*, including an area taken to be part of a local government area under a Local Government Act.

Examples of areas taken to be part of a local government area—

- Bathing reserve.
- Foreshore.

Local Law includes any Subordinate Local Laws made under this Local Law.

notice for further information see section 39(1).

notice of impounding see section 63.

occupier, of a place, means—

- (a) the person who occupies, or has the control or management of, or is apparently in charge of, the place; and
- (b) includes a person who has a lease, licence, permission, approval, right or authority to occupy the place, including under an Act.

occupier of the property see section 86(4).

original decision means a decision the subject of a review application under section 94.

owner, of an animal, see section 5.

owner, of a place, means the person for the time being entitled to receive the rent for the place or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

place means any road, land, property, building, vehicle, boat or structure and includes any part of a place.

PPID has the same meaning as in the *Animal Management (Cats and Dogs) Act 2008*.

prescribed fee means a fee fixed by the local government under section 104 or under the *Local Government Act 2009*, section 97.

prescribed form means a document which the local government makes available at its administration centres or on its website for the purpose of making an application or an amendment application.

prescribed period means the period of not less than—

- (a) if the animal is registered with the local government— 5 business days; or
- (b) if the animal is not registered with the local government— 3 business days.

private land means land that is not—

- (a) public land; or
- (b) a road.

properly made application see section 15(3).

property—

- (a) for section 86, see section 86(4); or
- (b) otherwise, has the same meaning as in the *Acts Interpretation Act 1954*.

proposed action see section 29(2).

public notice means a notice that is published in a newspaper that is circulating generally in the local government area or on the local government's website.

public place has the same meaning as in the *Local Government Act 2009*.

public land means the whole or part of any land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of public land—

- Parks, reserves, and gazetted foreshores.
- Camping grounds or caravan parks on land owned or controlled by the local government.
- Local government swimming pools.
- Local government cemeteries.
- Council chambers and local government offices.
- Jetties.
- Canals.

reasonable steps means—

- (a) for section 49, see section 49(5); or
- (b) for section 50, see section 50(5).

registered owner of an animal, means a person recorded as being the owner of the animal in a register kept by a local government.

register of cats see section 34(5).

register of dog off-leash areas see section 50(5).

register of impounded animals see section 76(1).

registration notice, for a cat— see section 34(2).

regulated dog has the same meaning as in the *Animal Management (Cats and Dogs) Act 2008*.

relevant person means the approval holder for the animal or an employee or agent of the approval holder, currently keeping the animal.

renewal information see section 39(1).

renewal notice, for a cat— see section 37(2).

repealed Local Law see section 110.

responsible person see section 6.

restricted dog has the same meaning as in the *Animal Management (Cats and Dogs) Act 2008*.

review see section 70.

review application see section 94(1).

review decision see section 95(1).

review notice see section 95(3).

road—

- (a) for sections 44A and 59A—
 - (i) subject to paragraph (b)(ii), **road** has the same meaning as in the *Local Government Act 2009* at subsections 59(2) and 59(3); and
 - (ii) despite section 59(3)(a) of the *Local Government Act 2009*, **road** includes a State-controlled road listed in Schedule 2, table 1, columns 1 to 4 in relation to the matters outlined in Schedule 2, table 1, column 5; or
- (b) otherwise, **road** has the same meaning as in the *Transport Infrastructure Act 1995* and includes a footpath.

show cause notice see section 25.

stated reasonable time see section 29(3).

stock has the same meaning as in the *Animal Management (Cats and Dogs) Act 2008*.

stop order means an order given under section 89.

suspension notice see section 30(2).

third-party certifier see section 21(2).

vehicle has the same meaning as in the *Transport Operations (Road Use Management) Act 1995*.

veterinary surgeon means a person registered as a veterinary surgeon under the *Veterinary Surgeon's Act 1936*.

veterinary surgery see section 60(6).

wandering at large means the animal is—

- (a) not under the effective control of someone; and
- (b) in a—

- (i) public place; or
- (ii) private place without the consent of the occupier.

Proposed

Schedule 2 State-controlled roads to which this Local Law applies

Schedule 1

Definitions for Schedule 2

- (1) In table 1, column 5 of this Schedule, all terms have the same meaning as in the TORUM Act.
- (2) **TORUM Act** means the *Transport Operations (Road Use Management) Act 1995*.

Table 1				
Column 1	Column 2	Column 3	Column 4	Column 5
Road ID	Road Name	Local Name	Section	Matters
10A	Bruce Highway	Bruce Highway	Brisbane - Gympie	(a) The regulation of the driving, leading, stopping or wheeling of animals on a footpath, shared path, water-channel or gutter, as per section 66(3)(a)(i) of the TORUM Act. This does not include the regulation of stock movements or dedicated stock crossings across a road; and
40A	D'Aguilar Highway	Caboolture Bypass	Bruce Highway - Old Gympie Road	
40A	D'Aguilar Highway	D'Aguilar Highway	Mary Street in Kilcoy	
120	Redcliffe Road	Anzac Avenue	Intersection at Dayboro Road - Intersection with Redcliffe Parade	
121	Deception Bay Road	Deception Bay Road	Bruce Highway - Anzac Avenue	
122	Brighton - Redcliffe Road	Houghton Highway	From Hornibrook Highway - Intersection of Elizabeth Avenue	
122	Brighton - Redcliffe Road	Hornibrook Esplanade	Intersection of Elizabeth Avenue - Intersection of Oxley Avenue	
122	Brighton - Redcliffe Road	Oxley Avenue	Intersection of Oxley Avenue - Intersection of Klingner Road	
123	Clontarf - Anzac Avenue	Elizabeth Avenue	Intersection of Hornibrook Esplanade - Intersection of King Street	
123	Clontarf - Anzac Avenue	Snook Street	Intersection of King Street - Intersection of Korsch Street	(b) The regulation of the driving or leading of animals to cross a road, as per section 66(3)(a)(ii) of the TORUM Act. This does not include the regulation of stock movements or dedicated stock crossings across a road; and
123	Clontarf - Anzac Avenue	Elizabeth Avenue	Intersection of Korsch Street - Intersection of Anzac Avenue	
				(c) The regulation of the seizure, removal, detention and disposal of an animal mentioned in paragraph (a) or

126	Caboolture - Bribie Island Road	Bribie Island Road	Bruce Highway - Intersection of Welsby Parade	(b) found in circumstances constituting an offence against this Local Law, as per section 66(3)(a)(iii) of the TORUM Act.
127	Beerburrum Road	Beerburrum Road	Intersection of King Street - Intersection of Steve Irwin Way	
128	Caboolture - Beachmere Road	Beachmere Road	Intersection of Bribie Island Road - Intersection of Bishop Road	
128	Caboolture - Beachmere Road	Main Street	Intersection of Bishop Road - End of Main Street	
401	Brisbane - Woodford Road	Gympie Road	South Pine River - Intersection of Anzac Avenue	
401	Brisbane - Woodford Road	Dayboro Road	Intersection of Anzac Avenue - Intersection of Fingerboard Road	
401	Brisbane - Woodford Road	Hay Road	Intersection of Fingerboard Road - Intersection William Street	
401	Brisbane - Woodford Road	Mt Mee Road/Brisbane-Woodford Road	Intersection of William Street - D'Aguilar Highway	
402	Samford - Mount Glorious Road	Mt Glorious Road	Intersection of Samford Road - Intersection of Mt Nebo Road	
403	South Pine Road	South Pine Road	Intersection of Gympie Road - Intersection of Flamingo Drive	
403	South Pine Road	Albany Creek Road	Intersection of Flamingo Drive - Albany Creek	
406	Burpengary - Caboolture Road	Morayfield Road/Burpengary Caboolture Road	Intersection of King Street - Intersection of Uhlmann Road	
406	Burpengary - Caboolture Road	Uhlmann Road	Intersection of Uhlmann Road - Bruce Highway	
407	Samford Road	Samford Road	Intersection of Mt Glorious Road - Kedron Brook	
490	Glass House Mountains Road	Steve Irwin Way/Glass House Mountains	Southern Intersection of Bruce Highway - Intersection of Bell	

		Road	Road
490	Glass House Mountains Road	Steve Irwin Way	Intersection of Bell Road - Northern Intersection of Bruce Highway
492	Kilcoy Beerwah Road	Kilcoy Beerwah Road	Intersection of Maleny Stanley River Road to Intersection D'Aguliar Road
493	Maleny - Stanley Road	Maleny Stanley River Road	Intersection of Myrtle Street and Beech Street, Maleny - Intersection of Peachester Road
900	Everton Park - Albany Creek Road	Old Northern Road	Intersection of Flamingo Drive - Bennetts Road
901	Burpengary Service Road	Morayfield Road/Burpengary Caboolture Road	Intersection of Uhlmann Road - Intersection of Station Road
901	Burpengary Service Road	Old Gympie Road	Intersection of Station Road - Intersection of Deception Bay Road
902	Linkfield Connection Road	Linkfield Connection Road	South Pine River - Intersection of South Pine Road
1204	Pumicestone Road	Pumicestone Road	Intersection of Bruce Highway Off Ramp - Intersection of Freeman Road
1204	Pumicestone Road	Freeman Road	Intersection of Bruce Highway Off Ramp - Intersection of Freeman Road
4023	Mount Glorious Road	Mt Glorious Road	Intersection of Mt Nebo Road - Intersection of Laceys Creek Road
4023	Mount Glorious Road	Northbrook Parkway	Intersection of Laceys Creek Road - Intersection of Wivenhoe Somerset Road
<u>4032</u>	<u>Strathpine - Samford Road</u>	<u>Eatons Crossing Road</u>	<u>Intersection of South Pine Road - Intersection of Mt</u>

			<u>Samson Road</u>
<u>4032</u>	<u>Strathpine - Samford Road</u>	<u>Mt Samson Road</u>	<u>Intersection of Mt Samson Road - Intersection of Serendipity Drive</u>
~~4032~~	~~Strathpine - Samford Road~~	~~Eatons Crossing Road~~	~~Intersection of South Pine Road - Intersection of Mt Samford Road~~
~~4032~~	~~Strathpine - Samford Road~~	~~Mt Samford Road~~	~~Intersection of Mt Samford Road - Intersection of Serendipity Drive~~
4032	Strathpine - Samford Road	Main Street	Intersection of Serendipity Drive - Intersection of Mt Glorious Road
9905	Caboolture Connection Road	Caboolture Connection Road	Intersection of Bruce Highway - Intersection of Burnett Road
9905	Caboolture Connection Road	Lower King Street	Intersection of Burnett Road - Intersection of Charles Street
9905	Caboolture Connection Road	King Street	Intersection of Charles Street - Intersection of D'Aguilar Highway

Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of legislation
- 6 List of annotations

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 2 February 2024.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation
amd	= amended
ch	= chapter
def	= definition
div	= division
hdg	= heading
ins	= inserted
om	= omitted
p	= page
pt	= part
renum	= renumbered
rep	= repealed
s	= section
sch	= schedule
sdiv	= subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this Local Law.

Reprint No.	Amendments included	Reprint date
1	<i>Amendment Local Law (State-controlled Roads) 2024</i>	2/2/2024

5 List of legislation

Amendment Local Laws

Amendment Local Law (State-controlled Roads) 2024 date of public notice 2 February 2024.

6 List of annotations

CHAPTER 1 PRELIMINARY

Definitions

s 4 om/ins Amendment Local Law (State-controlled Roads) 2024, s 12.

CHAPTER 3 CONTROL OF ANIMALS

Application

s 44A ins s 44A Amendment Local Law (State-controlled Roads) 2024, s 13.

CHAPTER 4 SEIZURE, IMPOUNDING, DESTRUCTION AND DISPOSAL OF ANIMALS

Application

s 59A ins s 59A Amendment Local Law (State-controlled Roads) 2024, s 14.

Immediate return of animal seized wandering at large

s 62(1)(b) om/ins Amendment Local Law (State-controlled Roads) 2024, s 15.

CHAPTER 7 APPEALS AGAINST DESTRUCTION ORDERS

s 101(2) om/ins Amendment Local Law (State-controlled Roads) 2024, s 16.

CHATER 8 ADMINISTRATIVE PROVISIONS

Subordinate Local Laws

s 107(q) om/ins Amendment Local Law (State-controlled Roads) 2024, s 17.

SCHEDULE 1 DICTIONARY

hdg/om/ins Amendment Local Law (State-controlled Roads) 2024, s 18(1).

ins def ***effective control*** Amendment Local Law (State-controlled Roads) 2024, s 18(2).

om/ins def ***public place*** Amendment Local Law (State-controlled Roads) 2024, s 18(2).

om/ins def ***road*** Amendment Local Law (State-controlled Roads) 2024, s 18(2).

SCHEDULE 2 STATE-CONTROLLED ROADS TO WHICH THIS LOCAL LAW APPLIES

ins Schedule 2 Amendment Local Law (State-controlled Roads) 2024, s 19.