



Consolidated copy
Local Law No 2 (Animal Management) 2007
(Adopted by Council 26 September 2007 and gazetted 16 November 2007)

(incorporates Local Law No 2 (Keeping & Control of Animals) gazetted 04/07/97, Keeping & Control of Animals (Amendment) Local Law (No 2) 2000 adopted by Council 24/05/00 and Keeping & Control of Animals (Amendment) Local Law (No 1) 2007) adopted by Council 26/09/07 and gazetted 16/11/07)

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**REDLAND SHIRE COUNCIL
LOCAL LAW NO 2 (ANIMAL MANAGEMENT) 2007
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TABLE OF CONTENTS

1.	Citation	1
2.	Objects	1
3.	Definitions.....	1
4.	Meaning of “effective control”	5
5.	Relationship with other local laws.....	6
PART 1A – IDENTIFICATION OF KOALA MANAGEMENT AREAS		
5A	Declaration of koala management areas	6
PART 2 - KEEPING OF ANIMALS		
<i>Division 1 - Animals for which permit is required</i>		
6.	Requirement to hold permit	6
7.	Obligation to hold permit.....	7
<i>Division 2 - Animals for which registration is required</i>		
8.	Requirement to register animal	7
9.	Obligation to register	8
9A	Application for registration	8
9B	Terms of registration	9
9C	Amendment, renewal or transfer of registration.....	9
<i>Division 3 - Animals which may not be kept</i>		
10.	Prohibition of certain animals.....	9
10A	Animals must not be kept in contravention of a prohibition	10
<i>Division 4 - Commercial operations</i>		
11.	Pet shops, catteries and kennels	10
12.	Obligation to comply with permit conditions and minimum standards	10
<i>Division 5 - Minimum standards</i>		
13.	Prescription of minimum standards by subordinate local law	11
14.	Obligation to comply with minimum standards	11
<i>Division 6 - Permits</i>		
14A	Application for permit	12
15.	Criteria for granting permits	12
16.	Conditions of permits	12
16A	Compliance with conditions of permit.....	13
17.	Term of permit.....	14
<i>Division 7 - Removal of Illegally Kept Animals</i>		
18.	Notice to remove animals	14
PART 3 - CONTROL OF ANIMALS		

<i>Division 1 - Animals in public places - general</i>	
19.	Animal to be under effective control 15
20.	Person in charge of animal must clean up animal faeces 15
<i>Division 2 – Designation of public place as an animal control area</i>	
21.	Designation of area as an animal control area 15
21A	Conditions prescribed for certain animal control areas 16
21B	Conditions prescribed for off-leash exercise area 16
21C	Animal control areas where animals prohibited 17
<i>Division 3 - Duty to provide proper enclosure</i>	
22.	Duty to provide proper enclosure 17
<i>Division 4 - Nuisances etc</i>	
23.	Duty to avoid nuisances..... 20
<i>Division 5 - Aggressive dogs</i>	
24.	Dog attacks 22
25.	Declared dangerous dogs 22
26.	Power to seize and destroy dangerous dog 23
27.	Dangerous dogs to be muzzled..... 24
28.	Guard dogs..... 24
PART 3A – DEAD AND DISEASED ANIMALS	
28A	Disposal of dead animals..... 25
28B	Diseased animals not to be in public places 26
PART 4 - IMPOUNDING OF ANIMALS	
<i>Division 1 - Animal Pounds</i>	
29.	Establishment of pound 27
30.	Operation of animal pound 27
31.	Register of impounded animals 27
<i>Division 2 - Seizure and Impounding of Animals</i>	
32.	Seizure and impounding of animals 28
33.	Powers to assist seizure and impounding 28
34.	Animal unable to be seized 28
<i>Division 3 - Dealing with Impounded Animals</i>	
35.	Notice of impounding 29
36.	Sale and disposal of impounded animals 30
PART 5 - DESTRUCTION OF ANIMALS	
37.	Power to impound instead of destroy 31
38.	Destruction orders..... 31
39.	Appeal against destruction order..... 32
40.	Powers of court on appeal..... 32
41.	Summary destruction of animal..... 33
42.	Destruction at request of keeper 33

PART 5A – REVIEW	
42A	Reviewable decisions 33
42B	Application for review 34
42C	Carrying out review 34
PART 6 - MISCELLANEOUS	
43.	Breeding and sale or disposal of animals 34
43A.	Animals in shops etc 35
43B	Prohibition of regulation of dogs in public places..... 35
44.	Prohibition of identifying tags designed to confuse..... 35
45.	Prohibition on removing identifying tag 36
46.	Prohibition on altering or defacing identifying tag 36
47.	Prohibition on affixing in correct identifying tag..... 36
48.	Prohibition on using altered or defaced identifying tag..... 36
49.	Prohibition on rescuing seized and/or impounded animal..... 36
50.	Prohibition on obstructing or impeding seizure by authorised officer..... 36
51.	Prohibition on releasing animal from land on which it is kept..... 36
52.	Abandonment of animals 37
53.	Abuse of an authorised person..... 37
54.	Subordinate Local Laws 37
55	Defence of reasonable excuse 37

**REDLAND SHIRE COUNCIL
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(Consolidated Copy)**

PART 1 – PRELIMINARY

Citation

1. This local law may be cited as the Redland Shire Council Local Law No. 2 (Animal Management) 2007.

Objects

2. The objects of this local law are to regulate the keeping of animals -
 - (a) to protect the community against risk of injury and damage; and
 - (b) to ensure that animals do not create a nuisance, or a hazard to health or safety; and
 - (c) to prevent pollution and other environmental damage resulting from the keeping of animals and to protect the amenity of the local environment; and
 - (d) to ensure that keepers of animals meet their obligations regarding the keeping and use of their animals in a way that is consistent with the rights and expectations of the local community.

Definitions

3. In this local law:-

“**Act**” means the Local Government Act 1993;

“**animal**” includes any live member of a species, including any mammal, reptile, amphibian, bird (including poultry) and fish but does not include an animal of a species excluded by subordinate local law from the application of this local law;

“**animal entertainment park**” means a public place which includes, as part of its entertainment, the exhibiting of animals for the amusement or entertainment of the public;

“**animal sanctuary**” means a park, reserve or other place used for the preservation, protection or rehabilitation of animals;

“**attack**” means the act of an animal holding any part of a person, animal, or thing in its mouth whether or not the holding is accompanied by shaking, pulling, or pushing and whether or not such person, animal or thing suffers any injury;

“**authorised person**” means a person authorised by the local government to exercise the powers of an authorised person under this local law;

“**cattery**” means a place used or intended for use for the keeping, boarding or breeding of more than three (3) cats;

“**chief executive officer**” means the Chief Executive Officer of the local government;

“**dangerous dog**” means a dog declared under section 25(1). For the purposes of section 26(2) of this local law and section 1105 of the Act only, a dog mentioned in section 26(2) is also a “**dangerous dog**”¹

“**dwelling**” means any premises used for residential purposes;

“**effective control**” - see section 4;

“**General Complaints Process Policy**” means the policy which sets out the general complaints process implemented by the local government in accordance with the *Local Government Act 1993*;

“**identifying tag**” means a mark or object to identify an animal including, for example:-

- (a) a metal or plastic disc or plate; or
- (b) a collar; or
- (c) a tattoo or brand; or
- (d) an implant bearing an electronic code.

“**keeper**” of an animal means:-

- (a) the person who has the immediate custody and control of the animal; or
- (b) the occupier of the land on which the animal is ordinarily kept.

If a person who would otherwise be the keeper of an animal is under 18 years of age, the parent or guardian of that person is taken to be the keeper of the animal;

Where an animal is observed by an authorised person to be upon any land on more than one occasion, it shall be presumed that the animal is kept on that land by the occupier of that land.

“**kennel**” means any place used or intended for use for the keeping, boarding, breeding or training of more than three (3) dogs;

“**koala management area**” means the part or parts of the area of the local government declared to be a koala management area under section 5A;²

¹ A dog which has attacked etc is defined as a “dangerous dog” for the limited purpose of invoking the statutory power of seizure conferred by section 1105 of the Act and section 26(2) of this local law. In all other provisions of this local law, the term “dangerous dog” means a dog declared as dangerous by the local government under section 25.

² Section 22 identifies a proper enclosure which must be constructed and maintained by a person who keeps a dog on a lot in a koala management area.

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“**koala management area enclosure**” see section 22(2)(a);

“**keep**” (an animal) includes board, breed and train;

“**local government**” means Redland Shire Council;

“**lot**” means a separate, distinct parcel of land:-

- (a) created on:-
 - (i) the registration of a plan of subdivision under Part 4, Division 3 of the *Land Title Act 1994*; or
 - (ii) the recording of particulars of an instrument in accordance with the *Land Title Act 1994*;
- (b) and includes a lot under the *Building Units and Group Titles Act 1980*;

“**muzzle**” means a device placed over an animal’s mouth to prevent the animal from biting and “muzzled” has a corresponding meaning;

“**occupier**” in relation to premises, includes the owner where there is no person in apparent occupation of the premises;

“**off-leash exercise area**” see section 21(1)(d);

“**operate**” see section 11;

“**owner**” of an animal means in the case of:-

- (a) an animal that is registered under this local law, the person in whose name the animal is registered; and
- (b) an animal that is not registered under this local law, the person who is the keeper of the animal;

“**pet shop**” means a shop or flea market at which animals are offered for sale;

“**planning scheme**” means the planning scheme of the local government;

“**premises**” includes:-

- (a) a lot in a koala management area; and
- (b) land whether or not buildings or structures are erected on the land;

“**prescribed fee**” means the fee prescribed by the local government;

“**prescribed form**” means the form prescribed by the local government;

“**public place**” means any place that the public is entitled to use, is open to the public, or used by the public, whether or not on payment of money;

“Register of Impounded Animals” see section 31;

“registered animal” means an animal that is registered under this local law;

“registration” means a registration required under section 8 or amended, renewed or transferred pursuant to section 9C which:-

- (a) has not expired; and
- (b) has not been revoked pursuant to section 9D;

“remove” (an animal) means to cause the animal to be destroyed or permanently removed from the area of the local government;

“reviewable decision” see section 42A;

“road” (has the same meaning as in the Act):

“worry” means to rush at or approach a person, animal or thing in such a manner as to cause or give cause for fear or alarm, whether or not the animal actually contacts, bites, or worries the person, animal or thing;

“wandering at large” means:-

- (a) wandering or being on a public place while not being under effective control; or
- (b) wandering or being on any other land (other than the land upon which the animal is ordinarily kept) while not being under effective control; or
- (c) wandering or being on the land upon which the animal is ordinarily kept while not being :-
 - (i) under effective control; or
 - (ii) in a proper enclosure maintained on the land to keep the animal on the land and prevent the animal from wandering or escaping from the land;

Example for paragraph (c): A dog is wandering at large on the land upon which it is ordinarily kept if:-

- (a) *the dog is not under effective control; and*
- (b) *a proper enclosure is maintained on the land and the enclosure is located at the rear of the land; and*
- (c) *the dog is wandering at the front of the land in an area which does not form part of a proper enclosure for the purposes of section 22.*

Meaning of “effective control”

4. For the purposes of this local law:-

- (a) a dog is under “effective control” only if:-
- (i) a person who is physically able to control the dog is holding the dog by a leash or chain and:-
 - (A) the leash or chain is not more than 2 metres long; and
 - (B) if the dog is a greyhound — the dog is securely muzzled to prevent it from biting; or
 - (ii) the dog is confined or tethered in or on a vehicle so as to be unable to leave the vehicle or attack or worry a person or animal from the vehicle; or
 - (iii) the dog is being exercised within the boundaries of a designated off-leash exercise area, provided that the keeper of the dog is able to effectively control and direct the animal so as to ensure that it does not:-
 - (A) attack or worry a person or animal;
 - (B) damage property ; or
 - (C) enter land other than the designated off-leash exercise area; or
 - (iv) the dog is participating in an obedience trial, or training for an obedience trial, under the supervision of an organisation recognised by the local government for the purposes of this section;
 - (v) the dog is being exhibited at an exhibition under the supervision of an organisation recognised by the local government for the purposes of this section; or
 - (vi) the dog, being a racing greyhound, is participating in a race or trial on a track registered with an organisation recognised by the local government for the purposes of this section; and
- (b) any animal other than a dog is deemed to be under “**effective control**” only if a person is able to effectively control and direct the animal so as to ensure that it does not:-
- (i) attack or worry a person or animal; or
 - (ii) damage property; or
 - (iii) enter other land (unless the owner or occupier of that land consents to the entry).

Relationship with other local laws

- 5.
- (1) This local law is in addition to, and does not derogate from:-
 - (a) local laws regulating the use or development of land; and
 - (b) other local laws about the keeping or control of animals or animals of a particular species.
 - (2) This local law does not apply to the keeping and control of animals (other than guard dogs) kept within an animal entertainment park or animal sanctuary.

PART 1A – IDENTIFICATION OF KOALA MANAGEMENT AREAS**Declaration of koala management areas**

- 5A
- (1) The local government may, by subordinate local law:-
 - (a) declare the whole or 1 or more areas of the local government's area to be a koala management area³;
 - (b) change the boundaries of a koala management area;
 - (c) revoke the declaration of a koala management area;
 - (d) for identification purposes, allocate a name to each koala management area.
 - (2) The boundaries of a koala management area must be defined in the subordinate local law.

PART 2 - KEEPING OF ANIMALS***Division 1 - Animals for which permit is required⁴*****Requirement to hold permit**

- 6.
- (1) A permit is required for keeping an animal or animals in the circumstances specified in a subordinate local law.

³ Section 22 regulates the construction and maintenance of proper enclosures for the keeping of a dog on a lot in a koala management area.

⁴ Permits are required where local government considers it necessary to regulate the manner of keeping animals on premises. The permit primarily relates to requirements for the premises and not to individual or specific animals.

- (2) However, a permit is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development permit under the *Integrated Planning Act 1997*.
- (3) The circumstances in which a permit is required may be specified by reference to 1 or more of the following factors:-
 - (a) the species, breed, age or sex of the animal;
 - (b) the number of animals to be kept;
 - (c) the area, or part of the area, in which the animal is to be kept;
 - (d) the nature of the premises at which the animal is to be kept;
 - (e) the purpose for which the animal is to be kept;
 - (f) the ability of the animal to breed;
 - (g) the number of litters that the animal may produce in a specified period.

Obligation to hold permit

7. A person must not keep an animal for which a permit is required unless the person holds a current permit from the local government authorising the person to keep the animal.

Maximum penalty: 20 penalty units.

Division 2 - Animals for which registration is required⁵

Requirement to register animal

8.
 - (1) Registration of an animal is required if the animal is of a species or breed designated, by subordinate local law, as a species or breed of animal to which this section applies.
 - (2) A subordinate local law may provide for the registration of existing animals accompanying new residents moving into the area of the local government.
 - (3) The requirement for registration may be imposed by reference to one or more of the following factors:-
 - (a) the species, breed, age or sex of the animal;
 - (b) the number of animals to be kept;

⁵ Registration is required where the local government considers it necessary to regulate particular individual animals. This Division is intended on its commencement to apply only to dogs. It may later be applied to cats, but it is unlikely that it will be applied to any other types of animal.

- (c) the area, or part of the area of the local government, in which the animal is to be kept;
- (d) the size, location, nature or class of premises on which the animal is to be kept;
- (e) any other factors which the local government considers relevant.

Obligation to register

9.

- (1) A person must not keep an animal for which registration is required unless the person holds a current registration receipt for the animal from the local government.

Maximum penalty: 20 penalty units.

- (2) A person who keeps a registered animal must ensure that the animal wears a current identifying tag as required under the subordinate local law.

Maximum penalty: 20 penalty units.

- (3) A subordinate local law may prescribe the grounds upon which the local government may grant an exception from the requirements to wear an identifying tag.

Application for registration

9A

- (1) An application for registration of an animal must be:-

- (a) made by the owner of the animal; and

- (b) made in the prescribed form; and

- (c) accompanied by:-

- (i) the prescribed fee; and

- (ii) evidence that all approvals required for the keeping of the animal have been obtained; and

- (iii) full details of the animal; and

- (iv) such other information or materials as are specified by subordinate local law.

- (2) The local government may waive 1 or more of the requirements of subsection (1) in an emergency or if there are special reasons for disposing of the requirements.

Term of registration

9B

- (1) A registration is granted for a term specified in the registration.
- (2) The term for which a registration is granted is to be:-
 - (a) fixed as required by a relevant subordinate local law; or
 - (b) in the absence of a relevant subordinate local law – decided by the local government when it grants the registration.

Amendment, renewal or transfer of registration

9C

- (1) The holder of a registration may make application to the local government to:-
 - (a) amend the registration; or
 - (b) renew the registration; or
 - (c) transfer the registration to a new animal.
- (2) An application to amend, renew or transfer a registration must be:-
 - (a) made by the owner of the animal; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee and such other information as is requested by the local government.

Division 3 - Animals which may not be kept**Prohibition of certain animals**

10.

- (1) The local government may, by subordinate local law, prohibit the keeping of animals.
- (2) The prohibition:-
 - (a) must relate to animals of a specified species or breed and may be related to animals of a particular sex or to animals above or below a specified age; and

- (b) may prohibit the keeping of the animals described in the subordinate local law generally or may be limited to keeping a number of animals not exceeding a limit prescribed in the subordinate local law; and
- (c) may relate to the whole of the area of the local government or may be limited to a particular part or particular parts of the area of the local government; and
- (d) may be limited to keeping animals in premises of a particular kind specified in the subordinate local law.

Animals must not be kept in contravention of a prohibition

10A. A person must not keep an animal in contravention of a prohibition under this division.

Maximum penalty: 50 penalty units.

Division 4 - Commercial Operations

Pet shops, catteries and kennels

11.

- (1) A person must not operate a pet shop, cattery or kennel within the area of the local government unless that person is authorised to operate it under a current permit issued to that person by the local government.

Maximum penalty: 20 penalty units.

- (2) A person “**operates**” a pet shop, cattery or kennel if the person carries on the business for which the pet shop, cattery or kennel was established from the relevant premises.
- (3) Subsection (1) does not apply to a kennel in respect of which there exists a current registration certificate under the *Environmental Protection Act 1994*.
- (4) Subject to subsection (3), a permit under subsection (1) is required in addition to any consent, permit or approval which must be obtained under the planning scheme or under any other legislation.
- (5) A subordinate local law may prescribe:–
 - (a) requirements which must be met in order for a permit to be granted under this section; and
 - (b) minimum standards for the operation of a pet shop, cattery or kennel.

Obligation to comply with permit conditions and minimum standards

12.

- (1) The holder of a permit to operate a pet shop, cattery or kennel must ensure that the conditions of the permit are complied with.

Maximum penalty: 20 penalty units.

- (2) A person who operates a pet shop, cattery or kennel must ensure that the relevant minimum standards prescribed by subordinate local law for, as the case may be, the pet shop, cattery or kennel are complied with.

Maximum penalty: 20 penalty units.

Division 5 - Minimum Standards

Prescription of minimum standards by subordinate local law

13.

- (1) A subordinate local law may prescribe minimum standards for the keeping of animals or a particular species of animal, whether or not a permit or registration is required in respect of the animal.

- (2) The subordinate local law may, for example and without limitation:-

- (a) require the regular cleaning of enclosures and the disposal of waste; and
- (b) require adequate provision of food and water; and
- (c) require the provision of adequate space for the animals; and
- (d) provide for the separation of enclosures in which animals are kept from places used for human habitation or the preparation of food, or from watercourses or water catchment areas; and
- (e) make other provisions for the maintenance of proper standards of cleanliness and hygiene; and
- (f) require that animals, or animals of a particular species, wear an identification tag.

Obligation to comply with minimum standards

14.

- (1) A person who keeps an animal must ensure that the relevant minimum standards prescribed by the subordinate local law are complied with.

Maximum penalty: 20 penalty units.

- (2) If a person is required to hold a permit to keep an animal, the obligation to comply with the minimum standards prescribed by subordinate local law is in addition to obligations imposed by condition of the permit.

Division 6 - Permits

Application for permit

- 14A An application for a permit authorising the keeping of an animal or animals must state:-
- (a) the species, breed, age and gender of the animal or each of the animals for which the permit is sought; and
 - (b) the number of animals to be kept; and
 - (c) the area, or part of the area, in which the animal or animals are to be kept; and
 - (d) the nature of the premises in which the animal or animals are to be kept; and
 - (e) other information required by subordinate local law.

Criteria for granting permits

15. In deciding whether to grant a permit authorising a person to keep animals the local government may have regard to:-
- (a) the physical suitability of the land for the proposed use;
 - (b) the structural suitability of enclosures in which the animals are to be kept;
 - (c) the likelihood of the animals causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
 - (d) the likely effect on the amenity of the surrounding area;
 - (e) the likely effect on the local environment and any possible pollution or other environmental damage;
 - (f) other factors that may be relevant in the circumstances of the particular case; and
 - (g) other criteria specified by subordinate local law.

Conditions of Permits

- 16.
- (1) The local government may grant a permit, or renew a permit, under this local law on conditions it considers appropriate.
 - (2) The conditions may, for example and without limitation:-

- (a) require the holder of the permit to care for the animals in accordance with appropriate standards;
 - (b) require that the animals be kept in enclosures that comply with specified structural requirements;
 - (c) require the holder of the permit to comply with specified standards of hygiene;
 - (d) require the holder of the permit to ensure that the animals wear or display an appropriate identifying tag;
 - (e) require the holder of the permit to ensure that the animals do not cause nuisance, inconvenience or annoyance to others;
 - (f) require the holder of the permit to take specified action to protect against possible harm to the local environment;
 - (g) require that only certain breeds, size or number of animals may be kept.
- (3) The local government may, by subordinate local law, prescribe conditions that must be imposed in a permit or that will ordinarily be imposed in a permit granted under this local law.
- (4) The local government may, by written notice given to the holder of a permit, change⁶ the conditions of a permit.
- (5) The local government may only change the conditions of a permit in accordance with subsection (4) if:-
- (a) the holder of the permit agrees to the proposed change; or
 - (b) the local government:-
 - (i) gives the holder of the permit reasonable written notice of the proposed change, inviting the holder of the permit to make written representations about the proposed change, within a reasonable period fixed in the notice; and
 - (ii) having received written representations from the holder of the permit within the time allowed in the notice, takes the written representations into account.

Compliance with conditions of permit

16A. The holder of a permit must ensure that the conditions of the permit are complied with.

⁶ A “change” to the conditions of a permit includes a change by omission, substitution, exception or addition (see Acts Interpretation Act 1954, section 36).

Maximum penalty: 20 penalty units.

Term of Permit

17.

- (1) A permit is granted for a term fixed under a subordinate local law.
- (2) The local government may, from time to time, on application by the holder of the permit and upon payment of any prescribed fee⁷, renew the permit.
- (3) The term for which a permit is granted or renewed is to be:-
 - (a) fixed as required by a relevant subordinate local law; or
 - (b) in the absence of a relevant subordinate local law – decided by the local government when it grants the permit or the renewal.

Division 7 - Removal of Illegally Kept Animals

Notice to remove animals

18.

- (1) If the local government becomes aware that an animal is being kept contrary to section 7 (Obligation to hold permit), section 9 (Obligation to register), section 10 (Prohibition of certain animals), section 14 (Obligation to comply with minimum standards), section 16A (Compliance with conditions of permit) or section 22 (Duty to provide proper enclosure), the Local Government may give a written notice to the keeper of the animal requiring the person to take relevant action to remedy the contravention.
- (2) Subsection (1) applies whether or not any person is prosecuted for an offence.
- (3) If a person fails to comply with a notice under subsection (1), the local government may give a further written notice to the keeper of the animal requiring the person to remove the animal.
- (4) Failure to comply with a notice under subsection (3) is not in itself an offence, but subject (where relevant) to the provisions of the Act relating to 'Performing work for owner or occupier', where the requirements of the notice given under subsection (3) are not complied with within the time allowed in the notice, the local government may enter onto the land where the animal is kept and remove the animal by seizing and impounding it.
- (5) An animal seized and impounded pursuant to subsection (4) must be dealt with in accordance with Part 4 Division 3 of this local law.

⁷ See section 1071A of the Act.

PART 3 - CONTROL OF ANIMALS

Division 1 - Animals in Public Places - General

Animal to be under effective control

19.

- (1) The keeper of an animal must ensure that when the animal is in a public place it is kept under effective control.

Maximum penalty: 20 penalty units.

- (2) If an animal in a public place is not under effective control, an authorised person may seize and impound the animal.

Person in charge of animal must clean up animal faeces

20.

- (1) When an animal is in a public place, the person in charge of the animal must carry a bag, implement or container suitable to pick up and dispose of the animal's faeces if the animal defecates.

Maximum penalty: 5 penalty units.

- (2) If an animal defecates in a public place, the person in charge of the animal must immediately pick up and dispose of, the faeces in a sanitary way so that:-

- (a) it can not be washed into a watercourse, gutter or stormwater drain; or
- (b) it can not form a breeding place for flies; or
- (c) it does not cause a nuisance.

Maximum penalty: 10 penalty units.

- (3) For subsection (1), the "person in charge" is the person who has actual or apparent control of the animal or the person who otherwise appears to accompany the animal.
- (4) For the purposes of subsection (3), a subordinate local law may specify how a person in charge of an animal must dispose of faeces in a sanitary way.
- (5) This section does not apply to a horse.

Division 2 - Designation of public place as an animal control area

Designation of area as an animal control area

21.

- (1) The local government may, by subordinate local law:-
- (a) designate the whole or any part or parts of a road, park, reserve or foreshore under the control of the local government as an animal control area; and
 - (b) designate an animal control area as an area where a person is restricted from bringing an animal or an animal of a specified species except subject to conditions; and
 - (c) designate an animal control area as an area where a person may exercise a dog off-leash (“**off-leash exercise area**”); and
 - (d) designate an animal control area as an area where a person is prohibited from bringing an animal or an animal of a specified species:-
 - (i) at any time; or
 - (ii) on specified days; or
 - (iii) during specified hours on specified days.
- (2) Each designation under subsection (1)(a) must include a description of the area designated as an animal control area and, where required for identification purposes, the real property description of the land on which the animal control area is located or some other description sufficient to identify the animal control area designation with certainty.

Conditions prescribed for certain animal control areas

21A.

- (1) The local government may, by subordinate local law, prescribe conditions applicable to the bringing of an animal or an animal of a specified species on to an animal control area designated under section 21(1)(b).
- (2) If the local government prescribes conditions applicable to the bringing of an animal or a specified species of animal on to an area designated under section 21(1)(b), notice of the conditions must be placed at each public entrance to the animal control area.
- (3) A person must not bring an animal, or an animal of a specified species, on to an animal control area designated under section 21(1)(b) contrary to a condition prescribed under subsection (1).

Maximum penalty: 20 penalty units.

Conditions prescribed for off-leash exercise areas

21B

- (1) The local government may, by subordinate local law, prescribe conditions applicable to the bringing of a dog on to an animal control area designated as an off-leash exercise area.
- (2) If the local government prescribes conditions applicable to the bringing of a dog on to an off-leash exercise area, notice of the conditions must be placed at each public entrance to the off-leash exercise area.
- (3) A person must not bring a dog on to an off-leash exercise area contrary to a condition prescribed under subsection (1).

Maximum penalty: 20 penalty units.

Animal control areas where animals prohibited

21C

- (1) If the local government makes a designation under section 21(1)(d), notice of the prohibition must be placed at each public entrance to the animal control area.
- (2) A person must not bring an animal, or an animal of a specified species, on to an animal control area contrary to a prohibition prescribed under section 21(1)(d).

Maximum penalty: 20 penalty units.

Division 3 - Duty to Provide Proper Enclosure

Duty to provide proper enclosure

22.

- (1) A person who keeps an animal (including a dog kept on a lot in a koala management area) must:-
 - (a) construct and maintain a proper enclosure to:-
 - (i) keep the animal on the person's land; and
 - (ii) prevent the animal from wandering or escaping from the land; and
 - (iii) prevent any part of the animal from encroaching on to a public place; and

Example: An animal enclosure which abuts a public place (such as a park) must be constructed in such a way as to prevent the animal from not only wandering or escaping but also from being able to put its head through the enclosure and bite members of the public using the public place.

- (b) ensure that the animal is kept within the enclosure prescribed in paragraph (a) at all times.

Maximum penalty for each of paragraphs (a) and (b): 50 penalty units.

- (2) A person who keeps a dog on a lot with an area of more than 2,000m² in a koala management area must, in addition to complying with the requirements of subsection (1):-

- (a) construct and maintain a proper enclosure (a **“koala management area enclosure”**) having an area not more than 2,000m² and:-

- (i) keep the dog in the koala management area enclosure; and
(ii) prevent the dog from wandering or escaping from the koala management area enclosure; and
(iii) ensure that the dog is kept within the koala management area enclosure at all times; or

- (b) during the hours from 7.00pm to 6.00am tether the dog by a leash or chain which is:-

- (i) not more than 3m long; and
(ii) securely attached to the collar of the dog and a fixed stationary object on the lot; or

- (c) during the hours from 7.00pm to 6.00am confine the dog to an enclosure which:-

- (i) is appropriately sized so as to be capable of effectively and comfortably housing the dog; and
(ii) has walls which are constructed so as to prevent the dog from escaping from the enclosure; and
(iii) is constructed so as to prevent a koala from entering the enclosure.

Example for paragraph (c): the enclosure may be:-

(a) *a dwelling or part of a dwelling; or*

(b) *a garage; or*

(c) *a suitably fenced area which is constructed:-*

- (i) *outside a dwelling on the lot for the purpose of confining the dog during the hours from 7.00pm to 6.00am; and*

(ii) so as to prevent a koala from entering the enclosure.

- (3) A person is guilty of an offence if the person:-
- (a) keeps a dog on a lot with an area of more than 2,000m² in a koala management area; and
 - (b) fails to comply with the requirements of one of paragraphs (a), (b) or (c) of subsection (2).

Maximum penalty: 50 penalty units.

- (4) For the avoidance of doubt:-
- (a) a person who keeps a dog on a lot with an area of more than 2,000m² in a koala management area must comply with the requirements of any one of paragraphs (a), (b) or (c) of subsection (2) but is not required to comply with the requirements of all of paragraphs (a), (b) and (c) of subsection (2); and
 - (b) subsections (1) and (2) do not prevent the keeper of an animal (including a dog) taking the animal from a proper enclosure at any time provided the animal is under effective control.

- (5) For the purposes of this section:-
- (a) a proper enclosure is a fenced area as required by a subordinate local law; and
 - (b) buildings or structures (other than fences) which effectively contain an animal may be treated as forming part of a proper enclosure; and
 - (c) a building or structure (other than fences) is not a proper enclosure if the building or structure is not appropriately sized so as to be capable of effectively and comfortably housing the animal.

Example for paragraph (c):-

A person may keep an animal in an unfenced dwelling which satisfies the requirements of subsections (1)(a) and 5(a) only if the dwelling is appropriately sized so as to be capable of effectively and comfortably housing the animal. An unfenced dwelling which complies with the requirements of subsection (1)(a):-

- (a) *is not capable of effectively and comfortably housing a hoofed animal;*
 - (b) *is capable of effectively and comfortably housing a cat or a budgerigar.*
- (6) If an animal is found wandering at large, the keeper of the animal is guilty of an offence.

Maximum penalty: 50 penalty units.

- (7) Without affecting subsections (1) and (2), if a person fails to take action as required by subsection (1)(a), the local government may, by notice in writing, require the person to take relevant action to comply with subsection (1)(a) or to remove the animal from the land.
- (8) If a person fails to comply with a notice under subsection (7), the local government may give a further written notice to the keeper of the animal requiring the person to remove the animal.
- (9) Failure to comply with a notice under subsection (8) is not in itself an offence but, subject (where relevant) to the provisions of the Act relating to “Performing work for owner or occupier” where the requirements of a notice given under subsection (8) are not complied with within the time allowed in the notice, the local government may enter on to the land where the animal is kept and remove the animal by seizing and impounding it.
- (10) An animal seized and impounded pursuant to subsection (9) must be dealt with in accordance with Part 4 Division 3 of this local law.
- (11) It is a defence to a charge of an offence against any of subsections (1) or (6) for the defendant to prove that:-
 - (a) the defendant maintained a proper enclosure for the animal; and
 - (b) the defendant could not, by the exercise of reasonable diligence, have prevented the escape of the animal.

Division 4 - Nuisances etc

Duty to avoid nuisances

23.

- (1) A person must not keep an animal on land if:-
 - (a) the animal causes a nuisance; or
 - (b) the animal exposes the health or safety of others to significant risk; or
 - (c) the animal creates a reasonable apprehension in the minds of others of a threat to their health or safety.
- (2) Without limiting subsection (1)(a), an animal causes a nuisance if:-
 - (a) it makes a noise which is excessive in all the circumstances; or
 - (b) it creates a dust nuisance which disrupts, adversely affects or inhibits an activity ordinarily carried out on adjoining or nearby land; or

- (c) it creates an odour which disrupts, adversely affects or inhibits an activity ordinarily carried out on adjoining or nearby land; or
 - (d) it defecates on land, not being a public place, and not being land on which the animal is ordinarily kept.
- (3) For the purposes of subsection (2)(a), the local government may consider a noise to be excessive in all the circumstances if:-
- (a) the noise is made for more than a total of 6 minutes in any hour from 7am to 10pm on any day; or
 - (b) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 10pm or before 7am.
- (4) If, at any time after a complaint about a nuisance under subsection (1)(a) has been made, an authorised person believes, on reasonable grounds, the complaint is frivolous, vexatious or based on a mistaken belief, the authorised person may reject the complaint.⁸
- (5) An authorised person may, on receiving a complaint of a contravention of subsection (1), give a written notice to the keeper of the animal requiring the keeper to take specified action to prevent further contravention or to remove the animal within a period of time specified in the notice.
- (6) A person must not fail to comply with a notice under subsection (5) within the time allowed in the notice.
- Maximum penalty: 50 penalty units.
- (7) If a person fails to comply with a notice under subsection (5), the local government may give a further written notice to the keeper of the animal requiring the person to remove the animal.
- (8) Failure to comply with a notice under subsection (7) is not in itself an offence but, subject (where relevant) to the provisions of the Act relating to ‘Performing work for owner or occupier’, where the requirements of a notice given under subsection (7) are not complied with within the time allowed in the notice, the local government may enter onto the land where the animal is kept and remove the animal by seizing and impounding it.
- (9) An animal seized and impounded pursuant to subsection (8) must be dealt with in accordance with Part 4 Division 3 of this local law.

⁸ Section 6M of the Environmental Protection Regulation 1998 requires that if the local government rejects the complaint, it must give the person who made the complaint written notice stating the following:-

- (a) that the local government has rejected the complaint;
- (b) the reasons for the rejection;
- (c) the review or appeal details.

Division 5 - Aggressive Dogs

Dog attacks

24.

- (1) A person must not cause, encourage or allow a dog to attack or worry another person or an animal.

Maximum penalty:

- (a) where a person suffers physical injury or bodily harm as a result of the attack: 200 penalty units; or
- (b) in all other cases: 50 penalty units.
- (2) If a koala is on land to which a dog has access the keeper of the dog must:-
- (a) protect the koala by restraining the dog; and
- (b) confine the dog so that the dog can not attack the koala.

Maximum penalty: 50 penalty units.

Declared dangerous dogs

25.

- (1) An authorised person may declare a dog to be a dangerous dog:-
- (a) if the authorised person reasonably believes that the dog has attacked or worried a person or an animal; or
- (b) if the dog is, in the authorised persons opinion, likely to attack or worry a person or an animal; or
- (c) if the dog has been trained to attack for the purpose of guarding either persons or property, or is kept as a guard dog for the purpose of guarding non-residential premises; or
- (d) if an authorised person from another local government has declared the dog to be a dangerous dog; or
- (e) in other circumstances prescribed by subordinate local law.
- (2) On declaration of a dog as a dangerous dog, the local government must issue to the keeper of the dog a notice in writing informing the keeper of the declaration.
- (3) Where a dog has been declared dangerous under subsection (1), the authorised person may order the keeper of the dog to take specified action as required by subordinate local law such as (for example and without limitation):-

- (a) to warn persons who enter land on which the dog is kept of the presence of a dangerous dog on the land; and
 - (b) to ensure that the dog remains in secure custody and is unable to cause injury or damage to persons or other animals; and
 - (c) have the dog permanently identified as a dangerous dog by the implanting of a microchip capable of being read by the local government's microchip reader.
- (4) A person must not fail to comply with an order under subsection (3).

Maximum penalty: 50 penalty units.

- (5) In addition, where a dog has been declared dangerous under subsection (1) and the local government has made a registration fee for dangerous dogs⁹ which is different from the registration fee for dogs which are not dangerous dogs, the keeper of the dog must within the time notified to the keeper in writing by the Local Government pay the additional amount of the registration fee for a dangerous dog (apportioned pro rata to the period between the date of declaration and the end of the period for which the fee is paid).

Example: Assume that the standard registration fee for a dog is \$50.00 per annum and that the registration fee for a dangerous dog is \$250.00 per annum. The fee is paid for a period from 1 July to 30 June. If a dog is declared dangerous on 1 November, the keeper must pay an additional \$133.33 being the additional amount of the fee for a dangerous dog (\$250.00) applied pro rata to the 8 month period between 1 November and the next 30 June. The figures given are used for illustration only. The actual fees are set by the Local Government from time to time.

Power to seize and destroy dangerous dog

26.

- (1) Irrespective of whether there has been any prosecution for an offence, an authorised person may seize and destroy a dangerous dog if:-
 - (a) the dog is found wandering at large; or
 - (b) an order under section 25(3) in respect of the dog is not complied with.
- (2) An authorised person may also seize and destroy a dog (whether or not it is declared as a dangerous dog) if it:-
 - (a) attacks a person or animal; or
 - (b) causes injury or damage; or
 - (c) creates a serious risk of injury or damage.

⁹ The local government has a general power under section 1071A of the Act to fix regulatory fees by resolution. Please note that this is not a legally binding document. Refer to certified copies of Local Laws for legal proceedings.

- (3) An authorised person may, if:-
- (a) the authorised person is appointed under the provisions of the Act relating to “Appointment”; and
 - (b) the appointment states that the authorised person is appointed for the provisions of the Act relating to “Local Laws about dogs”

enter a place (including a building or other structure, or the part of a building or other structure, used for residential purposes at the time), with the help and using the force that is necessary and reasonable in the circumstances to seize the dog.

Dangerous dogs to be muzzled

27.

- (1) A person must not bring a dangerous dog into a public place unless the dog is securely muzzled to prevent it from biting.

Maximum penalty: 50 penalty units.

- (2) If an unmuzzled dangerous dog is in a public place, an authorised person may seize and destroy the dog.

Guard dogs

28.

- (1) This section applies to land:-
- (a) which is not used for residential purposes and is not a kennel or a pet shop; and
 - (b) on which a dog is kept at any time for the purpose or apparent purpose of acting as a deterrent to intruders.
- (2) The occupier of land to which this section applies must take action specified in a subordinate local law to:-
- (a) warn persons about the presence of the dog on the land; and
 - (b) ensure that the dog is under effective control at all times when the land is open to access by the public.
- (3) Subsection (2) applies whether or not the occupier is the keeper of the dog.

Example: Some premises have guard dogs which are supplied by a security business or kennel, are regularly rotated or replaced by the supplier and in respect of which the occupier of the premises takes no responsibility for care of the dogs. The occupier of such premises may not be the “keeper” of the dog as defined but that does not affect the owner’s responsibility to comply with subsection (2).

- (4) A person must not fail to take action as required by subsection (2).
- Maximum penalty: 50 penalty units
- (5) Without affecting subsection (4), if a person fails to take action as required by subsection (2), the local government may give written notice to the occupier of the land requiring the occupier to take specified action as required by subsection (2) or remove the dog from the land.
- (6) If a person fails to comply with a notice under subsection (5), the local government may give a further written notice to the occupier of the land requiring the occupier to remove the dog.
- (7) Failure to comply with a notice under subsection (6) is not in itself an offence but, subject (where relevant) to the provisions of the Act relating to ‘Performing work for owner or occupier’, where the requirements of a notice given under subsection (6) are not complied with within the time allowed in the notice, the local government may enter onto the land where the animal is kept and remove the animal by seizing and impounding it.
- (8) An animal seized and impounded pursuant to subsection (7) must be dealt with in accordance with Part 4, Division 3 of this local law.
- (9) For avoidance of doubt, this section is in addition to section 25 and does not prevent a dog to which it applies being declared as a dangerous dog under section 25.

PART 3A – DEAD AND DISEASED ANIMALS

Disposal of dead animals

28A.

- (1) If an animal is found dead on any land, an authorised person may give a written notice to:-
- (a) a person who was a keeper of the animal prior to its death; or
- (b) for land other than a public place, and where there is no person who is known to have been a keeper of the animal prior to its death, the occupier of the land.
- (2) A notice given by an authorised person under subsection (1) may require the person to remove and dispose of the carcass in a specified manner within the time allowed in the notice.
- (3) A person must not fail to comply with a notice under subsection (1).
- Maximum penalty: 20 penalty units.
- (4) If a person fails to comply with a notice under subsection (1), an authorised

person may enter on to the land where the carcass is situated (if it is not a public place) and:-

- (a) remove the carcass for disposal elsewhere; or
 - (b) at the authorised person's election, dispose of the carcass by burial on the land.
- (5) Subsection (4) applies:-
- (a) whether or not there has been a prosecution for an offence; and
 - (b) subject to section 1066 of the Act.¹⁰
- (6) Despite subsections (1) to (5) the authorised person may forthwith enter the land and remove or dispose of the carcass in a manner specified in subsection (4)¹¹, if the authorised person is of the opinion that the carcass is in such a state of decomposition as to be:-
- (a) not readily removable; or
 - (b) a nuisance, or injurious or prejudicial to health, or a source of fly-breeding.
- (7) A person must not dispose of a dead animal in or upon a public place without the permission of an authorised person.

Maximum penalty: 20 penalty units.

Diseased animals not to be in public places

28B.

- (1) A person must not bring, or permit an animal to be brought, in to a public place if the animal is diseased.

Maximum penalty: 50 penalty units.

- (2) If an animal in a public place is diseased, seriously injured or emaciated, an authorised person may seize the animal.¹²

PART 4 - IMPOUNDING OF ANIMALS

¹⁰ Where a person who is obliged to take action to comply with a local law defaults in that obligation, section 1066 of the Act empowers the local government to enter premises without the consent of the owner, but subject to first giving reasonable notice, to take the action necessary to comply with the local law.

¹¹ Section 1070 of the Act empowers the local government to enter upon the land without the consent of the owner or occupier and without prior notice if urgent action is necessary in the interests of public health or safety.

¹² For subsequent actions, see Part 4, Division 3.

Division 1 - Animal Pounds

Establishment of pound

29. The local government may:-
- (a) establish an animal pound; or
 - (b) join with another local government in establishing an animal pound.

Operation of animal pound

30. The local government may, by subordinate local law:-
- (a) fix the times when the animal pound will be open for the reception and release of animals; and
 - (b) fix the types of animal (if any) which will be accepted at the pound otherwise than pursuant to an impounding under this local law; and
 - (c) fix the times for the sale of animals from the pound.
 - (d) fix a scale of fees to be paid for matters relating to the impounding of animals including, without limitation, the impounding, sustenance, release, sale and disposal of impounded animals.

Register of impounded animals

- 31.
- (1) The local government must ensure that a proper record of impounded animals (the "Register of Impounded Animals") is kept.
 - (2) The Register 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 keeper; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason of the impounding; and

- (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date of the sale, release, destruction or disposal of the animal.
- (3) The Register must be kept available for public inspection at the pound.

Division 2 - Seizure and Impounding of Animals

Seizure and impounding of animals

32.

- (1) An authorised person may seize and impound an animal if:-
 - (a) the animal is wandering at large; or
 - (b) the animal is not under effective control; or
 - (c) the animal is required to be registered under this local law and is not registered; or
 - (d) a permit is required to keep, breed or sell the animal and the keeper does not have the necessary permit; or
 - (e) the keeping of the animal is prohibited under this local law.
- (2) An authorised person may, at the request of the occupier of land, seize and impound an animal found wandering at large on the occupier's land.
- (3) The occupier of land may seize an animal found wandering on the occupier's land and deliver the animal to an authorised person to be impounded.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.

Powers to assist seizure and impounding

33. For the purposes of seizing an animal and for any purpose relating to its impounding, an authorised person may use any reasonable method of capturing, controlling or sedating the animal, including the use of mechanical devices and tranquillising devices.

Animal unable to be seized

34. If an authorised person forms the view that an animal which may be seized under this local law is, by reason of its size and/or behaviour, unable to be seized using means reasonably available to the authorised person (including those mentioned in section 33) without undue risk to the safety of the authorised person or other persons, the authorised person may destroy the animal instead of seizing it.

Division 3 - Dealing with Impounded Animals

Notice of impounding

35.

- (1) If an animal is impounded and the authorised person who impounds the animal knows, or can readily find out, the name and address of the keeper of the animal, the authorised person must give the keeper written notice of the impounding stating that the animal may be reclaimed within a period stated in the notice by payment of the fees prescribed in the scale of fees fixed by the local government.
- (2) If the keeper reclaims the animal and pays the relevant fees within the time allowed in the notice, the animal must be returned to the keeper.
- (3) However, if:-
 - (a) a permit is required for the keeping of the animal but the keeper does not have the necessary permit; or
 - (b) the animal is required to be registered but is not registered; or
 - (c) particular works or facilities are required by this local law or a subordinate local law to be constructed or provided on the land on which the animal is kept or will be kept but those works or facilities are not constructed or provided,

the authorised person must give the keeper written notice of the requirement to obtain the necessary permit, register the animal or, as the case requires, construct or provide the required works or facilities and the animal must not be returned until the keeper obtains the necessary permit, registers the animal or, as the case requires, constructs or provides the required works or facilities.

- (4) If an authorised person gives the keeper a written notice under subsection (3), the local government may retain the animal in the pound for the time specified in the written notice.
- (5) If the keeper complies with the requirements of the written notice given under subsection (3), the keeper may reclaim the animal upon payment of the prescribed fees.
- (6) If the keeper does not comply with the requirements of the notice given under subsection (3) within the time specified in the notice, the local government may sell, destroy or dispose of the animal pursuant to section 36.
- (7) However, an animal must not be returned to the keeper if the keeping of the animal will contravene this local law.

Examples:

- (1) *An animal the keeping of which is prohibited under section 10;*

- (2) *An animal which, if returned, will result in the number of animals kept on the land exceeding the maximum prescribed in a permit condition issued under Part 2 Division 6.*

Sale and disposal of impounded animals

36.

- (1) This section applies if an animal has been seized and impounded, and:-
- (a) the animal has not been reclaimed within a period fixed under a subordinate local law; or
 - (b) an authorised person has given the keeper a notice under section 35(3) and the animal has not been returned to the keeper because the keeper has not complied with the notice within the time specified in the notice; or
 - (c) the animal can not be returned to the keeper under section 35(7).
- (2) Where this section applies, the local government may:-
- (a) offer the animal for sale by public auction; or
 - (b) if the animal is of a 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 or have it destroyed.¹³
- Example for paragraph (b): The subordinate local law might specify dogs, cats and other small domestic animals. These could then be sold by private agreement, given away or destroyed if not reclaimed within the relevant period.*
- (3) If an animal is offered for sale at a public auction under this section, notice of the auction, stating the time and place of the auction, must be exhibited at the local government's public office for at least 2 days before the date of the auction.
- (4) An amount realised on sale of an animal (by auction or otherwise) must be applied:-
- (d) first towards the costs of the sale; and

¹³ This section should be read in conjunction with section 491 of the Act.

- (e) secondly, towards the impounding fees; and
 - (f) thirdly, to the former owner of the animal.
- (5) If the identity of the former owner of an impounded animal is unknown to the local government, and no person establishes a valid claim to the proceeds of sale within 1 year of the date of the sale, the proceeds to which the former owner would have been entitled under subsection (3)(c) become the absolute property of the local government.
- (6) If there is no purchaser for an animal offered for sale by auction the local government may sell (by private sale), destroy or otherwise dispose of the animal.
- (7) A sale or disposal of an animal by the local government under this section confers valid and paramount title to the animal sold or disposed of to the purchaser or donee of the animal, as though the local government were the owner of the animal, despite a failure to comply with a provision of this local law.
- (8) Subsection (6) does not protect a person who commits fraud or wilful default or a local government that does not comply with the provisions of this Part from liability for loss caused by the fraud, default or non compliance.

PART 5 – DESTRUCTION OF ANIMALS

Power to impound instead of destroy

37. In any case where this local law provides that an authorised person may seize and destroy an animal, the authorised person may impound the animal instead of destroying it if, in the authorised person's opinion, its destruction is not warranted.

Destruction orders

- 38.
- (1) Subject to section 37 where this local law provides that an authorised person may seize and destroy an animal, the authorised person must make a destruction order after seizing the animal.
 - (2) When an authorised person makes a destruction order, the authorised person must, if the keeper of the animal is known to the authorised person, or can be ascertained from the local government's records, give written notice of the order to the keeper.
 - (3) Where a destruction order has been made pursuant to section 38 (1) and the keeper has not proceeded in the manner set out in section 39, the authorised person may destroy the animal 14 clear days after the keeper is given notice of the making of the destruction order.

- (4) In circumstances where a destruction order has been made pursuant to section 38 (1) but section 38 (2) does not apply, the authorised person may destroy the animal three clear days after making the destruction order.

Appeal against destruction order

39.

- (1) The keeper of an animal against which a destruction order has been made may appeal to a Magistrates Court against the order.
- (2) The appeal must be started within 14 days after the keeper is given notice of the making of the order.
- (3) For the purposes of subsection (2), an appeal is not started until:-
- (a) the appeal has been filed in a Magistrates Court; and
 - (b) a copy of the appeal has been served on the local government.
- (4) However, the keeper of an animal against which a destruction order has been made may not appeal to a Magistrates Court against the order if the order can be carried into effect without notice to the keeper of the animal¹⁴.

Powers of court on appeal

40.

- (1) On an appeal under section 39 the Court may confirm or quash the order for destruction of the animal.
- (2) The Court may only quash an order for destruction of an animal if satisfied that:-
- (a) the keeper will in future ensure that the animal is properly kept and controlled in accordance with this local law and the circumstances that led to the making of the order are unlikely to recur; and
 - (b) if an order for destruction of the animal has previously been quashed by the Court, there are exceptional circumstances justifying quashing the order.
- (3) If the Court quashes an order for destruction of an animal, the Court may make an order that the keeper pay to the local government the fees relating to its seizure and subsequent holding by the local government prescribed in the scale of fees fixed by the local government prior to the local government returning the animal.
- (4) Whether or not the Court confirms or quashes the order for destruction of the animal, the Court may make such order in relation to the costs of the appeal as it thinks fit.

¹⁴ An authorised person may destroy an animal without notice to the keeper of the animal in the circumstances specified in section 41.

- (5) Despite subsections (3) and (4) the Court may only make an order:-
- (a) that the keeper does not have to pay fees under subsection (3); or
 - (b) against the local government in respect of the costs of an appeal,
- if the Court is satisfied that the animal was unlawfully seized or there was no lawful basis for making the order for destruction of the animal.
- (6) If the Court quashes an order for destruction of an animal but makes an order requiring the keeper to pay to the local government the fees referred to in subsection (3) the Court may also make an order that if the keeper fails or refuses to pay the fees required by subsection (3) within 14 days of the date of the Court's Order, then the Court's Order (quashing the local government's order for destruction) shall be vacated and the local government may immediately thereafter destroy the animal.
- (7) If the Court confirms the order for destruction of the animal, the animal may be destroyed forthwith.

Summary destruction of animal

41. Despite section 38, an authorised person may destroy an animal without notice to the keeper of the animal if:-
- (1) the animal has been seized and detained more than 3 times in the last year; or
 - (2) the animal is, in the authorised person's opinion, dangerous and not controllable by means that are reasonably available to the keeper of the animal; or
 - (3) the animal is diseased, seriously injured or emaciated.

Destruction at request of keeper

- 42.
- (1) An authorised person may, at the request of the keeper of an animal, (and upon payment of any prescribed fees), seize and destroy the animal.
 - (2) The local government may, by subordinate local law, prescribe a procedure for accepting animals seized by an authorised person pursuant to subsection (1).

PART 5A - REVIEW

Reviewable decisions

- 42A. A decision of the local government or an authorised person under this local law is reviewable (a “**reviewable decision**”) unless it is:-

- (a) a decision made by resolution of the local government; or
- (b) a decision to destroy an animal or to have it destroyed; or
- (c) a decision made on an earlier application for review.

Application for review

42B.

- (1) A person who is aggrieved by a reviewable decision may apply to the local government for a review of the decision.
- (2) An application for review of a reviewable decision must:-
 - (a) be in writing; and
 - (b) state the reasons why the applicant considers the decision should be reviewed; and
 - (c) be lodged at the office of the local government within 14 days after the day on which notice of the decision was given to the applicant or within a further period allowed by the local government (before or after the end of that period).

Carrying out review

42C. The local government must carry out the review in accordance with the local government's General Complaints Process Policy.

PART 6 - MISCELLANEOUS

Breeding and sale or disposal of animals

43.

- (1) A subordinate local law may lay down conditions to be complied with by persons for the breeding, selling or giving away of animals, or a particular species of animals.
- (2) A person must not:-
 - (a) breed; or
 - (b) offer or display animals for sale or other disposal,in the area unless the person complies with conditions laid down by subordinate local law under subsection (1).

Maximum penalty: 20 penalty units.

Animals in shops, etc

Please note that this is not a legally binding document. Refer to certified copies of Local Laws for legal proceedings.

43A

- (1) The keeper of an animal must ensure that the animal does not enter any shop other than:-
- (a) a pet shop; or
 - (b) a veterinary shop; or
 - (c) if the animal is a dog or a cat – a dog grooming or pet care salon.
- Maximum penalty: 20 penalty units.
- (2) Subsection (1) does not apply to dogs used as guide dogs for the visually impaired

Prohibition of regulation of dogs in public places

43B

- (1) A person must not bring or permit a dog to be brought within 10 metres of any playground apparatus in a public place which is provided for the use of children.
- Maximum penalty: 20 penalty units.
- (2) Subsection (1) does not apply to dogs used as guide dogs for the visually impaired.

Prohibition of identifying tags designed to confuse

44. A person must not manufacture, sell, or have in possession for sale, identifying tags for animals designed to be confused with the identifying tags required for animals under this local law.

Maximum penalty: 20 penalty units.

Prohibition on removing identifying tag

45. A person, not being the keeper of an animal, or a person authorised by the keeper of an animal, must not remove an identifying tag from that animal.

Maximum penalty: 20 penalty units

Prohibition on altering or defacing identifying tag

46. A person must not alter or deface an identifying tag.

Maximum penalty: 20 penalty units

Prohibition on affixing incorrect identifying tag

47. A person must not affix an identifying tag to an animal not being the animal to which the number inscribed on the identifying tag has been allocated.

Maximum penalty: 20 penalty units

Prohibition on using altered or defaced identifying tag

48. A person must not use or cause or allow to be used any identifying tag which has been altered or defaced.

Maximum penalty: 20 penalty units.

Prohibition on rescuing seized and/or impounded animal

49. A person must not rescue or attempt to rescue or assist another person in rescuing or attempting to rescue an animal seized and impounded or seized for the purposes of being impounded by an authorised person pursuant to this local law.

Maximum penalty: 20 penalty units

Prohibition on obstructing or impeding seizure by authorised officer

50. A person must not obstruct or impede the seizure of an animal by an authorised person pursuant to this local law.

Maximum penalty: 20 penalty units

Prohibition on releasing animal from land on which it is kept

51. A person must not release or allow to be released an animal from the land upon which it is kept.

Maximum penalty: 20 penalty units

Abandonment of animals

52.

- (1) A person must not abandon an animal.

Maximum penalty: 20 penalty units.

- (2) A person who delivers an animal into the custody of the authorised person in charge of an animal pound is not to be regarded as having abandoned the animal.

Abuse of an authorised person

53.

A person must not abuse or insult an authorised person who is exercising, or attempting to exercise a power under this local law.

Maximum penalty: 20 penalty units.

Subordinate Local laws

54. The local government may make subordinate local laws in relation to those matters about which this local law specifically allows for the making of subordinate local laws.

Defence of reasonable excuse

55. If a person is charged with an offence involving a contravention of a provision of this local law, it is a defence to prove that the person had a reasonable and lawful excuse for the contravention.

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