

Consultation	Local Law 2 Animal Management
Start	25 October 2010 0:00:00
End	5 December 2010 23:59:00
Published on	18 October 2010 10:11:31



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Moreton Bay Regional Council Local Law No.2 (Animal Management) 2010

Moreton Bay Regional Council Local Law No.2 (Animal Management) 2010**PART 1 PRELIMINARY****1 Short title**

This local law may be cited as *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2010*.

2 Purpose and how it is to be achieved

1. The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - a. balances community expectations with the rights of individuals; and
 - b. protects the community against risks to health and safety; and
 - c. prevents pollution and other environmental damage; and
 - d. protects the amenity of the local community and environment.
2. The purpose is to be achieved by providing for—
 - a. the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
 - b. the prescription of minimum standards for keeping animals; and
 - c. the proper control of animals in public places, and koala areas; and
 - d. the management of dangerous or aggressive animals other than dogs;⁽¹⁾ and
 - e. the seizure and destruction of animals in certain circumstances; and
 - f. the establishment and administration of animal pounds.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- b. to be read with the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2010*.

PART 2 KEEPING OF ANIMALS**Division 1 Prohibition on keeping animals****5 Prohibition on keeping animals in prescribed circumstances**

1. The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.

1 The *Animal Management (Cats and Dogs) Act 2008* provides for the management of **regulated dogs**, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

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2. The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
 - a. species;
 - b. breed;
 - c. sex;
 - d. age;
 - e. number;
 - f. whether an animal is a restricted dog;⁽²⁾
 - g. the locality in which the animal would be kept;
 - h. the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁽³⁾

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

3. A person must not keep an animal in contravention of a prohibition under this section.

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

Division 2 Keeping of animals for which approval is required**6 Requirement for approval**

1. Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁽⁴⁾ for keeping an animal or animals in prescribed circumstances.
2. The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
 - a. species;
 - b. breed;
 - c. sex;
 - d. age;
 - e. number;
 - f. the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - g. the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁽⁵⁾

2 Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

3 See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

4 Keeping an animal for which an approval is required under this local law is a **prescribed activity** under schedule 2 of the *Moreton Bay Regional Council Local Law No. 1 (Administration) 2010*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 of the *Moreton Bay Regional Council Local Law No 1 (Administration) 2010* creates an offence for a person undertaking a prescribed activity without a current approval.

5 See note 4.

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3. An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act. ⁽⁶⁾.
4. Under this section, the local government may not require an approval for keeping a restricted dog. ⁽⁷⁾

Division 3 Minimum standards

7 Minimum standards for keeping animals

1. The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
2. A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.

Maximum penalty for subsection (2)—20 penalty units.
3. If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 4 Identification of registered cats and dogs

8 Identification for cats and dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008* for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog. ⁽⁸⁾

PART 3 CONTROL OF ANIMALS

Division 1 Animals in public places

9 Exclusion of animals

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 for subsection (2)—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. In this section—

6 See the definition of Planning Act in the Act, schedule 4.

7 Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

8 See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

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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).
5. 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.

10 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 (a **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. 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.
4. The local government must keep a record available for public inspection identifying areas that are designated dog off-leash areas.

11 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 someone; and
 - b. if the animal is a declared dangerous animal⁽⁹⁾—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 for subsection (1)—20 penalty units.

2. The owner or responsible person for a female dog that is on heat must ensure that the animal is not in a public place.

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

3. An animal is under the **effective control** of someone only if—
 - a. a person who is physically able to control the animal—
 - i. is holding it by an appropriate leash, halter or rein; or

⁹ See the definition of **declared dangerous animal** in the schedule.

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- ii. has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - iii. has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or
- b. the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities or.
- i. the animal is a dog in a designated dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or
 - ii. 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
 - iii. the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

12 Person in control of dog or prescribed animal to clean up faeces

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

13 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 from the person's land. ⁽¹⁰⁾

Maximum penalty for subsection (1)—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. ⁽¹¹⁾

Maximum penalty for subsection (3)—20 penalty units.

4. It is a defence to a charge of an offence against subsection (3) for the defendant to prove that—
- a. the defendant maintained a proper enclosure for the animal and could not, by the 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.

Example for paragraph (b)—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

10 See also Animal Management (Cats and Dogs) Act 2008, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

11 See the definition in the Dictionary

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14 Nuisance animals

1. A responsible person for an animal must not allow the animal to cause a nuisance

Maximum penalty: 20 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

(i) is repetitious; or

(ii) is incessant;

Example for paragraph (a) -

Barking of a dog which disrupts, holding a conversation, watching television, listening to radio or a person's sleep.

- b. creating excessive dust; or

- c. creating excessive odour.

3. An authorised person may by giving a compliance notice require the responsible person for an animal to take specified action to stop the nuisance.

15 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 on a part of the land; or

- d. other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.

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 for subsection (3)—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—

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

Division 3 Aggressive behaviour by animals**16 Limited application of division to dogs**

1. Unless otherwise indicated, this division 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.

17 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 for subsection (1)—

- 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 for subsection (2)—

- 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. In this section—

allow or encourage, without limiting the Criminal Code, sections 7 and 8, 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*.⁽¹²⁾

18 Defences for offence against s 17

It is a defence to a prosecution for an offence against section 17 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

¹² See section 83 of that Act.

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- 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 (the **accompanying person**), or the responsible person's or accompanying person's property.

Division 4 Dangerous animals other than dogs ⁽¹³⁾

19 Declaration of dangerous animal other than a dog

1. A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
2. An authorised person may declare an animal other than a dog to be 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 responsible person for the animal an information notice ⁽¹⁴⁾ about the declaration.

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

An authorised person may, by giving a compliance notice, ⁽¹⁵⁾ 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.

PART 4 SEIZURE, IMPOUNDING OR DESTRUCTION OF ANIMALS

Division 1 Seizure of animals

21 Seizure of animals

1. An authorised person may seize ⁽¹⁶⁾ an animal, other than a dog, ⁽¹⁷⁾ 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 that has been issued in relation to compliance with this local law; or

13 Dangerous dogs are dealt with in the Animal Management (Cats and Dogs) Act 2008.

14 See definition of information notice in Moreton Bay Regional Council Local Law No.1 (Administration) 2010, schedule 1.

15 See *Moreton Bay Regional Council Local Law No.1 (Administration) 2010*, section 27 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

16 See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

17 See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

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- 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*.⁽¹⁸⁾
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 that has been issued in relation to compliance with this local law; 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 a dog under subsection (2)(a) where—
 - a. another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - b. an occupier of private land has found the animal or dog 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.

Division 2 Destruction of animal without notice

22 Power to immediately destroy seized animal

1. This section applies where an authorised person has seized an animal other than a regulated dog,⁽¹⁹⁾ 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 can not 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.

Division 3 Return or impounding of animals

23 Immediate return of animal seized wandering at large

1. This section applies where—

18 The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: “If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government’s area.”

19 See the Animal Management (Cats and Dogs) Act 2008, section 127, for power to destroy a seized regulated dog.

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- a. an animal has been seized under section 21(1)(a) or section 21(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.

24 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 entities prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

25 What is a notice of impounding

1. A **notice of impounding** means a written notice, given to the owner or responsible person for an animal, stating that—
 - a. the animal has been impounded; and
 - b. the animal may be reclaimed within the prescribed period provided that—
 - i. the cost-recovery fee is paid; and
 - ii. 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
 - iii. if the animal has been seized under section 21(1)(b) or 21(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - iv. continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
 - v. no destruction order has been made for the animal.
2. In this section—

relevant compliance notice means the compliance notice mentioned in section 21(1)(b) or 21(2)(b).

26 Dealing with animal seized and impounded for wandering at large

1. Subsection (2) applies where—
 - a. an authorised person has impounded an animal seized under section 21(1)(a) or section 21(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. The authorised person must give the owner or responsible person a notice of impounding.

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3. Subsection (4) applies where—
 - a. an authorised person has impounded a declared dangerous animal seized under section 21(1)(a) or section 21(2)(a); or
 - b. an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.
4. 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 30.

27 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 21(1)(b) or 21(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 5 of this local law 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 Division 5.

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28 Dealing with animal seized and impounded for attacking etc a person or another animal

1. This section applies where an authorised person has impounded an animal seized under section 21(1)(c).
2. The authorised person may⁽²⁰⁾—
 - a. make a destruction order for the animal under section 30; or
 - b. give the owner or responsible person a notice of impounding.

29 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 21(1)(a) or section 21(2)(a); and
 - 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. pays the cost-recovery fee; and
 - c. 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—obtains the approval or registration; and
 - d. if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
3. However, the animal may not be reclaimed by an owner or responsible person if—
 - a. continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - b. a destruction order has been made for the animal.
4. The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
 - a. if subsection (3)(a) applies—
 - i. the animal's continued retention as evidence is no longer required; and
 - ii. the owner or responsible person has satisfied subsection (2)(b)-(d);
 - b. if subsection (3)(b) applies—
 - i. 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
 - ii. the owner or responsible person has satisfied subsection (2)(b)-(d).

²⁰ An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.

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Division 4 Destruction of animal following notice**30 Destruction orders**

1. An authorised person may make an order (a ***destruction order***) stating the person proposes to destroy an animal 14 days after the order is served.
2. 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.
3. 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 an information notice.⁽²¹⁾
4. If a destruction order is made for the animal, the authorised person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
5. If an application for review has been made against the decision to make the 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 order; and
 - c. the order is still in force
6. If an appeal is made relating to the decision to make the 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.
7. If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - a. a review relating to the decision to make the order is finally decided or is 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 29(2)(b)-(d).
8. If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - a. an appeal relating to the decision to make the order 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 29(2)(b)-(d).
9. In this section—

21 See note 17.

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review means a review conducted under the process mentioned in part 4 of the *Moreton Bay Regional Council Local Law No.1 (Administration) 2010*.

appeal means an appeal under part 4 of this local law.

Division 5 Disposal of impounded animals

31 Application of this division

This division applies where-

- a. an impounded animal has not been reclaimed within the prescribed period under section 29(2); or
- b. if section 29(3)(a) applies- the impounded animal has not been reclaimed within 3 days of an event mentioned in section 29(4); or
- c. an impounded animal has not been reclaimed within 3 days of the events mentioned in section 30(7) occurring; or
- d. an impounded animal has not been reclaimed within 3 days of the events mentioned in section 30(8) occurring; or
- e. an authorised person has seized an animal mentioned in section 27(2)(b); or
- f. the owner of an animal has surrendered the animal to the local government.

32 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.

Example—

- 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.

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- 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 1 year 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—

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

Division 6 Other impounding matters

33 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

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(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 subordinate local law.

34 Access to impounded animal

1. This section applies to an animal impounded under section 24.
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.

35 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 for subsection (1)—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.

PART 5 APPEALS AGAINST DESTRUCTION ORDERS

36 Who may appeal

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

37 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 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 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.

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38 Stay of destruction order

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

39 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.

40 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.

41 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

PART 6 MISCELLANEOUS**42 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.

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43 Subordinate local laws

The local government may make subordinate local laws about—

- a. the circumstances in which the keeping of animals is prohibited;⁽²²⁾ or
- b. the circumstances in which an approval is required for the keeping of animals;⁽²³⁾ or
- c. minimum standards for keeping animals generally or animals of a particular species or breed;⁽²⁴⁾ or
- d. the identification for cats and dogs required under section 45 of the *Animal Management (Cats and Dogs) Act 2008*;⁽²⁵⁾ or
- e. animals whose faeces in public places must be removed and disposed of;⁽²⁶⁾ or
- f. proper enclosure requirements;⁽²⁷⁾ or
- g. requirements for keeping a dog within a koala area;⁽²⁸⁾ or
- h. the criteria for declaring an animal other than a dog to be a declared dangerous animal;⁽²⁹⁾ or
- i. the organisations or local governments that operates a place or care for impounded animals;⁽³⁰⁾ or
- j. the species, breed or class of animal that may be disposed of other than by public auction or tender;⁽³¹⁾ or
- k. the office at which the register of impounded animals is available for public inspection;⁽³²⁾ or
- l. conditions to be complied with by persons who offer animals, or a particular species of animal for sale;⁽³³⁾

22 See section 5(1)

23 See section 6(1).

24 See section 7 (1)

25 See section 8 (1)

26 See section 12

27 See section 13(2)

28 See section 15(1)

29 See section 19 (1)

30 See section 24 (b)

31 See Section 32(1)b)

32 See Section 33(3)

33 See Section 42(1)

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SCHEDULE DICTIONARY

Section 3

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.

assistance dog as defined under 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 a person.

compliance notice means a compliance notice mentioned in the *Moreton Bay Regional Council Local Law No.1 (Administration) 2010*, section 27.

cost - recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁰

declared dangerous animal means an animal—

- (a) of a species declared by another law as a declared dangerous animal; or
- (b) declared under section 19 of this local law to be a declared dangerous animal.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 30(1).

dog off-leash area see section 10.

effective control see section 11 (2).

government entity dog has the same meaning as that in Schedule 2 Dictionary *Animal Management (Cats and Dogs) Act 2008*

local government area means the local government area for Moreton Bay Regional Council.

notice of impounding see section 25(1).

nuisance animal see section 14

owner of an animal, means

- a. its registered owner; or
- b. a person who owns the animal, in the sense of it being the person's personal property; or
- c. a person who usually keeps the animal, including through an agent, employee or anyone else; or
- d. if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

prescribed period means the period of not less than—

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

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

recognised animal breeder means a person who keeps animals of a particular breed predominantly for breeding purposes.

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

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. the person who occupies the place at which the animal is usually kept,

but does not include—

- a. 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
- b. 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.

restricted dog see Animal Management (Cats and Dogs) Act 2008, section 63.

state planning instrument see Sustainable Planning Act 2009, schedule 10.

the Act means the Local Government Act 2009.

wandering at large means

- (a) the animal is not under the effective control of someone; and
- (b) The animal is either -
 - (i) a public place; or
 - (ii) a private place without the consent of the occupier.

working dog see Animal Management (Cats and Dogs) Act 2008.

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Subordinate Local Law No. 2 (Animal Management) 2010**PART 1 PRELIMINARY****1 Short title**

This subordinate local law may be cited as the *Moreton Bay Regional Council Subordinate Local Law No. 2 (Animal Management) 2010*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement the *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2010*, which provides for regulation of the keeping and control of animals within the local government's area.

(2) The purpose is to be achieved by providing for—

- a. the circumstances in which the keeping of animals is prohibited or requires approval; and
- b. requirements for keeping animals, including minimum standards, proper enclosures, koala areas and identification; and
- c. the control of animals in public places; and
- d. matters regarding the impounding of animals and the sale or disposal of impounded animals; and
- e. the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
- f. the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2010* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

PART 2 KEEPING OF ANIMALS**5 Prohibition on keeping animals in prescribed circumstances—Authorising local law, s 5(1)**

For section 5(1) of the authorising local law, keeping an animal or animals is prohibited in the circumstances prescribed in column 2 of schedule 1.

6 Requirement for approval—Authorising local law, s6(1)

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of Schedule 2 requires approval⁽³⁴⁾ in the circumstances prescribed in column 3 of schedule 2.

³⁴ An application for an approval must be made in accordance with the provisions of the Moreton Bay Regional Council Local Law No 1 (Administration) 2010

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7 Minimum standards for keeping animals-Authorising local law, s7(1)

1. For section 7(1) of the authorising local law, the minimum standards for the keeping of an animal, are —
 - a. Animals must be kept in accordance with the requirements of any code of practice approved by resolution of the local government.
Example: Codes of practice are available through the Department of Primary Industries for amongst others
 - Poultry,
 - Pigs,
 - Cattle,
 - Goats,
 - Sheep,
 - Bees
 - b. A register must be kept available for public inspection for all animal codes of practice approved by the local government.

7.1 Animal enclosures

- enclosures built specifically for the keeping of animals are to be maintained to an acceptable structural condition; and
- b. uneaten food scraps, manure and any other material likely to become offensive and create a nuisance must be collected at least daily and if not immediately removed from the premises must be kept in a suitable vermin proof container prior to disposal; and
Examples of offensive material —
 - Faeces
 - soiled bedding
 - litter
- c. vermin and pests including fleas, flies, ticks, lice, and rodents, must be controlled in and around the enclosure; and
- d. run off from animal enclosures must not be allowed to discharge to any adjoining property; and

7.2 Animal identification

- a. Dogs and cats must wear the tag supplied by the local government.
- b. Stock must have a distinguishing brand, bolus, ear tag and or be micro chipped. The owner of one or more head of stock or 100 or more poultry including caged birds must be registered with the National Livestock Identification System (NLIS)
- c. Birds excluding poultry must have an identifying leg band or be micro-chipped.

7.3 Exemption from animal identification

1. The local government may grant a written exemption from the requirement to wear the identification device stated in 7.2 (a) to (c) —
 - where the animal has a medical condition that would adversely affect its health and well being; or
 - there are other mitigating circumstances.
Example —
 - The animal is being prepared for show purposes.

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2. The owner of the animal may be granted an exemption from the requirement for the animal to wear an identification device upon producing evidence to the satisfaction of the local government.
Examples of evidence—
- statutory declaration
 - veterinary medical report
 - written report from a recognised organisation
3. The local government may, by written notice to the owner of the animal for which the exemption has been given, revoke the exemption.

7.4 Minimum distance from boundary

1. (a) Roofed or fully enclosed structure for the housing of animals must be a minimum 1.5 metres from any property boundary.
Example of fully enclosed – caged.

If the structure is classed as Assessable Development as defined within the Standard Building Regulation 2006 a building development permit is to be obtained from a private building certifier before the structure is erected.

7.5 For section 7(1) of the authorising local law, the minimum standards for keeping particular animals are identified in the table below—

Column 1	Column 2
Species or breed of animal	Minimum standards for keeping particular animals
Racing pigeons	a. Racing pigeons must be confined to their home loft after their designated race or exercise period.
Ratites (ostrich, emu, and other similar birds)	A person must not on any premises keep ratites in densities greater than — <ol style="list-style-type: none"> i. chicks 0 to 12 weeks of age - a shed density of not more than 3 chicks per m² with an additional outside run of 5m² per chick; or ii. juveniles 12 weeks to 6 months of age – a maximum density of not more than two per m² with an additional outside run of 40m² per chick or iii. yearlings 6 months to 18 months of age – a maximum density of not more than 100 per hectare; or iv. mature ratites over 18 months of age – a maximum density of not more than 18 per hectare.
Bees excluding native bees	a. Bees must be kept in a manner so as not to create a nuisance to any person on an adjoining property; and b. The owner must ensure that bees are kept in accordance with the Code of Practice for urban bee keeping in Queensland and the <i>Apiaries Act 1982</i> .

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8 Identification for cats and dogs in certain circumstances—Authorising local law, s 8

1. For section 8 of the authorising local law, the identification required for a cat or dog that is at a place other than the address stated in the registration notice for the animal is—
 - a. a permanent identification device as described in section 12(1) of the *Animal Management (Cats and Dogs) Act 2008*; or
 - b. a tag on the collar.

PART 3 CONTROL OF ANIMALS**9 Person in control of dog or prescribed animal to clean up faeces—Authorising local law, s 12**

For section 12 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary manner—

- a. dogs; or
- b. cats; or
- c. horses.

10 Requirements for proper enclosure animals —Authorising local law, s 13(2)

For section 13(2) of the authorising local law, the requirements for a proper enclosure for an animal are—

- a. the enclosure must be appropriately sized to be capable of effectively and comfortably housing the animal; and
- b. gates and other openings to the enclosure must be capable of being securely closed or latched shut; and
- c. fencing for the enclosure must -
 - i. be constructed of material of sufficient height and strength to prevent the animal from escaping; and
 - ii. include a barrier installed directly below the fence to prevent the animal digging its way out.

11 Koala areas—Authorising local law, s15

For section 15(1) of the authorising local law, the requirements for keeping a dog on land that is within a koala area are—

1. If a koala is on land to which a dog has access, or if the responsible person for a dog becomes aware there is a koala at large on land where the dog is kept, the responsible person for the dog must—
 - a. tether the dog between sunset and sunrise to prevent it from attacking a koala; or
 - b. contain the dog by placing the dog in an enclosure between sunset and sunrise to prevent it from attacking a koala.

12 Declaration of dangerous animal other than a dog—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are:

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- a. the authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies; or
- b. a high level of concern about the danger posed by the animal has been expressed by neighbours or other persons who have come into contact with the animal; or
- c. the high likelihood the animal may cause injury to a person or an animal or damage to property taking into account;
 - i. the prior history of the animal attacking or causing fear to persons or animals or damaging property; and
 - ii. the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed .

PART 4 SEIZURE, IMPOUNDING OR DESTRUCTION OF ANIMALS

13 Impounding of seized animal—Authorising local law, s 24

For section 24 of the authorising local law, an animal may be impounded at a place of care for animals operated by—

- a. Royal Society for the Prevention of Cruelty to Animals; or
- b. Any other organisation approved by the local government.

14 Sale, disposal or destruction of animals—Authorising local law, s 32(1)(b)

1. For section 32(1) (b) of the authorising local law, the following species, breeds or classes of animal that may be sold by private agreement, tender, destroyed or disposed of in some other way are —
 - a. dogs and puppies; or
 - b. cats and kittens; or
 - c. stock; or
 - d. poultry and birds; or
 - e. small domestic animals.

Examples for small domestic animals —

- *guinea pigs*
- *rats*

15 Register of impounded animals—Authorising local law, s 33(3)

For section 33(3) of the authorising local law, the register of impounded animals will be kept at —

- a. Royal Society for the Prevention of Cruelty to Animals; or
- b. At any place where the local government impounds animals.

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PART 5 MISCELLANEOUS**16 Sale of animals—Authorising local law, s 42(1)**

For the purposes of section 42(1) of the authorising local law, any person offering or displaying an animal for sale must comply with the following conditions —

1. the animal must be registered, in accordance with the local government requirements; and
2. the person must comply with the duty of care provisions⁽³⁵⁾ under the *Animal Care and Protection Act 2001*.

Examples for (2) —

- *food and water; and*
 - *the provision of sufficient space for the animal to stand, move around freely, stretch fully, rest, as appropriate for the species, age for the duration of the selling period; and*
 - *the provision of adequate shade and shelter; and*
 - *the provision of prompt veterinary or other appropriate treatment in cases of disease or injury.*
3. The operator of a pet shop must comply with the —
 - a. Queensland Code of Practice for Pet Shops; and
 - b. local government requirements for registration and identification of the animal.

17 Animals excluded from application of the local law—Authorising local law, schedule

1. For the purposes of the definition of “*animal*” in the authorising local law, the following species of animal are excluded from the application of the authorising local law—

Intentionally left blank

35 See Chapter 3 Part 1 S17 Breach of duty of care Animal Care and Protection Act 2001.

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SCHEDULE DICTIONARY

animal carer is a person approved as a wildlife carer by the Department of Environment and Resource Management and operating under the appropriate Code of Practice.

adjoining property means properties in the surrounding vicinity other than the property on which the animal in question is ordinarily kept.

approved waste management facility means a landfill site that is designated by local government as a site for the disposal of dead animals.

bolus means a device used for the identification of stock.

ear tattoo means the brand sited in the ear used to identify the individual animal.

enclosure means a building or structure that is used to prevent the animal wandering from the property.

guide, hearing or assistance dog has the same meaning as defined under the *Guide, Hearing and Assistance Dogs Act 2009*.

habitable room has the same meaning as the *Building Code of Australia* as amended from time to time.

intrusive noise means a noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration —

(a) is clearly audible to, or can be felt by a person; and

(b) annoys the person.

keep (an animal) includes visit, board, breed, spell, exercise and train.

poultry means chickens and hens, but excludes roosters and cockerels.

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

sale includes sell, give away, dispose of or transfer ownership.

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

weaned means an animal that is free from dependence to its mother.

visiting animal means an animal staying at an address other than its place of registration.

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SCHEDULE 1 Prohibition on keeping animals

Section 5

1. Schedule 1 Prohibition on keeping animals, does not apply to—
 - a. guide, hearing or assistance dogs; or
 - b. government entity dogs, and working dogs; or
 - c. animals maintained for the purpose of primary production; or
 - d. an animal carer; or
 - e. a pet shop owner; or
 - f. a recognised animal breeder; or
 - g. educational institutions; or
 - h. a special event where an animal may be kept at a location other than its place of residence for an extended period of time.

Examples for (g) —

- *schools*
- *T.A.F.E. colleges*
- *universities*

Examples for (h) —

- *rodeo*
- *dog or cat show*
- *agricultural show*

2. For schedule 1, an animal that is not weaned is not included in the total number of animals on an allotment.

Example —

- *A calf not weaned would not be included in the total number of cattle on an allotment.*

3. For Schedule 1, when considering the overall total number of animals approved for an allotment, all stock must be considered as a cumulative total.

Example —

- *A 9000m² allotment could have a combination of one horse and one cow and one goat.*

Schedule 1 is to be read in conjunction with Schedule 2 of this subordinate local law.

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	<i>Dog</i>	A person must not keep a dog(s) in either a— (a) caravan park; or (b) camping ground; or

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		<p>(c) relocatable home park.</p> <p>A person must not keep more than six (6) dogs on an allotment with an area of 10,001m² or greater.</p> <p>A person must not keep more than two (2) regulated dogs⁽³⁶⁾ on any allotment.</p> <p>A person must not register a dog to a vacant allotment.</p> <p>The approved number of dogs on an allotment must not be exceeded by a visiting dog. (Schedule 2 identifies the circumstances in which keeping of an animal requires an approval).</p>
2	Cat	<p>A person must not keep a cat(s) in either a—</p> <p>(a) caravan park; or</p> <p>(b) camping ground; or</p> <p>(c) relocatable home park.</p> <p>A person must not keep more than six (6) cats on any allotment with an area of 10,001m² or greater.</p> <p>A person must not register a cat to a vacant allotment.</p> <p>The approved number of cats on an allotment must not be exceeded by a visiting cat. (Schedule 2 identifies the circumstances in which keeping of an animal requires an approval).</p>
	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
3	Poultry (excludes roosters/cockerels)	<p>A person must not keep any poultry on an allotment of 299m² or less.</p> <p>A person must not keep more than two (2) head of poultry on an allotment of 300m² or greater, up to 599m².</p> <p>A person must not keep more than six (6) head of poultry on an allotment of 600m² or greater, up to 1,000m².</p> <p>A person must not keep more than ten (10) head of poultry on an allotment of 1001m² or greater, up to 3,000m².</p> <p>A person must not keep more than twenty (20) head of poultry on an allotment of 3001m² or greater, up to 10,000m².</p>

36 See regulated dogs in Animal Management(Cats and Dogs)Act 2008.

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4	Rooster	A person must not keep a rooster(s) or a cockerel(s) on an allotment of 6,000m ² or less.
5	Duck	A person must not keep a duck(s) on an allotment of 3,000m ² or less. A person must not keep more than ten (10) ducks on an allotment of 3,001m ² or greater, up to 10,000m ² .
6	Geese, turkey, guinea fowl, peacock or similar birds	A person must not keep a goose, turkey, guinea fowl, peacock or a similar bird on an allotment of 20,000m ² or less. A person must not keep more than ten (10) geese, or ten (10) turkeys or ten (10) guinea fowl, or ten (10) peacocks or ten (10) similar birds on an allotment of 20,001m ² or greater.
7	Pigeons including show pigeons or doves	A person must not keep any pigeons on an allotment of 599m ² or less. A person must not keep more than twenty (20) pigeons.
8	Racing pigeons	A person must not keep any racing pigeons on an allotment of 599m ² or less. A person must not keep more than sixty(60) racing pigeons on an allotment of 600m ² or greater up to 1000m ² without an approval. A person must not keep more than one hundred (100) racing pigeons on an allotment of 1001m ² or greater up to 3000m ² without an approval.

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
9	Budgerigar, canary, cockatiel, small parrot or other birds of a similar size	A person must not keep more than two (2) budgerigars, or two(2) canaries, or two(2) cockatiels, two (2) small parrots or two other similar sized birds in a unit within the multi unit complex. A person must not keep more than ten (10) budgerigars, or ten (10) canaries, or ten (10) cockatiels or ten (10) small parrots or ten (10) similar sized birds on an allotment of 599m ² or less. A person must not keep more than twenty (20) budgerigars, or twenty (20) canaries, or twenty (20) cockatiels, or twenty (20) small parrots or twenty (20) other similar size birds on an allotment 600m ² or greater, up to 1,000m ² .

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		A person must not keep more than fifty (50) budgerigars, or fifty (50) canaries, or fifty (50) cockatiels, or fifty (50) small parrots or fifty (50) other similar size birds on an allotment of 1,001m ² or greater, up to 3,000m ² .
10	Large parrot, cockatoo, galah or other birds of a similar size	<p>A person must not keep a large parrot, or a cockatoo, or a galah or other similar size bird in a unit within a multi unit complex.</p> <p>A person must not keep a large parrot, cockatoo, galah or other similar size bird on an allotment of 1000m² or less.</p> <p>A person must not keep more than one (1) large parrot, or one (1) cockatoo, or one (1) galah or one (1) other similar size bird on an allotment of 1001m² or greater, up to 3,000m².</p> <p>A person must not keep more than two (2) large parrots, or two (2) cockatoo, or two (2) galahs or two (2) similar size birds on an allotment greater than 3001m² without an approval.</p>
11	Ratites (Ostrich or emu) or similar bird	<p>A person must not keep a ratite or similar bird on an allotment of 20,000m² or less.</p> <p>A person must not keep a ratite, ostrich, emu or similar bird on an allotment of 20,000m² or greater without an approval.</p>
12	Deer	<p>A person must not keep a deer on an allotment of 6000m² or less.</p> <p>A person must not keep more than a ratio of one animal per 4000 m² on an allotment of 6,001m² or greater.</p>
13	Pig and miniature pig	A person must not keep a pig or miniature pig on any allotment without an approval.
14	Horse, pony, donkey or miniature horse.	<p>A person must not keep a horse, pony, donkey or miniature horse on an allotment of 6,000m² or less.</p> <p>A person must not keep more than the ratio of one animal per 4000 m² on an allotment of 6,001m² or greater.</p>

	Column 1	Column 2
	Species or breed of animal	Circumstances in which keeping of animal or animals is prohibited
15	Cow, or Steer	<p>A person must not keep a cow, or steer on an allotment of 6,000m² or less.</p> <p>A person must not keep more than two (2) cows, or two (2) steer on an allotment of 6,001m² or greater, up to 10,000m².</p>

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		A person must not keep more than the ratio of one animal per 4000 m ² on an allotment of 10,001m ² or greater.
16	Bull or Stallion	A person must not keep a bull or stallion on an allotment of 10,000m ² or less. A person must not keep more than the ratio of one animal per 4000m ² on an allotment of 10,001m ² or greater.
17	Alpacas or llamas or camels	A person must not keep an alpaca or llama or camel on an allotment of 6,000m ² or less. A person must not keep more than two (2) alpaca or two (2) llama or two (2) camels on an allotment of 6001m ² or greater, up to 10,000m ² . A person must not keep more than the ratio of one animal per 4000m ² on an allotment of 10,001m ² or greater.
18	Sheep	A person must not keep a sheep on an allotment of 3,000m ² or less. A person must not keep more than four (4) sheep on an allotment of 3,001m ² or greater, up to 8,000m ² . A person must not keep more than the ratio of one (1) sheep per 1000m ² on an allotment of 8001m ² or greater.
19	Goats	A person must not keep a goat(s) on an allotment of 3,000m ² or less. A person must not keep more than four (4) goats on an allotment of 3,001m ² or greater, up to 8,000m ² . A person must not keep more than the ratio of one (1) goat per 1000 m ² on an allotment of 8001m ² or greater.
20	Bees excluding native bees	A person must not keep a bee hive on an allotment of 599m ² or less. A person must not keep a bee hive on an allotment of 600m ² or greater up to 800m ² without an approval. A person must not keep more than two (2) beehives on an allotment of 801m ² or greater, up to 2000m ² . A person must not keep more than ten (10) beehives on an allotment of 2001m ² or greater.

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21	Rodents include rats, mice, guinea pigs or animal of a similar size.	A person must not keep more than six (6) rodents on an allotment of 599m ² or less. A person must not keep more than ten (10) rodents on an allotment of 600m ² or greater.
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SCHEDULE 2 Requirement for approval to keep an animal

Section 6

1. Schedule 2 Requirement for approval to keep an animal, does not apply to—
 - a. guide, hearing or assistance dog(s),
 - b. government entity dog(s), and working dog(s); or
 - c. animals maintained for the purpose of primary production; or
 - d. an animal carer; or
 - e. a pet shop owner; or
 - f. educational institutions; or
 - g. a special event where an animal may be kept at a location other than its place of residence for an extended period of time.

Examples for (f) —

- *schools*
- *T.A.F.E. colleges*
- *universities*

Examples for (g) —

- *rodeo*
- *dog or cat show*
- *agricultural shows*

2. The local government may require a statutory declaration from the owner of the animal to support their request for exemption under subsection (1).
3. A recognised animal breeder must obtain approval to keep animals in excess of the number outlined in this schedule and comply with the circumstances in which the keeping of an animal requires an approval.
4. For schedule 2, an animal that is not weaned is not included in the total number of animals on an allotment.
5. For Schedule 2, when considering the overall total number of animals approved for an allotment, all stock must be considered as a cumulative total.

Example —

- *A 9000m² allotment could have a combination of one horse and one cow and one goat.*
6. A visiting animal must obtain approval for a stay in excess of 30 calendar days.

Schedule 2 is to be read in conjunction with Schedule 1 of this subordinate local law.

Column 1	Column 2	Column 3
Species or breed of animal	Property Type	Circumstances in which keeping of animal or animals requires approval⁰

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Dog	Per Dwelling - Multi Unit complex	A person may keep one (1) dog in a unit within a multi unit complex with the written permission from the body corporate.
	Allotments of 300m ² or less	A person may keep one (1) dog on an allotment of 300m ² or less where an approval has been granted.
	Allotments of 301m ² or greater, up to 599m ²	A person may keep one (1) dog on an allotment of 301m ² or greater, up to 599m ² . A person may keep a second dog where an approval has been granted.
	Allotments of 600m ² or greater, up to 3000m ²	A person may keep two (2) dogs on an allotment of 600m ² or greater, up to 3000m ² . A person may keep a third dog where an approval has been granted.
	Allotments of 3001m ² or greater up to 10,000m ²	A person may keep two (2) dogs on an allotment of 3,001m ² or greater, up to 10,000m ² . A person may keep two (2) additional dogs where an approval has been granted.
	Allotments of 10,001m ² or greater	A person may keep four (4) dogs on an allotment of 10,001m ² or greater. A person may keep two (2) additional dogs where an approval has been granted.

Column 1 Species or breed of animal	Column 2 Property Type	Column 3 Circumstances in which keeping of animal or animals requires approval
Cat	Per Dwelling - Multi Unit complex	A person may keep one (1) cat in a unit within a multi unit complex with written permission from the body corporate.
	Allotments of 300m ² or less	A person may keep one (1) cat on an allotment of 300m ² or less where an approval has been granted.
	Allotments of 301m ² or greater, up to 599m ²	A person may keep one (1) cat on an allotment of 301m ² or greater, up to 599m ² . A person may keep a second cat where an approval has been granted.

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	Allotments of 600m ² or greater up to 3000m ²	A person may keep up to two (2) cats on an allotment of 600m ² or greater, up to 3,000m ² . A person may keep an additional cat where an approval has been granted.
	Allotments of 3001m ² or greater up to 10,000m ²	A person may keep up to two (2) cats on an allotment of 3001m ² or greater, up to 10,000m ² . A person may keep an additional two (2) cats where an approval has been granted.
	Allotments of 10,001m ² or greater	A person may keep up to four (4) cats on an allotment of 10,001m ² or greater. A person may keep an additional two (2) cats where an approval has been granted.

Column 1 Species or breed of animal	Column 2 Property Type	Column 3 Circumstances in which keeping of animal or animals requires approval
Poultry excluding roosters/ cockerels	Allotments of 299m ² or less	Refer to Schedule 1
	Allotments of 300m ² or greater, up to 599m ²	Refer to Schedule 1
	Allotments of 600m ² or greater, up to 1000m ²	Refer to Schedule 1
	Allotments of 1,001m ² or greater, up to 3,000m ²	Refer to Schedule 1
	Allotments of 3,001m ² or greater, up to 10,000m ²	Refer to Schedule 1
	Allotments of 10,001m ² or greater	A person may keep up to twenty (20) poultry on an allotment of 10,001m ² or greater. A person may keep additional poultry where an approval has been granted.
Rooster/ cockerel	Allotments of 6,000 m ² or less	Refer to Schedule 1

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	Allotments of 6,001m ² or greater up to 20,000m ²	A person may keep a rooster or cockerel on an allotment of 6,001m ² or greater, up to 20,000m ² where an approval has been granted.
	Allotments of 20,001 m ² or greater	A person may keep one (1) rooster or one cockerel on an allotment of 20,001m ² and greater.

Column 1 Species or breed of animal	Column 2 Property Type	Column 3 Circumstances in which keeping of animal or animals requires approval
Duck	Allotments of 3000m ² or less	Refer to Schedule 1
	Allotments of 3001m ² or greater, up to 10,000m ²	Refer to Schedule 1
	Allotments of 10,001m ² or greater.	A person may keep up to twenty (20) ducks on an allotment of 10,001m ² or greater. A person may keep additional ducks where an approval has been granted.
Geese, turkey, guinea fowl, peacocks or similar birds	Allotments of 20,000m ² or less	Refer to Schedule 1
	Allotments of 20,001m ² or greater	Refer to Schedule 1
Pigeons, including show pigeons or doves	Allotments of 599m ² or less	Refer to Schedule 1
	Allotments of 600m ² or greater	Refer to Schedule 1

Column 1 Species or breed of animal	Column 2 Property Type	Column 3 Circumstances in which keeping of animal or animals requires approval
Racing pigeons	Allotments of 599m ² or less	Refer to Schedule 1

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	Allotments of 600m ² or greater up to 1,000 m ²	A person may keep up to sixty (60) racing pigeons on an allotment of 600m ² or greater up to 1,000m ² . A person may keep additional racing pigeons where an approval has been granted.
	Allotments of 1001m ² or greater up to 3,000 m ²	A person may keep up to one hundred (100) racing pigeons on an allotment of 1,001m ² or greater, up to 3,000m ² . A person may keep additional racing pigeons where an approval has been granted.
	Allotments of 3,001m ² or greater	Not Applicable
Budgerigar, canaries, cockatiels, small parrots or other birds of a similar size	Per Dwelling - Multi Unit complex	Refer to Schedule 1
	Allotments of 599m ² or less	Refer to Schedule 1
	Allotments of 600m ² or greater up to 1,000m ²	Refer to Schedule 1
	Allotments of 1001m ² or greater up to 3,000m ²	Refer to Schedule 1
	Allotments of 3001m ² or greater	Not Applicable

Column 1 Species or breed of animal	Column 2 Property Type	Column 3 Circumstances in which keeping of animal or animals requires approval
Large parrots, cockatoos, galahs or other birds of a similar size	Per Dwelling - Multi Unit complex	Refer to Schedule 1
	Allotments of 1,000m ² or less	Refer to Schedule 1
	Allotments of 1001m ² or greater, up to 3,000m ²	Refer to Schedule 1
	Allotments of 3,001m ² or greater	A person may keep up to two (2) large parrots, or two (2) cockatoos, or two (2) galahs or two (2) other

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		<p>similar size birds on an allotment of 3001m² or greater.</p> <p>A person may keep additional large parrots where an approval has been granted.</p>
Ratites – (ostrich, emu, and other similar birds)	Allotments of 20,000m ² or less	Refer to Schedule 1
	Allotments of 20,001m ² or greater	A person may keep a ratite or similar bird on an allotment of 20,001m ² or greater where an approval has been granted.
Deer	Allotments of 6,000m ² or less	Refer to Schedule 1
	Allotments of 6,001m ² or greater	Refer to Schedule 1
Pig or miniature pig	Allotments of 160,000m ² or greater	A person may keep a pig(s) or miniature pig(s) on an allotment greater than 160,000m ² where an approval has been granted.

Column 1 Species or breed of animal	Column 2 Property Type	Column 3 Circumstances in which keeping of animal or animals requires approval
Horse, pony or donkey including miniature horses	Allotments of 6,000 m ² or less	Refer to Schedule 1
	Allotments of 6,001m ² or greater	Refer to Schedule 1
Cow, or Steer	Allotments of 6,000m ² or less	Refer to Schedule 1
	Allotments of 6,001m ² or greater, up to 10,000m ²	Refer to Schedule 1
	Allotments of 10,001m ² or greater	Refer to Schedule 1
Bull or Stallion	Allotments of 10,000m ² or less	Refer to Schedule 1

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	Allotments of 10,001m ² or greater	Refer to Schedule 1
Alpacas / Llamas, Camels and other similar animals	Allotments of 6000m ² or less	Refer to Schedule 1
	Allotments of 6,001m ² or greater, up to 10,000m ²	Refer to Schedule 1
	Allotments of 10,001m ² or greater	Refer to Schedule 1

Column 1 Species or breed of animal	Column 2 Property Type	Column 3 Circumstances in which keeping of animal or animals requires approval
<i>Sheep</i>	Allotments of 3,000m ² or less	Refer to Schedule 1
	Allotments of 3,001m ² or greater, up to 8,000 m ²	Refer to Schedule 1
	Allotments of 8,001m ² or greater	Refer to Schedule 1
<i>Goats</i>	Allotments of 3000m ² or less	Refer to Schedule 1
	Allotments of 3,001m ² or greater up to 8,000 m ²	Refer to Schedule 1
	Allotments of 8,001m ² or greater	Refer to Schedule 1

Column 1 Species or breed of animal	Column 2 Property Type	Column 3 Circumstances in which keeping of animal or animals requires approval
<i>Bees excluding native bees</i>	Allotments of 599m ² or less	Refer to Schedule 1
	Allotments of 600m ² or greater, up to 800m ²	A person may keep a bee hive on an allotment of 600m ² or greater up to 800m ² where an approval has been granted. Bee hives are to be kept in accordance with the Code of Practice for urban bee keeping in Queensland.

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	Allotments of 801m ² or greater, up to 2,000m ²	Refer to Schedule 1 Bee hives are to be kept in accordance with the Code of Practice for urban bee keeping in Queensland.
	Allotments of 2,001m ² or greater	Refer to Schedule 1 Bee hives are to be kept in accordance with the Code of Practice for urban bee keeping in Queensland.
<i>Rodents, Mice, Rats and Guinea Pigs</i>	Allotments of 599m ² or less	Refer to Schedule 1
	Allotments of 600m ² or greater	Refer to Schedule 1