

**IPSWICH CITY COUNCIL
LOCAL LAW NO. 7 (DOGS) 2005**

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PART 1-PRELIMINARY

Short title

1 This local law may be cited as *Local Law No. 7 (Dogs) 2005*.

Object

- 2 The objects of this local law are to regulate the keeping of dogs—
- (a) to protect the community against risk of injury and damage; and
 - (b) to ensure that dogs 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 dogs and to protect the amenity of the local environment; and
 - (d) to ensure that dogs are kept and used in a way that is consistent with the rights and expectations of the local community.

Definitions

3 In this local law –

‘address’ means the physical address including the street name, suburb name, and the house or property number.

‘attack’ means the act of a dog 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 a 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.

‘capture gun’ means a device designed, adapted, intended or used for the capture of a live animal.

‘caravan park’ means –

- (a) premises used for the placement of caravans or relocatable homes for the purpose of residential accommodation; and
- (b) any camping areas and cabins used for overnight and holiday accommodation where the camping areas and cabins are provided within but ancillary to a caravan park; and
- (c) the amenity buildings, recreation and entertainment facilities, manager’s office and residence, shops and storage facilities which cater exclusively for the occupants of the caravan park and any other uses which in the opinion of an authorised person are ancillary to the predominant use of the premises as a caravan park.

‘collar’ means a band of leather or other durable material designed and suitable in the opinion of the local government to be placed around the neck of a dog for the purpose of controlling or restraining the dog.

‘dog’ means a dog of either sex (including a neutered animal) of whatever breed or variety.

‘effective control’ means being-

- (a) securely held by a responsible person, taking into consideration the size, nature and breed of the dog, by means of a leash attached to a collar worn by the dog; or
- (b) confined in or on premises so as not to be able to leave the premises; or
- (c) restrained to a vehicle to prevent it from being injured or being able to leave the vehicle or being able to attack or worry any person, animal or thing; and
- (d) in the case of a dog declared pursuant to this local law to be a dangerous dog, being also muzzled in a manner to prevent the dog biting any person, animal or thing in or on any public place.

‘guard dog’ means a dog which is released on commercial premises without a handler for the purpose or apparent purpose of acting as a deterrent to intruders.

‘guide dog’ means a dog trained by a guide dog training institution recognised by the Guide Dogs for the Blind Association of Queensland Incorporated and used as a guide by a person who is blind or partially blind.

‘keeper’ includes in relation to any dog, the owner of the dog as defined.

‘kennel accommodation’ means the total area including exercise and sleeping areas where a dog is confined on premises.

‘kennels’ means any land, building or other structure used commercially or otherwise in connection with the breeding, boarding, training, or keeping of dogs, where either the designed capacity or the number of dogs kept exceeds four.

‘leash’ means a length (not longer than two (2) metres) of strong, flexible, durable material which may comprise or include chain, designed and suitable in the opinion of the local government to be attached to the collar of a dog for the purpose of physically controlling, restraining, or tethering the dog.

‘leash free area’ means a public open space specifically designated by the local government as an area where dogs are allowed to roam free off a leash and is indicated by appropriate signage.

‘microchip’ means an implant bearing an electronic code that is recognised by the local government.

‘multiple dwelling’ means any flat, maisonette, town house, home unit, or tenement building of whatever kind or description.

'owner' of a dog means any one of the following persons –

- (a) the legal owner of a dog; or
- (b) the parent or guardian of the person should that person be under the age of eighteen (18) years; or
- (c) any person under whose control or in whose possession or care a dog may be at any material time whether that person intentionally or carelessly or negligently harbours a dog or permits it to remain on or about premises of which a person is an occupier, regardless of the legal owner of the dog; or
- (d) in relation to a guard dog –
 - (i) the owner of the land on which the guard dog is released; or
 - (ii) the occupier of the land on which the guard dog is released; or
 - (iii) the proprietor of the business carried out on the land where the guard dog is released.

'pound' means any place for the time being conducted by or on behalf of the local government for the housing, impounding, or destruction of animals.

'premises' includes land and buildings or any part of them where the following is regarding as one (1) premises –

- (a) land and buildings comprising a dwelling unit of a multiple dwelling; or
- (b) any premises and any adjoining premises in the same occupation.

'prescribed form' means the form from time to time provided for the purpose by the local government.

'public place' means-

- (a) any road;
- (b) any land owned by or under the control of the local government;
- (c) any place or premises which is or are:
 - (i) open to or used by the public as of right; or
 - (ii) for the time being used for a public purpose or for the time being open to access by the public whether on payment or otherwise or by the express or tacit consent or sufferance of the owner or occupier.

'registration tag' means a disc, tag or plate of metal or other material issued pursuant to this local law.

'removal notice' see section 88A.

'the Act' means the *Local Government Act 1993*.

'tranquilliser gun' means a device designed, adapted, or used for projection by whatever means of a dart containing a drug or a chemical and designed, adapted, intended, or used for the live capture of an animal.

Relationship with other laws

- 4 This local law is in addition to, and does not derogate from—
- (a) laws regulating the use or development of land; and
 - (b) other laws about the keeping or control of dogs or dogs of a particular species.

PART 2 – PROHIBITED DOGS**Prohibited dogs**

5 (1) The local government may, by subordinate local law, prohibit the keeping of certain dogs.

(2) The prohibition—

- (a) must relate to dogs of a specified breed and may be related to dogs of a particular sex or to animals above or below a specified age; and
- (b) may relate to the whole of the local government area or may be limited to a particular part of the area; and
- (c) may be limited to keeping dogs in premises of a particular kind specified in the subordinate local law.

(3) A person must not keep a dog in contravention of a prohibition under this part.

Maximum Penalty - 20 Penalty Units

Power to exclude prohibited dogs

6 (1) If a person is found to be keeping a prohibited dog, an authorised person may issue a notice (an “**exclusion notice**”) to the owner of the prohibited dog.

(2) An exclusion notice may require the owner of the prohibited dog, within a time stated in the notice—

- (a) to have the dog destroyed; or
- (b) to remove it from the area¹.

(3) The owner of a prohibited dog must comply with an exclusion notice.

Maximum Penalty - 20 Penalty Units

(4) If the owner fails to comply with a notice under this section, an authorised person may-

- (a) enter the land on which the prohibited dog is kept under the powers of entry given by the Act²; and
- (b) seize the animal; and

¹ section 6(2)(b) does not apply to a breed defined as a restricted dog under the Act, unless the owner moves outside the area with the dog.

² for powers to enter premises, see Chapter 15, Part 4 and 5 of the Act.

- (c) destroy the animal or remove it to a suitable location outside the area.

PART 3-REGISTRATION OF DOGS

Division 1 - Application of Part 3

Application of Part 3

7 This Part does not apply to-

- (a) any dog under the age of three (3) months; or
- (b) any dog while the dog is resident in -
 - (i) any dog refuge or home conducted by the Royal Society for the Prevention of Cruelty to Animals and approved by the local government; or
 - (ii) any dog refuge or home run on a non-profit basis which has been approved by the local government; or
- (c) any dog brought within the local government area for any period not longer than fourteen (14) days for the purpose of participating in –
 - (i) any show, obedience trial, or other competition or event approved by the local government for the purposes of this section; or
 - (ii) any race or trialing for any race under the auspices of the Greyhound Racing Authority; or
- (d) any other dog specified by the subordinate local law.

Division 2 - Registration

Registration

8 (1) The owner of any dog which is (whether permanently or from time to time) within the local government area must within 14 days from the date -

- (a) the owner commenced residence in the local government area; or
- (b) of acquisition of the dog; or
- (c) the dog attains the age of three (3) months; or
- (d) of expiration of a previous registration granted pursuant to this local law and not sooner cancelled or revoked,

whichever date last occurs, lodge with the local government an application for registration of the dog.

Maximum Penalty -10 Penalty Units

(2) It is a defence against a breach of subsection (1) if a person has a reasonable and lawful excuse.

Application for registration

- 9** An application for the registration of a dog must include or be accompanied by-
- (a) the name and address of the legal owner of the dog; and
 - (b) the name and address of each person under whose control or in whose possession the dog would normally be; and
 - (c) the breed or predominant breeds of the dog, or if the breed or breeds is or are unknown or unclear, a description of the dog sufficient to identify its appearance; and
 - (d) the age of the dog and evidence if required; and
 - (e) the sex of the dog; and
 - (f) the colour and distinctive markings of the dog; and
 - (g) a statement that the dog is not a dog in respect of which registration has at any time been refused or revoked pursuant to this local law; and
 - (h) the prescribed fee; and
 - (i) other information and materials required under subordinate local laws.

Receiving applications for registration

- 10** The local government may from time to time-
- (a) appoint an agent or agents for the purpose of receiving-
 - (i) applications for registration of dogs; and
 - (ii) payments for registration of dogs and issuing receipts and registration tags; and
 - (b) cancel any appointment of an agent.

Grant of registration

- 11** (1) On receiving an application for registration of a dog the local government may-
- (a) register the dog; or
 - (b) register the dog subject to conditions the local government considers appropriate; or
 - (c) refuse to register the dog.

(2) Where any registration has been refused, the local government must give written notice of the refusal stating the reasons to the owner and state that the applicant may apply to the local government within fourteen (14) days after receiving the notice for a review of the decision to refuse the registration.

(3) Without limiting the generality of subsection (2), the local government may refuse a registration upon any one or more of the following grounds –

- (a) the owner of the dog has –
 - (i) been convicted of an offence against this local law;
 - (ii) contravened a requirement of this local law;
 - (iii) contravened a permit condition;
- (b) the owner of the dog is not a suitable person to have a registered dog.

Example –

- (a) the owner has persistently failed to adequately manage dogs under his/her control which cause a nuisance or pose a threat to public health and safety; or
- (b) the owner has been convicted of an animal welfare offence.

(4) A notice issued under subsection (2) requires the dog to be-

- (a) removed from the local government area; or
- (b) surrendered to the local government; or
- (c) destroyed.

(5) The owner of a dog must comply with a notice issued under subsection (2).

Maximum Penalty - 40 Penalty Units

(6) A person must not bring within the local government area any dog in respect of which registration has been at any time refused pursuant to this local law.

Maximum Penalty - 20 Penalty Units

(7) If a person fails to comply with subsections (5) or (6), an authorised person may—

- (a) enter the land on which the unregistered dog is kept under the powers of entry given by the Act; and
- (b) seize the animal; and
- (c) destroy the animal or remove it to a suitable location outside the area.

Term of registration

12 (1) Registration of a dog must remain in force until -

- (a) the next thirtieth day of June; or
- (b) the date of death of the dog; or
- (c) the revocation of the registration;

whichever occurs first.

- (2) The local government may, on application by the owner, renew a dog registration.

Transfer of registration

13 (1) Upon any change of ownership of a registered dog-

- (a) the person in whose name the dog is registered must within fourteen (14) days of the change of ownership notify the local government in writing; and
- (b) the new owner of the dog must within fourteen (14) days of acquiring the dog apply to the local government in writing for transfer of the registration.

Maximum Penalty - 10 Penalty Units

- (2) On receipt of an application for transfer of registration, the local government may subject to the provisions of section 11 approve the transfer.

Record of registered dogs

14 (1) The local government must keep a record of the following in relation to each dog registered-

- (a) the registration number;
- (b) the breed or predominant breeds of the dog, or if the breed or breeds is or are unknown or unclear, a description of the dog sufficient to identify its appearance;
- (c) the age and sex of the dog;
- (d) the colour and distinctive markings of the dog;
- (e) the name and address of the owner of the dog;
- (f) the address at which the dog is to be kept;
- (g) whether the dog has at any time been declared pursuant to this local law to be a dangerous dog.

- (2) The local government may make provision for a search of any entry in the records to be made on behalf of any person³.

Revocation of registration

15 (1) The local government may revoke the registration of any dog, by written notice given to the owner of the dog, for any reason which in the opinion of the local government, justifies the revocation.

- (2) Without limiting the generality of subsection (1), the local government may revoke a registration upon any one or more of the following grounds –

³ A search may be made for the information via a public access computer terminal or through a search provided by Council staff or contractor.

- (a) that the owner of the dog has –
 - (i) been convicted of an offence against this local law;
 - (ii) contravened a requirement of this local law;
 - (iii) contravened a permit condition;
- (b) that the owner of the dog is not a suitable person to have a registered dog.

Example –

- (a) the owner has persistently failed to adequately manage dogs under their control which cause a nuisance or pose a threat to public health and safety; or
- (b) the owner has been convicted of an animal welfare offence.

- (3) However, before revoking the registration of a dog, the local government must –
 - (a) give the owner of the dog written notice of the proposed revocation, stating the reasons for the revocation;
 - (b) allow the owner of the dog to make written representation to the local government about the proposed revocation within a reasonable time fixed in the notice;
 - (c) take any representations made to the local government during the fixed time within the notice into account.
- (4) A notice issued under subsection (1) requires the dog to be-
 - (a) removed from the local government area; or
 - (b) surrendered to the local government; or
 - (c) destroyed.
- (5) The owner of a dog must comply with a notice issued under subsection (1).

Maximum Penalty - 40 Penalty Units

(6) A person must not bring within the local government area any dog in respect of which registration has been at any time revoked pursuant to this local law.

Maximum Penalty - 20 Penalty Units

- (7) If a person fails to comply with subsections (5) or (6), an authorised person may—
 - (a) enter the land on which the unregistered dog is kept under the powers of entry given by the Act²; and
 - (b) seize the animal; and
 - (c) destroy the animal or remove it to a suitable location outside the area.

Cancellation of registration of lost, missing or stolen dogs

16 (1) Where a registered dog dies or is lost, stolen, or otherwise missing, the owner of the dog must within thirty (30) days of the event notify the local government in writing, stating-

- (a) the date of death of the dog or the period of time for which the dog has been missing, as the case may be; and
- (b) if the dog is lost, stolen, or otherwise missing, the circumstances of the event as far as they are known to the owner.

(2) On receipt of the notification and on being satisfied as to the content, the local government must cause the registration of the dog to be cancelled and must amend the record accordingly.

(3) Where the dog is subsequently recovered by the owner, the owner must within fourteen (14) days notify the local government in writing.

(4) On receipt of the notification the local government must cause the registration to be reinstated and must amend the record accordingly.

Division 3 – Registration Tag

Dog registration tag

17 (1) When registration is granted the local government or an appointed agent must issue a registration tag.

(2) A registration tag issued under this local law is not transferable to any other dog and remains the property of the local government.

Attach dog registration tag

18 (1) The owner of a dog registered under this local law must within twenty-four (24) hours after the issue of a registration tag and thereafter at all times, secure the tag to a collar which must be worn by the dog at all times.

Maximum Penalty - 5 Penalty Units

(2) The local government may exempt any dog from the requirements of this section provided that -

- (a) the dog is a show-dog registered with the Canine Control Council, and the local government is satisfied that wearing a collar would adversely affect the appearance of the dog's coat for show purposes; or
- (b) the local government is satisfied on evidence as the local government may require, that wearing a collar would be impossible or inadvisable on veterinary grounds; or
- (c) the dog is participating in or trialing for a race under the auspices of the Greyhound Racing Authority; or
- (d) the dog is specified in the subordinate local law.

(3) A dog without a collar bearing a current registration tag is for the purposes of this local law an unregistered dog.

(4) A person who is not the owner of the dog or a person authorised by the owner of the dog, must not remove a collar or registration tag from the dog.
Maximum Penalty - 20 Penalty Units

Deface registration tag

19 A person must not alter or deface a registration tag.

Maximum Penalty - 20 Penalty Units

Corresponding registration tag and dog

20 A person must not affix a registration tag to any dog other than the dog in respect of which the tag was issued.

Maximum Penalty - 20 Penalty Units

False registration tag

21 A person must not print, manufacture, have in possession, buy, affix to a dog or use, or sell any tag or thing which resembles or is intended to resemble a registration tag that is calculated or likely to deceive.

Maximum Penalty - 40 Penalty Units

Replacement registration tag

22 If a registration tag has been lost, damaged beyond identification or destroyed, the owner of the dog must immediately apply to the local government for a replacement tag, and must pay the fee, if any prescribed in that regard.

Maximum Penalty - 10 Penalty Units

PART 4-MAXIMUM NUMBER OF DOGS WHICH MAY BE KEPT

Number of dogs

23 (1) An owner of a dog must not keep or allow to be kept on any premises,⁴ any dog or dogs over the age of three (3) months so that the total number of dogs kept on the premises (whether kept by one (1) person or more) exceeds-

(a) two (2), where the premises is less than 2,000 square metres in area unless a special permit has been issued in relation to the premises; or

(b) four (4), where the premises is 2,000 square metres or greater in area unless a

⁴ This section does not apply to developments approved under the *Integrated Planning Act 1997* or local Planning Scheme such as dog tracks, dog training facilities, vet surgery, pound or other.

personal kennel licence has been issued in relation to the person; or

- (c) one (1) dog per dwelling unit where the premises is a multiple dwelling or premises in a caravan park.

Maximum Penalty - 20 Penalty Units

Keep a dog up to 60 days

24 (1) A person other than the holder of, a special permit, or personal kennel licence, or the holder of an approval for the keeping of dogs under the *Integrated Planning Act 1997*, or Planning Scheme in force at the time, may apply to keep for a period of more than fourteen (14) days but not more than sixty (60) days, any dog which is-

- (a) registered pursuant to this local law in another person's name; or
(b) registered pursuant to this local law at a different address; or
(c) registered in the area of another local government; or
(d) normally kept in the area of another local government where the dog is not required to be registered;

without obligation upon the person to register the dog pursuant to this local law.

(2) Approval pursuant to subsection (1) may be granted on conditions the local government considers appropriate.

(3) Subject to the provisions of this section, a person must not keep for any period in excess of fourteen (14) days, any dog which is-

- (a) registered pursuant to this local law in the name of any other person; or
(b) registered pursuant to this local law at a different address.

Maximum Penalty - 10 Penalty Units

Compliance with conditions of approval

25 A person must comply with the conditions of an approval pursuant to section 24.

Maximum Penalty - 10 Penalty Units

PART 5 - PERMITS

Division 1 – Guard Dog Permits

Guard dog permit

26 A person must not keep a guard dog on commercial premises unless they hold a current guard dog permit issued by the local government.

Maximum Penalty - 20 Penalty Units

Application for guard dog permit

27 (1) A person may apply to the local government for a permit by–

- (a) lodging an application in writing using the prescribed form; and
- (b) paying the prescribed fee; and
- (c) providing written proof of any necessary development and building approvals have been obtained; and
- (d) providing consent in writing of the registered proprietor of the property on which the animal is to be kept, if the applicant is not the registered proprietor; and
- (e) any other matters specified in a subordinate local law.

(2) The applicant must, if the local government so requires, furnish any further information or documents that it may reasonably require to decide the application.

Grant of guard dog permit

28 (1) The local government may –

- (a) approve the application; or
- (b) approve the application subject to conditions; or
- (c) refuse the application.

(2) If the local government approves the application under either subsection (1)(a) or (1)(b), it must issue a permit in the prescribed form.

(3) If the local government refuses the application under subsection (1)(c), it must advise the applicant in writing.

(4) In deciding whether to grant a guard dog permit, the local government may have regard to–

- (a) the likelihood of the dogs causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (b) the likely effect on the amenity of the surrounding area; and
- (c) the physical suitability of the land for the keeping of dogs; and
- (d) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (e) the suitability of the dog housing, and that it complies with requirements of the subordinate local law; and
- (f) the applicant does not have a history of non-compliance with this local law; and
- (g) other factors that may be relevant in the circumstances of the particular case.

Term of guard dog permit

29 A guard dog permit is to remain in force until –

- (a) the next thirtieth day of June; or
- (b) the cancellation of the guard dog permit;

whichever occurs first.

Conditions of guard dog permit

30 (1) A guard dog permit may be granted on conditions the local government considers appropriate.

(2) The conditions of a guard dog permit may, for example-

- (a) fix the maximum number of dogs that may be kept on the premises; and
- (b) require the holder of the guard dog permit to comply with specified standards of hygiene; and
- (c) require the holder of the guard dog permit to ensure that the dogs wear or display a registration tag; and
- (d) require the holder of the guard dog permit to ensure that the animals do not cause nuisance, inconvenience or annoyance; and
- (e) require the holder of the guard dog permit to take specified action to protect against possible harm to the public, when they have access to the property, or the local environment; and
- (f) require appropriate warning signs to be displayed on the property.

(3) The local government may, by subordinate local law, prescribe conditions that must be imposed in a guard dog permit or that must ordinarily be imposed in a guard dog permit.

Compliance with conditions of guard dog permit

31 The holder of a guard dog permit must comply with the conditions of a guard dog permit.

Maximum Penalty - 10 Penalty Units

Power to change conditions of guard dog permit

32 The local government may, by written notice given to the holder of a guard dog permit, add to, vary, or revoke a condition of that permit.

Cancellation of a guard dog permit

33 (1) If the holder of a guard dog permit fails to comply with the conditions of a guard dog permit or any of the requirements of this local law the local government may, by written notice given to the holder of the permit, cancel the guard dog permit.

- (2) However, before cancelling the guard dog permit, the local government must –
- (a) give the holder of the guard dog permit written notice of the proposed cancellation, stating the reasons for the cancellation;
 - (b) allow the holder of the guard dog permit to make written representation to the local government about the proposed cancellation within a reasonable time fixed in the notice;
 - (c) take any representations made to the local government during the fixed time within the notice into account.

Division 2 – Special Permits

Special permit

34 (1) A person must apply to the local government for a special permit to keep more than two (2) dogs but not more than four (4) dogs on a premises, where the premises is less than 2000 square meters in area and where the age of the dogs is three (3) months and greater.

(2) Accommodation used to house the proposed number of dogs is to be provided in respect of every special permit and must be-

- (a) to a type and standard, in accordance with the subordinate local law; and
- (b) situated no closer to any property boundary than the distance approved by the Planning Scheme in force at that time.

Notification of surrounding property owners

35 (1) A person wishing to apply for a special permit must notify in writing all occupants of properties within 100m of where the dogs are to be kept of the intention to keep more than two (2) but not more than four (4) dogs over the age of three (3) months.

- (2) The written notification required by subsection (1) must include the following –
- (a) the name and address of the person applying for the special permit;
 - (b) the name and the address of the owner of the property where the dogs are to be kept if different from (a);
 - (c) the street address and real property description of the property where the dogs are to be kept;
 - (d) the number and breed of dogs intended to be kept;
 - (e) a description of the type and location of dog housing provided for the dogs;
 - (f) that the person being notified of the application has 14 days from the date of the

written notification to provide a written objection to the local government stating in full the grounds of the objection.

Application for special permit

36 An application for a special permit must include or be accompanied by-

- (a) a copy of the notification provided to all adjoining land owners of the property where the dogs are to be kept of the intention to keep the proposed number of dogs; and
- (b) a sketch plan to scale showing the location of the dog housing in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties; and
- (c) the type of dog housing provided, giving consideration to the type, breed and number of dogs that it is to contain; and
- (d) the prescribed fee; and
- (e) if dog housing is not existing, proof of all relevant approvals for its construction; and
- (f) other information and materials required under subordinate local law.

Grant of special permit

37 (1) The local government may –

- (a) approve the application; or
- (b) approve the application subject to conditions; or
- (c) refuse the application.

(2) If the local government approves the application under either subsection (1)(a) or (1)(b), it must issue a permit in the prescribed form.

(3) If the local government refuses the application under subsection (1)(c), it must advise the applicant in writing.

(4) In deciding whether to grant a special permit the local government may have regard to-

- (a) the likelihood of the dogs causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (b) the likely effect on the amenity of the surrounding area; and
- (c) the physical suitability of the land for the keeping of dogs; and
- (d) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (e) the suitability of the dog housing, and that it complies with requirements of the subordinate local law; and
- (f) the applicant does not have a history of non-compliance with this local law; and

(g) other factors that may be relevant in the circumstances of the particular case.

(5) Not more than one (1) special permit is to be issued to any person, and not more than one (1) special permit is to be issued in respect of any premises.

Term of special permit

38 (1) A special permit is to remain in force until -

- (a) the next thirtieth day of June; or
- (b) the cancellation of the special permit;

whichever occurs first.

(2) The local government may on application by the holder renew a special permit.

Conditions of special permit

39 (1) A special permit may be granted on conditions the local government considers appropriate.

(2) The conditions of a special permit may, for example-

- (a) fix the maximum number of dogs that may be kept on the premises; and
- (b) require the holder of the special permit to comply with specified standards of hygiene; and
- (c) require the holder of the special permit to ensure that the dogs wear or display a registration tag; and
- (d) require the holder of the special permit to ensure that the animals do not cause nuisance, inconvenience or annoyance to others; and
- (e) require the holder of the special permit to take specified action to protect against possible harm to the local environment.

(3) The local government may, by subordinate local law, prescribe conditions that must be imposed in a special permit or that must ordinarily be imposed in a special permit.

Compliance with conditions of special permit

40 The holder of a special permit must comply with the conditions of the special permit.

Maximum Penalty - 20 Penalty Units

Power to change conditions of special permit

41 The local government may, by written notice given to the holder of a special permit, change⁵ the conditions of a special permit.

⁵ A 'change' to the conditions of a special permit includes a change by omission, substitution or addition (See *Acts Interpretation Act 1954*, Section 36).

Cancellation of a special permit

42 (1) If the holder of a special permit fails to comply with the conditions of a special permit or any of the requirements of this local law the local government may, by written notice given to the holder of the permit, cancel the special permit.

(2) However, before cancelling the special permit, the local government must –

- (a) give the holder of the special permit written notice of the proposed cancellation, stating the reasons for the cancellation;
- (b) allow the holder of the special permit to make written representation to the local government about the proposed cancellation within a reasonable time fixed in the notice;
- (c) take any representations made to the local government during the fixed time within the notice into account.

PART 6- PERSONAL KENNEL LICENCE

Application of Part 6

43 This Part does not apply where the keeping of dogs constitutes an Environmentally Relevant Activity under the *Environmental Protection Act 1994* and where the activity is subject to a development application under the *Integrated Planning Act 1997* or the Planning Scheme in force at the time.

Personal kennel licence

44 (1) A person must apply to the local government for a personal kennel licence to keep more than four (4) dogs over the age of three (3) months on a premises where the premises is 2000 square meters or greater in area.

(2) Accommodation used to house the proposed number of dogs is to be provided in respect of every personal kennel licence and must be-

- (a) to a type and standard, in accordance with the subordinate local law; and
- (b) situated no closer to any property boundary than the distance approved by the Planning Scheme in force at that time.

(3) Not more than twenty-five (25) dogs per hectare are to be housed on any premises.

Application for personal kennel licence

45 An application for a personal kennel licence must include or be accompanied by-

- (a) a sketch plan showing the design of the accommodation for the adequate housing of the dogs, and its location in relation to other buildings on the land, the property boundaries and all buildings on adjoining properties; and

- (b) the prescribed fee; and
- (c) other information and materials required under subordinate local law.

Grant of personal kennel licence

46 (1) The local government may –

- (a) approve the application; or
- (b) approve the application subject to conditions; or
- (c) refuse the application.

(2) If the local government approves the application under either subsection (1)(a) or (1)(b), it must issue a permit in the prescribed form.

(3) If the local government refuses the application under subsection (1)(c), it must advise the applicant in writing.

(4) In deciding whether to grant a personal kennel licence the local government may have regard to-

- (a) the provision of accommodation for the housing of the dogs that complies with requirements of the subordinate local law; and
- (b) the likelihood of the dogs causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
- (c) the likely effect on the amenity of the surrounding area; and
- (d) the physical suitability of the land for the keeping of dogs; and
- (e) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (f) the applicant's history of non-compliance, if any, with this local law; and
- (g) other factors that may be relevant in the circumstances of the particular case.

(5) Not more than one (1) personal kennel licence is to be issued in respect of any premises.

Term of personal kennel licence

47 (1) A personal kennel licence is to remain in force until -

- (a) the next thirtieth day of June; or
- (b) the cancellation of the kennel licence;

whichever occurs first.

(2) The local government may on application by the holder renew a personal kennel licence.

Conditions of personal kennel licence

48 (1) A personal kennel licence may be granted on conditions the local government considers appropriate.

(2) The conditions of a personal kennel licence may, for example-

- (a) fix the maximum number of dogs that may be kept on the premises; and
- (b) require the holder of a personal kennel licence to comply with specified standards of hygiene; and
- (c) require the holder of a personal kennel licence to ensure that the dogs wear or display a registration tag; and
- (d) require the holder of a personal kennel licence to ensure that the animals do not cause nuisance, inconvenience or annoyance to others; and
- (e) require the holder of a personal kennel licence to take specified action to protect against possible harm to the local environment.

(3) The local government may, by subordinate local law, prescribe conditions that must be imposed in a personal kennel licence or that must ordinarily be imposed in a personal kennel licence.

Compliance with conditions of personal kennel licence

49 The holder of a personal kennel licence must comply with the conditions of the personal kennel licence.

Maximum Penalty - 20 Penalty Units

Power to change conditions of personal kennel licence

50 The local government may, by written notice given to the holder of a personal kennel licence, change the conditions of a personal kennel licence.

Cancellation of a personal kennel licence

51 (1) If the holder of a personal kennel licence fails to comply with the conditions of the personal kennel licence or any of the requirements of this local law the local government may, by written notice given to the holder of the licence, cancel the personal kennel licence.

(2) However, before cancelling the personal kennel licence, the local government must –

- (a) give the holder of the personal kennel licence written notice of the proposed cancellation, stating the reasons for the cancellation;
- (b) allow the holder of the personal kennel licence to make written representation to the local government about the proposed cancellation within a reasonable time fixed in the notice;
- (c) take any representations made to the local government during the fixed time within the notice into account.

PART 7-DOG ATTACKS

Division 1 – Dog Attack

Dog attack

52 (1) The owner of any dog which attacks or causes injury to-

- (a) a person or animal or thing while in or on any public place; or
- (b) a person or animal or thing while that person or animal or thing is lawfully on the premises where the attack or injury occurs;

is guilty of an offence.

Maximum Penalty - 200 Penalty Units

(2) Subsection (1) does not apply if an attack is unlawfully physically provoked by the person, animal or thing attacked.

Division 2 – Dog Causing Fear

Dog causing fear

53 (1) The owner of any dog which causes fear to a -

- (a) reasonable person, or animal or thing while in or on any public place; or
- (b) a reasonable person, or animal or thing while that person or animal or thing is lawfully on a premises;

is guilty of an offence.

Maximum Penalty - 40 Penalty Units

(2) The owner of any dog who would otherwise be guilty of an offence pursuant to subsection (1) may not be guilty, if the dog causing the fear to the person, animal or thing is unlawfully provoked by the person, animal or thing in fear.

Division 3 – Willfully Setting on or Urging a Dog

Willfully set on or urge dog to attack

54 A person must not willfully set on or urge a dog to attack or cause fear to or chase any person or animal or vehicle.

Maximum Penalty - 200 Penalty Units

PART 8-DANGEROUS DOGS

Division 1 – Dangerous Dog Declaration

Declaration of a dangerous dog

- 55** (1) The local government may serve a notice in writing on the owner of a dog that-
- (a) has attacked or injured, or is likely to attack or injure, any person or animal; or
 - (b) is a dangerous or ferocious dog; or
 - (c) has been declared to be a dangerous dog by another local government;

declaring the dog to be a dangerous dog.

(2) A notice issued under subsection (1) must contain a statement of the provisions of sections 57, 58 and 59 of this local law.

(3) A notice issued under subsection (1) may also require the owner of the dog to have the dog microchipped.

Failure to advise of previous declaration

56 Where a dog has been declared to be a dangerous dog by another local government the owner must advise the local government of this previous declaration.

Maximum Penalty - 20 Penalty Units

Owner to take action in relation to a dangerous dog

57 Upon receipt of a notice served under section 55 of this local law the owner of the dog must-

- (a) keep the dog under effective control so that the dog does not escape from the premises occupied by its owner; and

Maximum Penalty - 40 Penalty Units

- (b) within forty-eight (48) hours after receipt of the notice, and at all times thereafter, cause to be displayed in conspicuous places on the premises and in positions that can be easily seen by all persons entering the premises through entrances normally used (or if the premises are fenced, walled in, or terraced then on all gates, doors and steps providing access to the premises) a sign with the words ‘BEWARE OF THE DANGEROUS DOG’ thereon in white lettering not less than five (5) centimetres high on a black background; and

Maximum Penalty - 10 Penalty Units

- (c) if required have the dog microchipped within fourteen (14) days of receipt of the notice.

Maximum Penalty - 20 Penalty Units

Division 2 – Dangerous Dog in a Public Place

Obligation of owner while dangerous dog is in or on a public place

58 Upon receipt of a notice served under section 55 the owner of the dog must not permit, allow or suffer the dog to be in or on any public place unless-

- (a) the dog has a muzzle securely fixed to it in a manner that prevents it from biting or worrying any person or animal or thing; and
- (b) the dog is securely held by means of a collar and leash excluding leash free areas, by a competent person over the age of eighteen (18) years in accordance with section 59; and
- (c) that dog is the only dog held by the person at any one time.

Maximum Penalty - 40 Penalty Units

Division 3 – Dangerous Dog in a Leash Free Area

Dangerous dog not to be in or on a leash free area while in use

59 The owner of a declared dangerous dog must not permit, allow or suffer the dog to be in or on any leash free area while that area is being used by another dog or person.

Maximum Penalty - 40 Penalty Units

PART 9-CONTROL OF DOGS

Division 1 – Control of Dogs

Dog must be under effective control

60 (1) The owner of a dog must keep the dog under effective control while it is in or on a public place.

Maximum Penalty -10 Penalty Units

(2) Subsection (1) does not apply when the dog is in a leash free area.

(3) A person must not, be in charge of, take, lead, or cause to be in or on any public place any greyhound unless-

- (a) the person is over the age of sixteen (16) years; and
- (b) if the person is under the age of eighteen (18) years, they must have another person eighteen (18) years of age or over to accompany them; and

- (c) not more than two (2) dogs are in the charge of the person at any time; and
- (d) the dog or dogs are muzzled in a way as to prevent the dog or dogs biting or worrying any person, animal, or thing.

Maximum Penalty -10 Penalty Units

Dog on private property must be under effective control

60A The owner of a dog must not allow the dog to be within premises of which the owner of the dog is not the occupier without the consent of the occupier.

Maximum Penalty – 10 Penalty Units

Dogs on heat to be excluded from public place

61 A person must not bring a dog that is on heat into a public place.

Maximum Penalty - 10 Penalty Units

Fencing and enclosure requirements

62 (1) A person must not keep a dog on any premises without fencing the premises or a sufficient part thereof, or providing on the premises an enclosure or other means, sufficient and suitable in the opinion of the local government to:

- (a) effectively prevent a dog leaving or escaping from the premises; and
- (b) provide adequate freedom for a dog to exercise, having due regard in both matters to the breed, size, and nature of the dog; and
- (c) comply with the requirements of the subordinate local law.

Maximum Penalty -10 Penalty Units

(2) It is a defence against a breach of subsection (1) if the person has a reasonable and lawful excuse.

Abandonment of dogs

63 A person must not abandon a dog.

Maximum Penalty - 20 Penalty Units

Division 2 – Multiple Dwellings

Multiple dwellings

64 A person must not keep a dog in or on premises of any multiple dwelling, unless-

- (a) they have the prior written permission of the owner of the premises (and in the case of premises subject to the *Building Units and Group Titles Act 1980*, the Body Corporate incorporated under this Act); and
- (b) the local government has approved the keeping of a dog on the premises.

Maximum Penalty -10 Penalty Units

Division 3 – Caravan Parks

Caravan park

65 (1) A person must not bring, allow or keep any dog in a caravan park unless –

- (a) they have the prior written permission of the caravan park management; and
- (b) the local government has approved the keeping of a dog on the premises.

Maximum Penalty -10 Penalty Units

(2) A person must not allow a dog to roam at large in a caravan park.

Maximum Penalty -10 Penalty Units

Application to keep a dog in a multiple dwelling or caravan park

66 An application to keep a dog in a multiple dwelling or caravan park must include or be accompanied by-

- (a) the consent of the Body Corporate in a multiple dwelling or the park management in a caravan park; and
- (b) if the property is rented, the consent of the owner of the premises; and
- (c) the name and address of the legal owner of the dog; and
- (d) the name and address of each person under whose control or in whose possession the dog would normally be; and
- (e) the breed or predominant breeds of the dog, or if the breed or breeds is or are unknown or unclear, a description of the dog sufficient to identify its appearance; and
- (f) a statement that the dog is not a declared dangerous or prohibited dog; and
- (g) a statement that the dog is not a dog in respect of which registration has at any time been refused or revoked pursuant to this or any other local law; and
- (h) the prescribed fee; and
- (i) other information and materials required under a subordinate local law.

Grant of registration

67 (1) On receiving an application to keep a dog in a multiple dwelling or caravan park, the local government may-

- (a) approve the keeping of the dog; or
- (b) approve the keeping of the dog subject to conditions the local government considers appropriate; or
- (c) refuse the application.

(2) Where any application has been refused, the local government must give written notice of the refusal stating the reasons to the owner and state that the applicant may apply to the local government within fourteen (14) days after receiving the notice, for a review of the decision to refuse the application.

Conditions of approval to keep a dog in a multiple dwelling or caravan park

68 (1) The conditions of an approval to keep a dog in a multiple dwelling or caravan park may, for example –

- (a) require the holder of the approval to comply with specific standards of hygiene; and
- (b) require the holder of the approval to ensure the dog wears or displays a registration tag; and
- (c) require the holder of the approval to ensure that the dog does not cause a nuisance, inconvenience or annoyance to others.

(2) The local government may, by subordinate local law, prescribe conditions that may be imposed in an approval to keep a dog in a multiple dwelling or caravan park or that may ordinarily be imposed in an approval.

Division 4 – Dogs in Certain Areas**Dog not to be in certain areas**

69 (1) The owner of a dog must not allow the dog -

- (a) in, or within the vicinity of the entrance to, any shop, office, or other professional or commercial establishment (other than the premises of a pet shop or veterinary establishment) while the shop, office, or other professional or commercial establishment is open for business and so as to be a hindrance, nuisance, or annoyance to any person; or
- (b) within the vicinity of or in or on any apparatus or construction in a public place provided or intended for children to play upon; or
- (c) within the vicinity of or in or on any fireplace or heating apparatus in a public place designed or used for heating water or cooking food; or
- (d) within the vicinity of or in or on any public toilets, washing or showering rooms, or changing rooms; or

- (e) within the vicinity of a bus stop or bus shelter shed so as to be a hindrance, nuisance, or annoyance to any person; or
- (f) in or on any premises used as a public swimming pool; or
- (g) in or on any area used for public recreation while the dog is not under effective control; or
- (h) within any area upon which officially organised sport is being played while the dog is not under effective control and so as to be a hindrance, nuisance, or annoyance to any person;

except for the purpose of travelling past under effective control.

Maximum Penalty -10 Penalty Units

- (2) Subsection (1) does not apply to a Guide Dog.

PART 10-NUISANCES

Division 1 – Nuisance

Nuisance

70 (1) The local government may consider a dog to be a nuisance under this section if satisfied that-

- (a) it is injurious or dangerous to the health of any person; or
- (b) it has been allowed, permitted, or suffered to behave consistently in a manner contrary to the general interest of the community.

(2) The owner of any dog must not permit or allow the dog, either by itself or together with any other dog (whether or not in the same ownership) to be or become a nuisance.

Maximum Penalty -20 Penalty Units

Complaint regarding nuisance

71 (1) Where any person over the age of eighteen (18) years is prepared to sign and does sign a complaint in the prescribed form-

- (a) alleging and describing the existence of a nuisance created by a dog; and
- (b) stating the full name and address of the person,

the local government may serve on the owner of the dog a notice requiring the owner to abate the nuisance within a time specified in the notice.

- (2) The owner of the dog must comply with a notice served pursuant to subsection (1).

Maximum Penalty - 40 Penalty Units

Division 2 – Dog Faeces

Accumulation of faeces

72 (1) A person must not allow dog faeces to accumulate in a manner that, in the opinion of an authorised person-

- (a) is objectionable or repulsive, or
- (b) may be washed, blown or carried on to any other property.

Maximum Penalty -10 Penalty Units

(2) A person must dispose of the faeces of any dog in a nuisance free manner.

Maximum Penalty -10 Penalty Units

Person in charge of dog to clean up dog faeces

73 (1) If a dog defecates in a public place, the person in charge of the dog must immediately remove, and dispose of, the faeces in a sanitary way.

Maximum Penalty -10 Penalty Units

(2) A person while in charge of a dog that is in or on a public place must carry a receptacle for removing faeces while in or on a public place.

Maximum Penalty -10 Penalty Units

(3) A subordinate local law may exempt a person in charge of a particular type of dog from the provisions of this section.

PART 11-IMPOUNDING OF DOGS

Impounding of dogs

74 A dog found in or on a public place, and not under effective control, may be impounded by an authorised person and detained at a pound.

Register of impounded dogs

75 The local government or an authorised person having impounded a dog under this local law must keep a record showing-

- (a) the date and time when the dog was impounded;
- (b) the place where the dog was impounded;
- (c) a description of the dog comprising the colour, any distinctive markings, and as near as can be ascertained the breed of the dog;

- (d) whether or not at the time of impounding the dog was wearing a collar and whether or not the collar had affixed to it a registration tag or a name plate and if so the particulars shown on the registration tag or name plate.

Private impounding

76 (1) If a dog is found within premises of which the owner of the dog is not the occupier-

- (a) the occupier may impound the dog and deliver the dog to a pound during operating hours or to an authorised person; or
- (b) an authorised person may on and with the written request and authorisation of the occupier enter the premises and impound the dog.

(2) For the purpose of impounding a dog under this section the occupier may use any method of capturing the dog that the occupier deems necessary.

(3) At the time of delivering a dog to an authorised person pursuant to this section the occupier must furnish to the authorised person a statement in writing in the prescribed form, signed by that person and containing the following particulars-

- (a) the full name and residential address of the occupier; and
- (b) the date and time when the dog was impounded; and
- (c) the address of the premises where the dog was impounded; and
- (d) a description of the dog comprising the colour, any distinctive markings, and as near as can be ascertained the breed of the dog; and
- (e) whether or not at the time of seizure the dog was wearing a collar and whether or not the collar had affixed to it a registration tag and if so the particulars shown on the registration tag; and
- (f) whether or not the name or address of the owner of the dog is known to the occupier and if known, the name or address.

(4) A dog delivered to an authorised person under this section is deemed to have been impounded by the authorised person.

Impounding a dog on Crown Land

77 A dog which is found at large on Crown Land may be impounded by an authorised person.

Surrender of a dog

78 The owner of a dog, at the owner's discretion, may surrender the dog to the local government provided the owner-

- (a) delivers the dog and its registration tag to the local government's pound within operating hours; and
- (b) pays at the time of surrender the prescribed fee; and

- (c) furnishes at the time of surrender a statement in writing, signed by the owner, containing the following particulars-
- (i) the full name and address of the owner; and
 - (ii) that the person is the owner of the dog; and
 - (iii) that the dog is surrendered to the local government; and
 - (iv) that the person indemnifies the local government against all and any claims arising out of the surrender; and
 - (v) a description of the dog sufficient to identify it.

Local government to identify owner of a dog

79 Where it is possible to identify from the local government's records the owner of a dog impounded pursuant to this Part, the local government must as soon as practicable after the impounding take all reasonable effort to notify the owner verbally or in writing of the impounding.

Owner release of impounded dog

80 A person claiming to be the owner of a dog impounded under this Part may obtain the release of the dog on-

- (a) provision of proof the person is the owner of the dog; and
- (b) payment of the prescribed fees for the release and maintenance of the dog; and
- (c) if the dog is an unregistered dog, on payment of the registration fee and any other prescribed fees.

Disposal of impounded dogs

81 A dog impounded or surrendered under this local law must be disposed of in the following manner-

- (a) a dog impounded which is diseased, emaciated or injured so that in the opinion of the local government or an authorised person its continued existence causes it to suffer, must be destroyed immediately; or
- (b) a dog impounded which is not diseased, emaciated or injured must, unless sooner released in accordance with this local law, be detained at the pound for a period the local government determines in a subordinate local law after the date of seizure, and may after this time be destroyed or otherwise disposed of at the discretion of, and in accordance with the directions of, the local government.

PART 12-SEIZURE OF DOGS

Division 1 - Seizure

Risk to Public Safety

82 (1) Where an authorised person is satisfied that a dog poses a risk to public safety, an authorised person may seize the dog and take it to a pound.

(2) Without limiting the generality of subsection (1), a risk to public safety could include, but not be limited to the following –

- (a) a dog that poses an immediate risk to a person, animal or thing;
- (b) a dog that poses an immediate risk to traffic, bicycles, or pedestrians;
- (c) a dog which is suffering from a communicable disease.

(3) For the purpose of seizing any dog pursuant to subsection (1) an authorised person may use any method of capturing the dog, including a tranquilliser gun or capture gun, that the authorised person considers necessary.

Seizure order

83 (1) The local government may order in writing that-

- (a) a dog which has been declared to be a dangerous dog and which is not kept under effective control; or
- (b) any dog whatsoever which is not on the premises of the dog owner and attacks, worries or chases any person or animal; or
- (c) where the owner of a dog has failed to comply with a “notice to comply” the dog;

be seized and taken to a pound.

Dealing with a seized dog

84 A dog that is impounded or seized under sections 82 or 83 may be dealt with in accordance with section 81.

Division 2 – Destruction Order

Destruction order

85 (1) Where a dog has been seized and taken to the pound under the provisions of this Part, the local government may order in writing the destruction of the dog (**‘destruction order’**).

(2) The local government must serve a copy of the destruction order upon each of the following persons-

- (a) the legal owner of the dog;
- (b) any person served with a notice in writing issued under this Part, if different from (a);
- (c) where the dog has a registration tag attached to its collar, any person who appears from the records kept by the local government to be the owner of the dog; and
- (d) where in the absence of a registration tag, a name and address of a person is inscribed on the dog's collar, upon that person;
- (e) where the persons can be identified.

(3) The destruction order must state to the recipient that they may appeal against the destruction order within ten (10) days of the date of service of the destruction order to a Magistrates Court of competent jurisdiction.

PART 13-MISCELLANEOUS

Unlawful release of a seized or impounded dog

86 (1) Any person who rescues or attempts to rescue or incites or assists any other person to rescue or release or attempts to release any dog impounded or seized under this local law is guilty of an offence.

Maximum Penalty – 50 Penalty Units

(2) It is a defence against this section if the person has a reasonable and lawful excuse.

Authorised person

87 The local government may appoint a person as an authorised person under this local law only if –

- (a) the local government considers the person has the necessary expertise or experience for the appointment; or
- (b) the person has satisfactorily finished training approved by the local government for the appointment.

Notice to comply

88 (1) If the owner of a dog contravenes a provision of this local law, an authorised person may give the owner of a dog a written notice (a “**notice to comply**”) under this section.

(2) A notice to comply may—

- (a) if the contravention is of a continuing or recurrent nature—require the keeper of the animal to stop the contravention; and

- (b) whether or not the contravention is of a continuing or recurrent nature—require the keeper of the animal to take specified action, within a time specified in the notice, to remedy the contravention.

(3) The owner of a dog must comply with a notice under this section.

Maximum Penalty - 40 Penalty Units

Power to remove a dog

88A (1) An authorised person may issue a notice (a “**removal notice**”) to the owner of a dog-

- (a) for which registration, a permit, or licence cannot be granted under this local law; or
- (b) who has not complied with a compliance notice within the time specified in the notice.

(2) A removal notice may require the owner of a dog, within a time stated in the notice, to do one of the following—

- (a) to destroy the dog or have it destroyed; or
- (b) to remove it from the area.

(3) The owner of a dog must comply with a removal notice.

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

(4) If the owner fails to comply with a notice under this section, an authorised person may—

- (a) enter the land on which the dog is kept under the powers of entry given by the Act; and
- (b) seize the dog; and
- (c) destroy the dog or remove it to a suitable location outside the area.

Protection from liability

89 (1) This section applies to—

- (a) an authorised person; and
- (b) a person acting under the direction of an authorised person.

(2) A person does not incur civil liability for an act done or omission made honestly and without negligence under this local law.

(3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

Supply of name and place of residence

90 Where an authorised person finds a person acting or suspects that a person is acting in contravention of this local law, the authorised person may require that person to state their full name and usual place of residence.

Maximum Penalty - 20 Penalty Units

Service of Notices

91 Any notices referred to in this local law must be in or to the effect of the several prescribed forms and may be served-

- (a) personally on the person on whom it is required to be served; or
- (b) by sending it by registered mail addressed to the person at the address shown in the records required to be kept pursuant to this local law; and the notice must be deemed to have been served on the person to whom it was sent on the fourth day next following the day on which it was so sent whether it is actually received or not; or
- (c) by leaving it at the address of the place of residence or business of the person shown to be the owner of the dog in the records required to be kept pursuant to this local law; and the notice must be deemed to have been given to the person to whom it is addressed; or
- (d) by posting it on some conspicuous part of the premises at the address shown in the records required to be kept pursuant to this local law; and the notice must be deemed to have been served from the time of posting.

Criminal code exclusion

92 The provisions of section 24 of the *Criminal Code Act 1899* are expressly excluded and do not apply to, any of the provisions of this local law, and in any defence for a breach of any of the provisions of this local law.

PART 14 – REVIEW

Reviewable decisions

93 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 serve a destruction order; or
a decision made on an earlier application for review.

Application for review

94 (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 with the office of the local government within five business days after the day on which notice of the decision has been 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

95 (1) The local government must either –

- (a) carry out a review at a meeting of the local government; or
- (b) have the review carried out by an authorised person.

(2) An authorised person who carries out a review under subsection (1)(b) must not be the original decision-maker and must be a person who is no less senior than the original decision-maker.

Decision on review

96 (1) On completing a review, a local government may confirm, vary or reverse the decision under review.

(2) The local government must give the applicant written notice of the result of the review.

(3) If the local government does not decide an application for review within twenty business days after receiving the application, the local government is taken to have confirmed the decision under review.

PART 15 – SUBORDINATE LOCAL LAWS**Subordinate local laws**

97 The local government may make subordinate local laws about –

- (a) prohibiting the keeping of dogs⁶; or
- (b) dogs that do not require registration⁷;
- (c) the information and materials that must be included in or accompany an application for registration⁸; or
- (d) dogs exempt from wearing registration tags⁹; or

- (e) information required in application for guard dog permit ¹⁰; or
- (f) conditions of a guard dog permit ¹¹; or
- (g) requirements for dog housing provided in respect of a special permit ¹²; or
- (h) the information and materials that must be included in or accompany an application for a special permit ¹³; or
- (i) conditions of a special permit ¹⁴; or
- (j) requirements for dog housing provided in respect of a personal kennel licence¹⁵; or
- (k) the information and materials that must be included or accompany an application for a personal kennel licence¹⁶; or
- (l) conditions which must be imposed or that may ordinarily be imposed in a personal kennel licence¹⁷; or
- (m) information required in an application for the keeping of a dog in a multiple dwelling or caravan park ¹⁸; or
- (n) conditions of a permit to keep a dog in a multiple dwelling or caravan park ¹⁹; or
- (o) persons exempt from cleaning up dog faeces ²⁰; or
- (p) other matters about which the local law specifically provides for the making of subordinate local laws.

⁶ See section 5

⁷ See section 7

⁸ See section 9

⁹ See section 18

¹⁰ See section 27

¹¹ See section 30

¹² See section 34

¹³ See section 36

¹⁴ See section 39

¹⁵ See section 44

¹⁶ See section 45

¹⁷ See section 48

¹⁸ See section 66

¹⁹ See section 68

²⁰ See section 73