

COUNCIL OF THE SHIRE OF BEAUDESERT

Beaudesert Shire
A region of many colours



LOCAL LAW NO. 3

(ANIMAL CONTROL)

CONSOLIDATED AS AT 30 JUNE 2000

ANNOTATIONS

Original Local Law

Local Law No. 3 (Animal Control)
date of gazettal 25 June 1999

Amending Local Laws

Amending Local Law No. 1 (Miscellaneous Local Laws) 2000
date of gazettal 30 June 2000

Original Subordinate Local Law

Local Law Policy No. 3.1 (Animal Control)
date of public notice 28 June 1999

Amending Subordinate Local Laws

Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate
Local Laws) 2000
date of public notice 13 September 2000

GAZETTAL NOTICE

Local Government Act 1993

COUNCIL OF THE SHIRE OF BEAUDESERT (MAKING OF LOCAL LAW) NOTICE (No. 1) 1999

Short Title

1. This notice may be cited as the *Council of the Shire of Beaudesert (Making of Local Law) Notice (No. 1) 1999*.

Commencement

2. This notice commences on the date it is published in the Gazette.

Making of Local Law

3. Pursuant to the provisions of the *Local Government Act 1993*, the Council of the Shire of Beaudesert made the following Local Laws by resolution on 1 June, 1999:—

Local Law No. 1 — (Administration);
Local Law No. 2 — (Meetings);
Local Law No. 3 — (Animal Control);
Local Law No. 4 — (Cemeteries);
Local Law No. 5 — (Council Facilities);
Local Law No. 6 — (Libraries);
Local Law No. 7 — (Licensing);
Local Law No. 8 — (Parks and Reserves);
Local Law No. 9 — (Public Health);
Local Law No. 10 — (Gates and Grids).

Certified copies of each of the Local Laws are open for inspection at Beaudesert Shire Council's public office at 52 Brisbane Street, Beaudesert and at the Department of Communication and Information, Local Government and Planning. Copies of the Local Laws may be purchased at Beaudesert Shire Council's public office at a cost of 50 cents per page.

ENDNOTES

1. Published in the Gazette on 25 June 1999.
 2. Not required to be laid before the Legislative Assembly
 3. The administering agency is the Department of Communication and Information, Local Government and Planning.
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CERTIFICATION

It is hereby certified that this is a true and correct copy of Local Law No. 3 (Animal Control) made, in accordance with the *Local Government Act 1993*, by the Council of the Shire of Beaudesert.

G.W. Day
Chief Executive Officer

COUNCIL OF THE SHIRE OF BEAUDESERT

LOCAL LAW NO. 3

(ANIMAL CONTROL)

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PART 1 - PRELIMINARY

Citation

1 This local law may be cited as Local Law No. 3 (Animal Control).

Objects

- 2 The objects of this local law are to regulate the keeping of animals:
- (a) to protect the community against risk of injury and damage; and
 - (b) to ensure that animals do not create a nuisance or a risk to human health or safety; and
 - (c) to prevent environmental harm and environmental nuisance resulting from the keeping of animals and to protect the amenity of the local environment; and
 - (d) to ensure that animals are kept and used in a way that is consistent with the rights, expectations and enjoyment of the local community.

Definitions

3 In this local law:

“**adult**” means a person who is 16 years or more in age.

“**animal**” means any live mammal (other than a human being), reptile, amphibian, insect, bird, poultry and fish but does not include an animal excluded by a subordinate local law having regard to the species, breed, sex, age, use or class of the animal.

“**animal enclosure**” means a building or structure within which an animal is enclosed.

“**animal law**” means a local law of another local government or a law of the State government relating to the keeping of animals.

“**animal pound**” means a place at which animals are impounded.

“**approval**” has the meaning given in *Local Law No. 1 (Administration)*.

“**attack**” means to rush at or approach a person, an animal or a thing in such a manner so as to be likely to cause fear or alarm, whether or not the attacking animal actually contacts, bites or worries the person, animal or thing.

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

“**building**” has the meaning given in the *Building Act 1975*.

“**compliance notice**” means a written notice given pursuant to section 29 (Compliance notice) of this local law.

“**corporation**” means a corporation as defined in the *Corporations Law* and includes an association as defined in the *Associations Incorporation Act 1981*.

“**Court**” means the court of law which has jurisdiction to deal with offences under this local law.

“**dangerous animal**” means an animal that:

- (a) is specified as a dangerous animal by a subordinate local law having regard to:
 - (i) the species, breed, sex, age, use or class of the animal; or
 - (ii) the size, location, nature, type or class of premises on which the animal is ordinarily kept; or
- (b) is a declared dangerous animal; or
- (c) has been declared as a dangerous animal pursuant to an animal law; or
- (d) attacks or worries a person, an animal or a thing; or
- (e) behaves in a way that results in harm to human health or safety, personal injury or property damage; or
- (f) behaves in a way that gives rise to a reasonable cause for fear that the animal is likely to:

- (i) attack a person, an animal or a thing; or
- (ii) be a risk of harm to human health or safety, personal injury or property damage.

“dangerous dog” means a dog that is a dangerous animal for the purposes of this local law.

“declared dangerous animal” means an animal that the local government has declared as a dangerous animal pursuant to section 24(1) (Declared dangerous animals) of this local law.

“destruction order” means an order given pursuant to section 28 (Destruction of animals) of this local law.

“direction” means a written or oral direction given by an authorised person pursuant to section 35(1)(b) (Powers of authorised persons) of this local law.

“drover’s dog” means a dog:

- (a) kept by a person as a requirement of that person’s employment; and
- (b) which is primarily used to the satisfaction of the local government for the handling or control of cattle or sheep as part of that person’s employment.

“dwelling unit” has the meaning given in the local government’s planning scheme and includes a building specified in a subordinate local law.

“effective control” see section 4 (Meaning of effective control) of this local law.

“environmental damage” means either environmental harm or environmental nuisance.

“environmental harm” has the meaning given in the *Environmental Protection Act 1994*.

“environmental nuisance” has the meaning given in the *Environmental Protection Act 1994*.

“executive officer of a corporation” means a person who is concerned with or takes part in, the corporation’s management whether or not the person is a director or the person’s position is given the name of executive officer.

“farm work dog” means a dog:

- (a) kept by a person occupying premises exceeding 10 hectares; and
- (b) that is primarily used to the satisfaction of the local government to assist in the handling or controlling of cattle, sheep or goats on that premises.

“feral animal” means an animal specified in a subordinate local law which is living in a state of nature.

“footpath” has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes a mall, a square, court or other public place declared to be a footpath in a subordinate local law.

“greyhound dog” means a dog which:

- (a) is wholly or partly of the breed commonly known as a greyhound; or
- (b) belongs wholly or partly to any variety of that species or kind or by whatever name that variety is known regardless of age.

“guard dog” means a dog which is kept on premises which is not primarily used for residential purposes for the purpose or apparent purpose of acting as a deterrent to intruders.

“guide dog” means a dog:

- (a) which is:
 - (i) trained by or on behalf of an association recognised by the local government; and
 - (ii) trained for the purpose of assisting blind, partially blind or disabled persons; and

- (iii) primarily used for such purposes; and
- (b) which is specified as a guide dog in a subordinate local law.

“identifying tag” means a mark or object to identify an animal specified by a subordinate local law.

Examples:

- ?? *a metal or plastic disc or plates*
- ?? *a collar*
- ?? *a tattoo or brand*
- ?? *an implant bearing an electronic code*

“impound” means to incarcerate, keep or hold any animal seized.

“in season” means in the case of a female dog, that stage in the oestrus cycle in which the female dog is sexually receptive.

“keeper” of an animal means:

- (a) the person in whose name the animal is registered under this local law; or
- (b) the person (other than an authorised person) who has the immediate custody and control of the animal; or
- (c) if the person who has the immediate custody and control of an animal is a minor, the minor’s parent or guardian; or
- (d) the occupier of the premises on which the animal is ordinarily kept; or
- (e) the owner of the premises on which the animal is ordinarily kept if there is no occupier of the premises.

“land” has the meaning given in the *Integrated Planning Act 1997*.

“local government Acts” has the meaning given in the *Local Government Act 1993* and includes approvals granted pursuant to local government Acts.

“local government area” has the meaning given in the *Local Government Act 1993*.

“local government road” means:

- (a) a road under the *Local Government Act 1993*; and
- (b) a mall, square, court or other public place under the local government’s control that is declared in a subordinate local law to be subject to this local law.

“local law” includes any subordinate local laws and all approvals granted pursuant to this local law.

“minor” means a person under the age of 16 years.

“nuisance” has the meaning given in *Local Law No 9 (Public Health)*.

“occupier” of premises means the person who has the control or management of the premises

“off leash area” means a designated animal area as defined under *Local Law No 8 (Parks and Reserves)* in which a dog is not required to be held by a leash pursuant to a sign exhibited in the park or a subordinate local law.

“owner” of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

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

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

“planning scheme” has the meaning given in the *Integrated Planning Act 1997*.

“**plant**” means any tree, bush, shrub, grass, fungi, algae or other thing terrestrial or aquatic including all natural parts of it or things naturally produced of, by or from it.

“**pound authority**” means the pound authority established pursuant to section 6 (Pound authority) of this local law.

“**prescribed criteria**” means the criteria specified in a subordinate local law with which an animal, the keeper of the animal and premises on which the animal is kept, must comply.

“**prescribed enclosure**” means the animal enclosure specified by a subordinate local law.

“**premises**” means any land, building or structure and includes any part thereof.

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

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

“**prescribed period**” means a period of one year from the day of the first seizure and impounding of the animal or such longer or shorter period as specified in a subordinate local law.

“**private place**” means premises which is not a public place.

“**prohibited animal**” means an animal of a specified species, breed, sex, age, use or class which the local government has, by resolution or a subordinate local law, prohibited from being in the local government area or a specified part of the local government area.

“**public office**” has the meaning given in the *Local Government Act 1993*.

“**public place**” means:

- (a) a road; or
- (b) trust land; or
- (c) a reserve; or
- (d) premises of which the local government is the owner or occupier; or

(e) premises specified as a public place in a subordinate local law.

“Register of Impounded Animals” means the register the local government is required to keep pursuant to section 8 (Register of Impounded Animals) of this local law.

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

“registrable animal” means an animal which is required by a subordinate local law to be registered under this local law.

“registration” means a registration which has been granted pursuant to section 12 (Grant of a registration) of this local law or amended or transferred pursuant to section 16 (Amendment or transfer of a registration) of this local law or renewed pursuant to section 17 (Renewal of a registration) of this local law which:

- (a) has not expired pursuant to section 13(2) (Term of a registration) of this local law; and
- (b) has not been cancelled pursuant to section 18 (Cancellation of a registration) of this local law.

“remove” means to cause an animal to be destroyed or permanently removed from the local government area.

“reserve” has the meaning given in *Local Law No 8 (Parks and Reserve)*.

“road” means a local government road and a State-controlled road.

“shop” has the meaning given in the local government’s planning scheme.

“State-controlled road” means a State-controlled road under the *Transport Infrastructure Act 1994*.

“stop order” means the written notice given pursuant to section 30 (Stop order) of this local law which has not ceased pursuant to section 30(3) (Stop order) of this local law.

“**structure**” has the meaning given in the *Local Government Act 1993* and includes a structure as defined in the *Building Act 1975* and any other thing specified as a structure in a subordinate local law.

“**suitable person**” means a person who in the local government’s opinion is acceptable as a keeper of an animal having regard to:

- (a) the nature of any offence committed by that person under this local law or an animal law; and
- (b) whether the person has been the keeper of an animal whose registration has been cancelled under this local law or an animal law; and
- (c) whether the person has committed an offence involving cruelty to an animal; and
- (d) any unsatisfactory past conduct on the part of that person in relation to the keeping of an animal; and
- (e) whether the person complies with the prescribed criteria relating to the keeping of animals; and
- (f) such other matters as are specified in a subordinate local law.

“**traffic**” includes the use by any person of any road or regulated parking area, or the presence therein or thereon of any person, vehicle, tram, train, animal or other moveable article or thing whatsoever.

“**trained guard dog**” means a dog:

- (a) trained for the purpose of guarding premises; and
- (b) trained in accordance with a training program if any specified in a subordinate local law; and
- (c) kept by a person as a requirement of that person’s employment as a security guard; and

- (d) that is primarily used to the satisfaction of the local government for the purpose of guarding premises.

“**trust land**” means land dedicated as a reserve or granted in trust under the *Land Act 1994* and for which the local government is the trustee under the *Land Act 1994*.

“**vehicle**” has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes anything specified as a vehicle in a subordinate local law.

“**worry**” means the act of an animal holding any part of a person, an animal or a thing in its mouth whether or not:

- (a) the holding is accompanied by shaking, pulling or pushing; or
- (b) the person, animal or thing suffers any injury or damage.

Meaning of effective control

4 For the purposes of this local law, an animal is under effective control:

- (a) in the case of a dog if:
 - (i) the dog is held by a leash not longer than 2 metres in length by a keeper who is physically able to control the dog; or
 - (ii) the dog is tethered to a fixed object and is under the continuous supervision of a keeper who is physically able to control the dog; or
 - (iii) the dog is in or on a vehicle tethered or restrained such that it cannot reach beyond the extremities of the vehicle; or
 - (iv) the dog is participating in an obedience trial or training for an obedience trial, under the supervision of an organisation recognised by the local government for the purposes of section 4 (Meaning of effective control) of this local law; or

- (v) the dog is being exhibited at an exhibition under the supervision of an organisation recognised by the local government for the purposes of section 4 (Meaning of effective control) of this local law; or
- (vi) the dog is a trained guard dog which is:
 - (A) in close proximity to its keeper; and
 - (B) being used for the purpose of guarding premises; or
- (vii) the dog is in an off leash area and under the direct supervision of the keeper; or
- (viii) the dog is located on a private place which:
 - (A) is within a prescribed enclosure; or
 - (B) not within a prescribed enclosure but is under the direct and visual supervision of a person able to control the dog; or
- (ix) the dog is a drover's dog or farm work dog actually engaged in the movement of stock including from one property to another in or on a public place; or
- (x) not more than 2 dogs (other than farm work dogs or drover's dogs) are under the control of a keeper who is physically able to control the dogs; or
- (xi) a greyhound dog is:
 - (A) held by a leash not longer than 2 metres in length by a keeper who is physically able to control the dog; and
 - (B) kept securely muzzled so as to prevent it from being able to injure, bite or damage a person, an animal or thing; or
- (xii) a person under the age of 16 years who is leading a greyhound dog, is accompanied by an adult; and

- (b) in the case of a cat if the cat is:
 - (i) contained in a prescribed enclosure; or
 - (ii) contained or held by the keeper so that the cat is not likely to enter any private place (other than the premises where the cat is ordinarily kept) without the consent of the owner or occupier of the premises; and
- (c) if the keeper of the animal is able to effectively control and direct the animal to ensure that the animal is not likely to:
 - (i) attack or worry a person, an animal or thing; and
 - (ii) result in harm to human health or safety or personal injury; and
 - (iii) result in property damage or a loss of amenity; and
 - (iv) result in a nuisance; and
 - (v) enter any private place (other than the premises where the animal is ordinarily kept) without the consent of the owner or occupier of the premises; and
 - (vi) result in a danger to the safe movement of traffic on a public place (including a footpath); and
 - (vii) result in a danger to itself.

Example: An animal must comply with each paragraph in order for it to be under effective control. For instance, a dog which is held by a leash not longer than 2 metres in length by a keeper physically able to control the dog for the purpose of paragraph (a) is not under effective control if the dog attacks or worries a person in accordance with paragraph (c).

Relationship with other laws

5 This local law is in addition to, and does not derogate from:

- (a) the *Integrated Planning Act 1997*; and

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- (b) the *Weapons Act 1990*; and
 - (c) the *Health Act 1937*; and
 - (d) the *Nature Conservation Act 1992*; and
 - (e) the *Animals Protection Act 1925*; and
 - (f) the *Food Act 1981*; and
 - (g) the *Guide Dogs Act 1972*; and
 - (h) Acts (including subordinate legislation) about the keeping or control of an animal.

PART 2 – ADMINISTRATION OF ANIMAL POUND

Pound authority

- 6** (1) The local government may, by a subordinate local law:
- (a) establish a pound authority to exercise any of the powers of the local government pursuant to this local law; and
 - (b) establish the membership and structure of a pound authority; and
 - (c) specify procedures governing the operation of a pound authority; and
 - (d) specify policies and guidelines governing the exercise of the powers of the local government pursuant to this local law; and
 - (e) specify the powers given to the local government pursuant to this local law that may be exercised by a pound authority on behalf of the local government.
- (2) The pound authority may exercise the powers of the local government pursuant to this local law that are specified in a subordinate local law.

- (3) A pound authority must comply with this local law and all subordinate local laws.

Operation of an animal pound

- 7 (1) The local government may, by a subordinate local law, regulate:
- (a) the hours and days during which the animal pound and any part thereof will be open for the reception and release of animals; and
 - (b) the species, breed, sex, age, use or class of animals (other than impounded animals) that will be accepted at the animal pound; and
 - (c) the times for the sale of animals from the animal pound; and
 - (d) the impounding fees to be paid on the release of impounded animals; and
 - (e) the conduct of persons and animals in the animal pound.
- (2) A person must not, unless authorised by the local government, contravene a restriction imposed pursuant to section 7(1) (Operation of an animal pound) of this local law.

Maximum penalty – 50 penalty units.

Register of Impounded Animals

- 8 (1) The local government must keep a Register of Impounded Animals which contains the following information:
- (a) the species, breed, sex, age, use and class of the impounded animal; and
 - (b) the brand, colour, distinguishing markings and features of the impounded animal; and
 - (c) the registration number of the impounded animal, if applicable; and
 - (d) the name and address of the keeper of the impounded animal, if known; and

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- (e) the date and time of seizure and impounding of the impounded animal; and
 - (f) the name and address of the authorised person who impounded the animal; and
 - (g) the reason for the impounding of the animal; and
 - (h) a note of any order made pursuant to his local law in relation to the impounded animal; and
 - (i) the date of the sale, release, destruction or disposal of the impounded animal; and
 - (j) such other matters specified in a subordinate local law.
- (2) The Register of Impounded Animals must be kept available for public inspection at:
- (a) the animal pound; or
 - (b) at another office prescribed by a subordinate local law.

PART 3 – REGISTRATION OF ANIMALS

Requirements in respect of registrable animals

- 9 (1) The local government may, by a subordinate local law, specify that an animal is a registrable animal having regard to:
- (a) the species, breed, sex, age, use or class of the animal; or
 - (b) the size, location, nature or class of premises on which the animal is ordinarily kept.

- (2) The keeper of a registrable animal must ensure that the registrable animal is a registered animal under this local law.

Maximum penalty – 20 penalty units.

Requirements in respect of registered animals

- 10** (1) The keeper of a registered animal must ensure that the registered animal carries an identifying tag.

Maximum penalty – 10 penalty units.

- (2) The keeper of a registered animal must within 10 business days of a change:
- (a) of the premises at which the registered animal is ordinarily kept, give the local government a written notice of the location of the new premises; and
 - (b) of the ownership of the registered animal, give the local government a written notice of the name and address of the new owner of the registered animal.

Maximum penalty – 5 penalty units.

Application for a registration

- 11** (1) An application for a registration must be:
- (a) made by the owner of the animal; and
 - (b) made in the prescribed form; and
 - (c) accompanied by:
 - (i) the prescribed fee; and
 - (ii) evidence that all approvals under the local government Acts required for the keeping of the animal have been obtained; and

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- (iii) full details of the animal; and
 - (iv) such other information and materials as are requested by the local government or are specified in a subordinate local law.
- (2) The local government may waive the requirements of section 11 (Application for a registration) of this local law in an emergency or if there are special reasons for disposing with the requirements.

Grant of a registration

- 12 (1) The local government may grant a registration if satisfied that:
- (a) the animal is not a prohibited animal; and
 - (b) the animal will not be a dangerous animal; and
 - (c) the keeping of the animal will not result in harm to human health or safety or personal injury; and
 - (d) the keeping of the animal will not result in property damage or a loss of amenity; and
 - (e) the keeping of the animal will not result in environmental harm or environmental nuisance; and
 - (f) the keeping of the animal will not result in a nuisance; and
 - (g) the premises at which the animal will be kept has an occupied dwelling unit upon it and a prescribed enclosure; and
 - (h) the keeper of the animal is a suitable person; and
 - (i) the keeping of the animal complies with the local government Acts that regulate the keeping of the animal; and
 - (j) the keeping of the animal, the keeper of the animal and the premises on which the animal is kept comply with the prescribed criteria.

- (2) Before the local government decides an application for a registration, an authorised person may:
 - (a) inspect any premises, vehicle, equipment, animal, plant or thing to be involved in the keeping of the animal; and
 - (b) measure, weigh, sample, test or otherwise examine anything that may be inspected.

Term of a registration

- 13 (1) A registration granted by the local government is for a term extending from the date of issue until the thirtieth day of the following June unless otherwise specified in the registration or a subordinate local law.
- (2) A registration expires at the end of the day specified in section 13(1) (Term of a registration) of this local law.

Conditions of a registration

- 14 (1) A registration may be granted by the local government on conditions the local government considers appropriate.
- (2) The conditions of a registration may require, for example:
 - (a) the holder of the registration to take specified measures to:
 - (i) prevent harm to the human health or safety of persons who may be involved in or affected by the keeping of the animal; and
 - (ii) prevent personal injury, property damage or a loss of amenity resulting from the keeping of the animal; and
 - (iii) ensure that the keeping of the animal does not cause a nuisance, environmental harm or environmental nuisance; and
 - (iv) otherwise ensure that the keeping of the animal complies with the prescribed criteria; and

- (b) the holder of the registration to notify the local government within a period specified in the registration that the holder of the registration is no longer keeping the animal or is keeping the animal other than in accordance with the registration; and
 - (c) the certification by a person specified by the local government of a vehicle, equipment, animal or other thing involved in the keeping of the animal; and
 - (d) the giving of a security to secure compliance with the registration and the provisions of this local law; and
 - (e) specify insurance the holder of the registration must take out and maintain against claims for personal injury and property damage resulting from the keeping of the animal; and
 - (f) records to be kept at a place and for a time specified in the registration or a subordinate local law; and
 - (g) the holder of the registration to prepare, provide, undertake or comply with or provide an inspection, monitoring or management program in respect of the keeping of the animal; and
 - (h) the routine provision of evidence to the local government that the animal is being used for a particular purpose such as a show dog.
- (3) The local government may prescribe by a subordinate local law the conditions that must be imposed in a registration or that will ordinarily be imposed in a registration.

Power to change the conditions of a registration

- 15** (1) The local government may change a condition of a registration where¹:
- (a) the owner of the animal agrees to the proposed change; or
 - (b) the change is urgently necessary to prevent:
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (c) the change is necessary to ensure that the keeping of the animal, the keeper of the animal and the premises at which the animal is kept comply with the prescribed criteria.
- (2) If the local government is satisfied it is necessary to change a condition of a registration, the local government must:
- (a) give the owner of the animal a written notice stating:
 - (i) the proposed change and the reasons for the change; and
 - (ii) that the owner of the animal may make written representations to the local government about the proposed change; and
 - (iii) the time (at least 15 business days after the notice is given to the holder of the registration) within which the written representations may be made; and
 - (b) consider any written representation made by the owner of the animal within the time stated in the notice.

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- (3) After considering any written representation made by the owner of the animal, the local government must give to the owner of the animal:
 - (a) if the local government is not satisfied the change is necessary – a written notice stating that it has decided not to change the condition; or
 - (b) if the local government is satisfied that the change is necessary – a written notice stating that it has decided to change the condition including details of the changed condition.
 - (4) The changed condition takes effect from the day the notice was given to the owner of the animal.

Amendment or transfer of a registration

- 16**
- (1) The owner of the animal may make application to the local government to:
 - (a) amend the registration; or
 - (b) transfer the registration to a new animal.
 - (2) An application to amend or transfer a registration must be:
 - (a) made by the owner of the animal; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee and such other information as is requested by the local government.
 - (3) The local government may transfer a registration:
 - (a) where the keeping of the animal complies with the conditions of the registration and the provisions of this local law; and
 - (b) subject to such conditions the local government considers appropriate.

¹ A change to the conditions of a registration includes a change by omission, substitution or addition (see section 36

- (4) The local government may amend a registration:
 - (a) where the keeping of the animal complies with the criteria specified in section 12 (Grant of a registration) of this local law; and
 - (b) subject to such conditions the local government considers appropriate.

Renewal of a registration

- 17**
- (1) The local government shall be deemed to have requested the owner of an animal to renew the registration by giving to the owner of the animal a notice requiring the payment of the prescribed fee.
 - (2) The owner of the animal may renew a registration by the payment of the prescribed fee.
 - (3) The owner of the animal shall be deemed to have made an application to the local government to renew a registration upon the payment of the prescribed fee.
 - (4) The local government may renew a registration:
 - (a) if the keeping of the animal complies with the conditions of the registration and the provisions of the local law; and
 - (b) subject to the conditions of the registration unless otherwise determined by the local government; and
 - (c) subject to such conditions as the local government considers appropriate.

Cancellation of a registration

- 18**
- (1) The local government may cancel a registration where:
 - (a) the owner of the animal agrees to the cancellation; or
 - (b) the cancellation is urgently necessary to prevent:
-

- (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (c) the owner of the animal contravenes:
 - (i) this local law; or
 - (ii) a condition of a registration; or
 - (iii) a requirement of a compliance notice or a stop order; or
 - (d) the keeping of the animal does not comply with:
 - (i) the provisions of the local government Acts that regulate the keeping of the animal; or
 - (ii) the prescribed criteria; or
 - (e) the registration was granted on the basis of false, misleading or incomplete information; or
 - (f) changes in circumstances since the registration was granted make the continued operation of the registration inappropriate.
- (2) If the local government is satisfied it is necessary to cancel a registration, the local government must:
- (a) give the owner of the animal a written notice stating:
 - (i) the reasons for the proposed cancellation; and
 - (ii) that the owner of the animal may make written representations to the local government about the proposed cancellation; and

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- (iii) the time (at least 15 business days after the notice is given to the owner of the animal) within which representations may be made; and
 - (b) consider any written representations made by the owner of the animal within the time stated in the notice.
 - (3) After considering any written representation made by the owner of the animal the local government must give to the owner of the animal:
 - (a) if the local government is not satisfied that the cancellation is necessary – a written notice stating it has decided not to cancel the registration; or
 - (b) if the local government is satisfied that the cancellation is necessary – a written notice stating it has decided to cancel the registration.
 - (4) The cancellation of the registration takes effect from the day the written notice was given to the owner of the animal.

PART 4 – CONTROL OF ANIMALS

General compliance provision

- 19** (1) The owner of a registered animal must ensure that the conditions of the registration are complied with.
- Maximum penalty – 50 penalty units.
- (2) The owner of an animal and the keeper of an animal must ensure that the keeping of the animal:
- (a) does not result in harm to human health or safety or personal injury; and
 - (b) does not result in property damage or a loss of amenity; and
 - (c) does not result in environmental harm or environmental nuisance; and

- (d) does not result in a nuisance; and
- (e) does not result in a reasonable apprehension in the mind of a person of a threat of harm to human health or safety or personal injury; and
- (f) does not result in any significant disturbance, inconvenience or annoyance to a person's enjoyment of premises on which that person ordinarily resides; and

Example: A dog must not be allowed to consistently and excessively bark or howl.

- (g) complies with the prescribed criteria.

Maximum penalty – 50 penalty units.

Animals in public places

- 20** (1) The keeper of an animal must not bring or permit an animal to enter or remain in a public place unless the animal is under the keeper's effective control.

Maximum penalty – 30 penalty units.

- (2) The keeper of a dangerous dog must not bring or permit the dangerous dog to enter or remain in a public place unless the dangerous dog is securely muzzled to prevent it from being able to injure, bite or damage a person, an animal or a thing.

Maximum penalty – 50 penalty units.

- (3) The keeper of a dog must not bring or permit the dog to enter or remain in a public place if the dog is in season.

Maximum penalty – 10 penalty units.

- (4) The keeper of an animal must immediately remove and dispose of all faeces in a sanitary manner if the animal defecates in a public place.

Maximum penalty – 10 penalty units.

- (5) The keeper of a prohibited animal must not bring or permit the prohibited animal to enter or remain in the local government area or part of the local government area from which it is prohibited.

Maximum penalty – 20 penalty units.

General requirements in respect of animals

- 21** (1) A person must not cause, encourage or permit an animal to attack or worry a person, an animal or a thing.

Maximum penalty – 50 penalty units.

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

Maximum penalty – 20 penalty units.

- (3) A person must not, unless authorised by the local government, dispose of the remains of a dead animal on a public place.

Maximum penalty – 20 penalty units.

- (4) The owner of a dead animal and the occupier of the premises upon which the remains of the dead animal is found must dispose of the remains of the dead animal in accordance with the standards specified in a subordinate local law.

Maximum penalty – 20 penalty units.

- (5) The keeper of an animal (other than a guide dog) must not bring or permit an animal to enter or remain on any premises operated for the purpose of the preparation or sale of food for human consumption.

Maximum penalty – 20 penalty units.

- (6) The keeper of a dog must not bring or permit a dog to enter or remain on any premises operated for the purpose of a shop unless:

(a) the keeper of the dog is the owner of the premises or the occupier of the premises; or

(b) the dog is a guide dog.

Maximum penalty – 20 penalty units.

(7) A person must not manufacture, sell or possess an object or thing designed to be confused with the identifying tag issued by the local government under this local law.

Maximum penalty – 20 penalty units.

(8) The keeper of an animal must not bring or permit an animal to enter or remain on any premises without the consent of the owner or occupier of the premises.

Maximum penalty – 20 penalty units.

(9) A person must not, unless authorised by an authorised person, remove an animal from:

(a) an animal pound; or

(b) the custody or control of an authorised person.

Maximum penalty – 50 penalty units.

(10) The keeper of an animal must ensure that the animal is under effective control.

Maximum penalty – 20 penalty units.

Requirement for a prescribed enclosure

22 (1) The local government may, by a subordinate local law, specify the prescribed enclosure for an animal having regard to:

(a) the species, breed, sex, age, use or class of the animal; or

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- (b) the size, location, nature, type or class of premises on which the animal is ordinarily kept.
 - (2) The keeper of an animal must construct and maintain a prescribed enclosure to the standard provided for in the subordinate local law.

Maximum penalty – 50 penalty units.

- (3) The keeper of an animal must ensure that the animal is kept within the prescribed enclosure at all times unless under effective control.

Maximum penalty – 30 penalty units.

Requirements for guard dogs

- 23 (1) The local government may, by a subordinate local law, specify action that must be taken to:
 - (a) warn persons about the presence of a guard dog on the premises; and
 - (b) ensure that the guard dog is under effective control when the premises is open to access by the public.
- (2) The occupier of premises on which the guard dog is kept must not fail to take the action as required by section 23(1) (Requirements for guard dogs) of this local law.

Maximum penalty – 50 penalty units.

Declared dangerous animals

- 24 (1) The local government may declare an animal to be a declared dangerous animal if the local government is satisfied that the animal is a dangerous animal.
- (2) The local government may, by a subordinate local law, specify prescribed criteria in respect of a declared dangerous animal.

Example: The local government may require microchipping of a declared dangerous animal.

- (3) The local government may revoke the declaration of an animal as a declared dangerous animal if the local government is satisfied that the animal is no longer a dangerous animal due to age, disability or other reasonable grounds.

PART 5 – SEIZURE IMPOUNDING AND DESTRUCTION OF ANIMALS

Seizure and impounding of animals

- 25 (1) The local government may seize and impound an animal that is on a public place if the animal is:
- (a) an unmuzzled dangerous dog; or
 - (b) a dangerous animal; or
 - (c) a prohibited animal; or
 - (d) not under effective control; or
 - (e) a feral animal; or
 - (f) of a class or type specified in a subordinate local law.
- (2) The local government may enter a private place to seize and impound an animal²:
- (a) if the animal is not under effective control in circumstances where it can gain ready access to a public place; or
 - (b) if the animal is a dangerous animal which is not under effective control on vacant land; or

² The exercise of this power is subject to the powers of entry provisions of the *Local Government Act 1993*.

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- (c) if the animal is a dangerous dog³ that represents an immediate or unacceptable risk to a person, an animal or a thing; or
 - (d) if the owner or occupier of the premises requests the local government to enter the premises and seize and impound an animal found on the premises; or
 - (e) if the keeper of the animal (who is not the owner of the premises or the occupier of the premises) requests the local government to enter the premises and seize and impound the animal; or
 - (f) in the circumstances specified in section 32(3) (Performance of works) of this local law and section 33 (Powers of entry and cost recovery) of this local law.
- (3) The owner of premises or the occupier of premises may:
- (a) seize an animal found on the premises; and
 - (b) deliver the animal to the local government to be impounded.
- (4) The local government may, for the purposes of seizing and impounding an animal, use any reasonable method of capturing, trapping, controlling or sedating the animal including the use of mechanical devices and tranquillising devices.
- (5) The amount properly and reasonably incurred by the local government in the seizure and impounding of the animal pursuant to section 25 (Seizure and impounding of animals) of this local law may be recovered by the local government in addition to the prescribed fee for the release of the animal.

³ See section 1105 (Local laws about dogs) of the *Local Government Act 1993* which provides that a local law about dogs may contain a provision authorising a local government to enter premises without complying with the powers of entry provisions of the *Local Government Act 1993* for the purpose of seizing a dangerous dog within the meaning of the local law.

Dealing with impounded animals

- 26** (1) The local government must give the keeper of the impounded animal a written notice stating that an impounded animal may be reclaimed within a period specified in the notice by payment of the fees and amounts specified in section 26(2)(a) (Dealing with impounded animals) of this local law if:
- (a) the local government has not exercised its powers pursuant to section 28 (Destruction of animals) of this local law; and
 - (b) the local government knows or can readily ascertain from the local government's records the name and address of the keeper of the impounded animal.
- (2) Notwithstanding section 26(1) (Dealing with impounded animals) of this local law, the local government must return the impounded animal to the keeper of the impounded animal if:
- (a) the keeper of the impounded animal reclaims the impounded animal and pays within the period specified in the notice:
 - (i) the prescribed fee; and
 - (ii) the amount incurred by the local government in the seizure and impounding of the animal pursuant to section 25 (Seizure and impounding of animals) of this local law; and
 - (iii) the amount properly and reasonably incurred by the local government in the care of the animal; and
 - (b) in the case of an impounded animal which is a registrable animal, the impounded animal is a registered animal; and
 - (c) the animal is not of a type specified in section 28(1)(b) (Destruction of animals) of this local law; and
 - (d) the keeping of the impounded animal complies with the:

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- (i) local government Acts that regulate the keeping of the impounded animal; and
 - (ii) the criteria specified in section 19 (General compliance provision) of this local law; and
 - (iii) the requirements of this local law; and
 - (iv) the requirements of a compliance notice or a stop order issued under this local law.
- (3) Notwithstanding section 26(1) (Dealing with impounded animals) of this local law, if an impounded animal is not reclaimed within a period specified in a subordinate local law, the local government may:
- (a) sell the impounded animal in accordance with section 27 (Sale of impounded animal) of this local law; or
 - (b) destroy the impounded animal in accordance with section 28 (Destruction of animals) of this local law; or
 - (c) otherwise dispose of the impounded animal as the local government considers appropriate.

Examples:

?? *The local government may give the animal away.*

?? *The local government may rehouse the animal.*

- (4) Notwithstanding a failure to comply with the provisions of this local law, the sale or disposal of an impounded animal by the local government confers valid and paramount title to the impounded animal to the purchaser or donee of the impounded animal as though the local government were the owner of the impounded animal.

Sale of impounded animals

- 27 (1) The local government may:
- (a) offer an impounded animal for sale by public auction; or
 - (b) sell an impounded animal by private sale where the local government is not required by the *Local Government Act 1993* to offer the animal for sale by public auction.
- (2) If the local government intends to sell an impounded animal, the local government must, in the case of:
- (a) a private sale – exhibit at the local government’s public office or at the animal pound a notice of the sale; or
 - (b) a public auction – exhibit at the local government’s public office at least two business days before the date of the public auction a notice stating the time and place of the auction.
- (3) The local government must apply all money realised from the sale of an impounded animal (by public auction or otherwise) in the following manner:
- (a) first towards the costs of the sale; and
 - (b) secondly towards the costs of the impounding (including impounding fees); and
 - (c) thirdly to the former owner of the impounded animal.
- (4) The amount payable to the former owner of the impounded animal pursuant to section 27(3) (Sale of impounded animals) of this local law shall be payable to the local government if:
- (a) the identity of the former owner of the impounded animal is unknown to the local government from the local government’s records; and

- (b) no person establishes a valid claim to the amount to which the former owner of the impounded animal is entitled within six months of the date of the sale.

Destruction of animals

- 28** (1) The local government may destroy an animal which:
- (a) may be seized and impounded under this local law if an authorised person is satisfied that the animal is unable to be seized and impounded using means reasonably available to the authorised person without undue risk to the safety of the authorised person or other person; or
 - (b) has been seized and impounded under this local law if:
 - (i) the animal has been seized and impounded more than three (3) times within the prescribed period; or
 - (ii) the animal is sick, diseased, injured or emaciated; or
 - (iii) the animal is a feral animal; or
 - (iv) the animal is a dangerous animal; or
 - (v) the animal is of a type specified in a subordinate local law; or
 - (vi) the animal has not been reclaimed within a period specified in a subordinate local law.
- (2) If the local government is satisfied that an impounded animal may be destroyed pursuant to section 28(1)(b)(iv) (Destruction of animals) of this local law, the local government must:
- (a) make a destruction order; and
 - (b) give the keeper of the impounded animal a written notice stating:
 - (i) the terms of the destruction order; and

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- (ii) that the keeper of the impounded animal may, within seven (7) business day after the notice is given to the keeper of the impounded animal, appeal to the Court against the destruction order.
- (3) The keeper of an impounded animal may appeal against the destruction order by filing an appeal in the Court and serving a copy of the appeal on the local government within seven (7) business days after the notice is given to the keeper of the impounded animal.
- (4) The court may quash the destruction order if the Court is satisfied that:
- (a) the animal was unlawfully seized and impounded; or
- (b) there was no legal basis for the making of the destruction order.
- (5) Where the Court confirms a destruction order in respect of an impounded animal the Court may order the keeper of the impounded animal to pay the local government's costs of the appeal and all costs relating to the seizure, impounding, care and destruction of the animal.
- (6) Where the Court quashes the destruction order the Court may make an order for the costs of the appeal against the local government.
- (7) The local government may destroy the impounded animal if the Court has confirmed the destruction order.

PART 6 – ENFORCEMENT

Compliance notice

- 29** (1) An authorised person may give a compliance notice to:
- (a) a person who contravenes this local law; and

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- (b) any person involved in the contravention of this local law pursuant to section 37 (Liability of third parties) of this local law; and
 - (c) the owner of the animal if the person who contravenes this local law is not the owner of the animal.
- (2) A compliance notice may require the person to whom it is given to:
- (a) stop the contravention, if the contravention is of a continuing or recurrent nature; and
 - (b) perform work or otherwise take specified action to remedy the contravention (including the making of an application for a registration) for or within a time specified in the compliance notice, whether or not the contravention is of a continuing or recurrent nature; or
 - (c) perform work or otherwise take specified action for or within a time specified in the compliance notice to ensure compliance with the criteria specified in section 19 (General compliance provision) of this local law.

Examples: The local government may give a compliance notice requiring:

?? *the removal of an animal from the premises;*

?? *the erection of signage of a type specified in the compliance notice to warn persons entering the premises of the presence of a dangerous dog;*

?? *the keeping of an animal in a prescribed enclosure.*

- (3) A person to whom a compliance notice is given must comply with the compliance notice.

Maximum penalty – 50 penalty units.

Stop order

- 30** (1) An authorised person may, by notice to the keeper of an animal, require the person to cease to keep the animal within the time allowed in the notice where:
- (a) a compliance notice is not complied with within the time allowed for compliance in the compliance notice; or
 - (b) the person does not hold a registration from the local government; or
 - (c) the keeping of the animal is in the authorised person's opinion likely to give rise to:
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance; or
 - (iv) a nuisance; or
 - (v) a reasonable apprehension in the mind of a person of a threat of harm to human health or safety or personal injury; or
 - (d) the keeping of the animal does not comply with the provisions of the local government Acts that regulate the keeping of the animal; or
 - (e) the keeping of the animal, the keeper of the animal or the premises on which the animal is kept does not comply with the prescribed criteria.
- (2) Subject to section 30(3) (Stop order) of this local law, the person to whom the stop order is given must:
- (a) cease to keep the animal; and
 - (b) comply with the stop order.
- (3) The stop order ceases where the person to whom a stop order is given has complied with to the satisfaction of an authorised person:

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- (a) the requirements of this local law; and
 - (b) the prescribed criteria; and
 - (c) the conditions of any relevant registration; and
 - (d) the requirements of any relevant compliance notice.

Inspection of keeping of an animal

- 31** (1) An authorised person may inspect the keeping of an animal and any premises, vehicle, equipment, enclosure, animal, plant or other thing involved in the keeping of an animal to establish whether there is compliance with⁴
- (a) the requirements of this local law; and
 - (b) the prescribed criteria; and
 - (c) the conditions of the registration; and
 - (d) the requirements of a compliance notice; and
 - (e) the requirements of a stop order.
- (2) An authorised person may direct the keeper of the animal to produce for inspection⁵:
- (a) the registration granted by the local government; and
 - (b) any records that are required to be kept as a condition of the registration or as specified in a subordinate local law and may take copies of or extracts from those records; and

⁴ Section 1098 (Approval of inspection program) of the *Local Government Act 1993* empowers an authorised person to enter a place to monitor compliance with a local government Act which is defined to include a local law. Section 1096 (Monitoring authorisations and processing applications) of the *Local Government Act 1993* empowers an authorised person to enter a place to find out whether the conditions of an authorisation or notice have been complied with or to inspect work carried out under an authorisation or notice.

⁵ Section 1102 (General powers after entering places) of the *Local Government Act 1993* provides for these powers.

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- (c) any vehicle, equipment, enclosure, animal, plant or thing involved in the keeping of the animal.
- (3) An authorised person may measure, weigh, sample, test or otherwise examine anything that may be inspected pursuant to section 31 (Inspection of keeping of an animal) of this local law⁶.
 - (4) A keeper of an animal must comply with:
 - (a) a direction of an authorised person pursuant to section 31(2) (Inspection of keeping of an animal) of this local law; and
 - (b) the terms of a periodic inspection, monitoring or management program in respect of the keeping of an animal specified in a subordinate local law.

Maximum penalty – 50 penalty units.

Performance of works

- 32 (1) A person committing an offence under this local law must make good any damage caused directly or indirectly by the commission of the offence.
- (2) The local government may perform work where a person has failed to perform work required to be performed by⁷:
 - (a) section 32(1) (Performance of works) of this local law; or
 - (b) a compliance notice or a stop order issued under this local law; or
 - (c) a condition of a registration; or
 - (d) any other provision of this local law.

⁶ Section 1102 (General powers after entering places) of the *Local Government Act 1993* provides for these powers.

⁷ The exercise of this power is subject to section 1066 (Performing work for owner or occupier) of the *Local Government Act 1993*

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- (3) The local government may in the course of performing work remove from the premises any structure, vehicles, equipment, enclosure, animal, plant or thing involved in the keeping of the animal.⁸
- (4) The local government may dispose of, and in accordance with the laws of the State, in the case of:
- (a) an animal removed by the local government pursuant to section 32 (Performance of works) of this local law – in accordance with section 26 (Dealing with impounded animals) of this local law; and
 - (b) any material of any nature (other than an animal) removed by the local government pursuant to section 32 (Performance of works) of this local law – as the local government sees fit.
- (5) An authorised person may perform the work that the local government is empowered to undertake pursuant to section 32 (Performance of works) of this local law.
- (6) The Court may order a person found guilty of an offence under this local law to:
- (a) perform work required to be performed by:
 - (i) section 32(1) (Performance of works) of this local law; or
 - (ii) a compliance notice or stop order issued under this local law; or
 - (iii) a condition of a licence; or
 - (iv) a provision of this local law; and
 - (b) pay to the local government all costs incurred by the local government in performing the work pursuant to section 32 (Performance of works) of this local law.

⁸ The exercise of this power is subject to section 1066 (Performing work for owner or occupier) of the *Local Government Act 1993*

Powers of entry and cost recovery

- 33** (1) If the work to be carried out by the local government is on land of which the local government is not the owner or occupier, the local government may enter the land to perform the work:
- (a) under section 1066 (Performing work for owner or occupier) of the *Local Government Act 1993*, if the person who has failed to perform the work is the owner or occupier of the land; or
 - (b) under section 1070 (Entry on land for local government purposes) of the *Local Government Act 1993*, if the person who has failed to perform the work is not the owner or occupier of the land.⁹
- (2) If the person who failed to perform the work is the owner of the land, the amount properly and reasonably incurred by the local government to perform the work is recoverable (together with any interest) under section 1066 (Performing work for owner or occupier), section 1067 (Cost of work recoverable as a rate) and section 1068 (Cost of work a charge over land) of the *Local Government Act 1993*.
- (3) If the person who failed to perform the work is not the owner of the land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the person in default together with interest on the same basis as applies to an owner of the land under section 1067 (Cost of work recoverable as a rate) of the *Local Government Act 1993*.¹⁰

⁹ A magistrate may make an order for entry under section 1063 (Order for occupier who refuses entry) of the *Local Government Act 1993*, if the occupier refuses to permit the entry.

¹⁰ Section 1067(2) (Cost of work recoverable as a rate) of the *Local Government Act 1993* provides for the payment of interest on the same basis as an overdue rate.

PART 7 – ADMINISTRATIVE PROVISIONS

Appointment of authorised person

34 The local government may authorise a person to exercise the powers of an authorised person under this local law where that person possesses or has access to a person with appropriate expertise or qualifications in respect of the powers to be exercised.

Powers of authorised persons

- 35** (1) An authorised person may:
- (a) exercise the powers of an authorised person and such other powers under the local law as the local government may determine; and
 - (b) direct a person committing a breach of this local law to:
 - (i) cease the conduct or activity which constitutes a breach of this local law; and
 - (ii) take such action determined by the authorised person to ensure that the person does not commit a breach of this local law; and
 - (c) subject to the *Police Powers and Responsibilities Act 1997*, request the assistance of a member of the police force to take such action determined by the member of the police force to:
 - (i) assist the authorised person in the exercise of these powers; and
 - (ii) ensure that a person does not commit a breach of this local law.
- (2) A person must comply with a direction of an authorised person made pursuant to this local law.

Maximum penalty – 50 penalty units.

Executive officers must ensure the corporation complies with the local law

- 36** (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with the provision.
- Maximum penalty – the penalty for the contravention of the provision by an individual.
- (3) Evidence that the corporation has been convicted of an offence against a provision of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complied with the provision.
- (4) However, it is a defence for an executive officer to prove:
- (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence – the officer exercised reasonable diligence to ensure the corporation complied with the provision; or
 - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation to be proceeded against and punished for an offence committed by the corporation in contravention of this local law.

Liability of third parties

- 37** (1) Any person involved in a contravention of this local law commits an offence.
- Maximum penalty – the penalty for which any person who committed the contravention would be liable.

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- (2) For the purposes of section 37(1) (Liability of third parties) of this local law, a person involved in a contravention of this local law is any person who:
- (a) has aided, abetted, counselled or procured the contravention; or
 - (b) has induced, whether by threats or promises or otherwise, the contravention; or
 - (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
 - (d) has conspired with others to effect the contravention; or
 - (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

Attempts to commit offences

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

PART 8 – SUBORDINATE LOCAL LAWS

Subordinate local laws

- 39** The local government may, in a subordinate local law, specify:
- (a) an animal that is excluded from the application of this local law pursuant to section 3 (Definitions) of this local law; and

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- (b) an animal as a dangerous animal pursuant to section 3 (Definitions) of this local law; and
 - (c) a building as a dwelling unit pursuant to section 3 (Definitions) of this local law; and
 - (d) an animal as a feral animal pursuant to section 3 (Definitions) of this local law; and
 - (e) a public place as a footpath pursuant to section 3 (Definitions) of this local law; and
 - (f) a dog as a guide dog pursuant to section 3 (Definitions) of this local law; and
 - (g) an identifying tag for a registrable animal pursuant to section 3 (Definitions) of this local law; and
 - (h) as a local government road a public place pursuant to section 3 (Definitions) of this local law; and
 - (i) an animal prohibited from being in the local government area pursuant to section 3 (Definitions) of this local law; and
 - (j) the prescribed criteria with which an animal, the keeper of an animal and the premises on which an animal is kept must comply pursuant to section 3 (Definitions) of this local law; and
 - (k) the prescribed enclosure for an animal pursuant to section 3 (Definitions) of this local law; and
 - (l) a prescribed period pursuant to section 3 (Definitions) of this local law; and
 - (m) premises as a public place pursuant to section 3 (Definitions) of this local law; and
 - (n) a thing as a structure pursuant to section 3 (Definitions) of this local law; and

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- (o) the matters to which a local government may have regard in determining whether a person is a suitable person pursuant to section 3 (Definitions) of this local law; and
 - (p) the training program for trained guard dogs pursuant to section 3 (Definitions) of this local law; and
 - (q) a thing as a vehicle pursuant to section 3 (Definitions) of this local law; and
 - (r) the operations of an animal pound pursuant to section 7(1) (Operation of an animal pound) of this local law; and
 - (s) the rights and obligations of a pound authority pursuant to section 6(2) (Pound authority) of this local law; and
 - (t) matters to be contained in the Register of Impounded Animals pursuant to section 8(1)(j) (Register of Impounded Animals) of this local law; and
 - (u) the office of which the Register of Impounded Animals must be kept pursuant to section 8(2)(b) (Register of Impounded Animals) of this local law; and
 - (v) an animal as a registrable animal pursuant to section 9(1) (Requirements in respect of registrable animals) of this local law; and
 - (w) information that must accompany an application for a registration pursuant to section 11(1)(c)(iv) (Application for a registration) of this local law; and
 - (x) the term of a registration pursuant to section 13(1) (Term of a registration) of this local law; and
 - (y) the records that must be kept, the place at which those records must be kept and the period for which those records must be kept pursuant to section 14(2)(f) (Conditions of a registration) of this local law; and
 - (z) the conditions that must be imposed in a registration or that will ordinarily be imposed in a registration pursuant to section 14(3) (Conditions of a registration) of this local law; and

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- (aa) the standards to be complied with in respect of the disposal of the remains of a dead animal pursuant to section 21(4) (General requirements in respect of animals) of this local law; and
 - (ab) the prescribed enclosure for an animal pursuant to section 22(1) (Requirements for a prescribed enclosure) of this local law; and
 - (ac) the standards in respect of the construction and maintenance of a prescribed enclosure pursuant to section 22(2) (Requirements for a prescribed enclosure) of this local law; and
 - (ad) the action that must be taken in relation to premises using guard dogs pursuant to section 23(1) (Requirements for guard dogs) of this local law; and
 - (ae) prescribed criteria in respect of a declared dangerous animal pursuant to section 24(2) (Declared dangerous animals) of this local law; and
 - (af) a class or type of animal on a public place that may be seized and impounded by the local government pursuant to section 25(1)(f) (Seizure and impounding of animals) of this local law; and
 - (ag) the period within which an impounded animal must be retained pursuant to section 26(3) (Dealing with impounded animals) of this local law; and
 - (ah) the types of animals that may be destroyed pursuant to section 28(1)(b)(v) (Destruction of animals) of this local law; and
 - (ai) the records that are required to be kept pursuant to section 31(2)(b) (Inspection of keeping of an animal) of this local law; and
 - (aj) the terms of a periodic inspection, monitoring or management program in respect of the keeping of an animal pursuant to section 31(4)(b) (Inspection of keeping of an animal) of this local law; and
 - (ak) such other matters as are provided for in this local law.