

Fraser Coast Regional Council Animal Management (Amendment) Local Law (No. 1) 2023

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Part 1 Preliminary

1 Short title

This local law may be cited as *Animal Management (Amendment) Local Law (No. 1) 2023*.

2 Local law amended

This local law amends *Local Law No. 2 (Animal Management) 2011*.

Part 2 Amendments to local law

3 Amendment of s2 (Purpose and how it is to be achieved)

Section 2(2)(g), ‘and dogs’—
omit.

4 Amendment of s6 (Requirement for approval)

(1) Section 6(2)(h), ‘.’—

omit, insert—
‘;’.

(2) After section 6(2)(h)—

insert—

‘(i) whether the owner of, or a responsible person for, the animal has been convicted of 1 or more offences against this local law in relation to the keeping of the animal;

(j) whether the animal is a dog which—

(i) is registered in the local government area of another local government;
and

(ii) is, or has been, kept in the local government area for more than a specified period of time;

(k) whether the animal is a working dog or not;

(l) whether the animal is a dog which is kept—

(i) at premises (visited premises) other than the premises at which the dog is registered; and

(ii) at the visited premises for more than a specified period of time.’.

(3) Section 6(3), ‘*Sustainable Planning Act 2009*’—

omit, insert—

‘*Planning Act 2016*’.

5 Replacement of s9 (Duty to avoid animal noise nuisance)

Section 9—

omit, insert—

‘9 Duty to avoid animal noise nuisance

- (1) A person who keeps an animal on land must ensure that the animal does not cause an animal noise nuisance.

Maximum penalty for subsection (1) — 50 penalty units.

- (2) An animal kept on land causes an animal noise nuisance if—
- (a) in the opinion of an authorised person, the noise unreasonably interferes with the peace, comfort and convenience of any person on any other land or premises, for example, the noise occurs more than once and the noise—
 - (i) disrupts or wakes a person who is sleeping or trying to sleep; or
 - (ii) disrupts a person holding a conversation; or
 - (iii) disrupts a person using, or listening to, or watching, television or a device at ordinary volumes; or
 - (iv) disrupts an activity ordinarily carried out on adjoining or nearby residential or commercial premises; and
 - (b) the duration of the noise exceeds—
 - (i) more than a total of 6 minutes in any 60 minute period between the hours of 7.00am and 10.00pm on any day; or
 - (ii) more than a total of 3 minutes in any 30 minute period between the hours of 10.00pm and 7.00am on any day.
- (3) The following criteria may be considered by an authorised person when deciding whether an animal kept on land causes an animal noise nuisance —
- (a) the number of complaints of a contravention of subsection (1); and
 - (b) the number of complaints from persons all of whom occupy separate premises in the same or an adjoining street to the land the subject of the complaints; and
 - (c) the number of complaints where the land the subject of the complaints is not located in an area occupied predominantly by premises used for residential purposes.’.

6 Amendment of s23 (Power to immediately destroy seized animal)

Section 23(2)—

omit, insert—

- ‘(2) The authorised person may, without notice, immediately destroy the animal if—
- (a) the authorised person reasonably believes that—
 - (i) the animal is dangerous; and
 - (ii) the authorised person cannot control it by means that are

- reasonably available to the authorised person; or
- (b) the authorised person reasonably believes that the animal—
 - (i) is so diseased, emaciated or injured that its continued existence causes it to suffer; or
 - (ii) is suffering from injury, disease or sickness to such an extent that it is impracticable to maintain it; or
 - (iii) is suffering from any disease or sickness that is of a contagious or infectious kind to such an extent that the disease or sickness poses a risk to the health or safety of a person or another animal; or
 - (c) an owner of the animal has requested the authorised person to destroy it; or
 - (d) the animal—
 - (i) is a declared regulated animal; and
 - (ii) after the time it became a declared regulated animal, it has attacked, or acted in a way that has caused fear to, a person or animal.’.

7 Amendment of s24 (Immediate return of animal seized wandering at large)

Section 24(1)(a), ‘section 21(1)(a) or section 21(2)(a)’—
omit, insert—
‘section 22(1)(a) or section 22(2)(a)’.

8 Amendment of s25 (Impounding of seized animal)

- (1) Section 25(b), ‘.’—
omit, insert—
‘; or’.
- (2) After section 25(b)—
insert—
 - (c) another organisation or person who is recognised by the local government as a reputable operator of an animal shelter, for example, of premises maintained for the purpose of providing shelter to, or finding a home for, stray, abandoned, injured or unwanted animals.’.

9 Amendment of s26 (What is a notice of impounding)

Section 26(1)(iii), ‘section 21(1)(b) or 21(2)(b)’—
omit, insert—
‘section 22(1)(b) or section 22(2)(b)’.

10 Amendment of s27 (Dealing with animal seized and impounded for wandering at large)

- (1) Section 27(4)(b), ‘section 30’—

omit, insert—

‘section 31; or’.

- (2) After section 27(4)(b)—

insert—

‘(c) dispose of the animal under division 5.’.

11 Amendment of s29 (Dealing with animal seized and impounded for attacking etc a person or another animal)

- (1) Section 29(2)(a), ‘section 30’—

omit, insert—

‘section 31’.

12 Amendment of s30 (Reclaiming an impounded animal)

- (1) Section 30(2)(e)—

omit, insert—

‘(e) if the animal is required to be microchipped—

- (i) provides written evidence to the local government of an appointment to have the microchip implanted into the animal within 21 days of the animal being impounded or such longer period as the local government agrees; or
- (ii) permits or allows the local government to implant the microchip into the animal, at the expense of the owner or responsible person for the animal; and’.

- (2) Section 30(2)(f)—

omit, insert—

‘(f) if the animal is required to be desexed—

- (i) provides written evidence to the local government of an appointment to have the animal desexed within 21 days of being impounded or such longer period as the local government agrees; or
- (ii) permits or allows the local government to desex the animal, at the expense of the owner or responsible person for the animal.’.

- (3) Section 30(3)(b), ‘.’—

insert—

‘; or’.

- (4) After section 30(3)(b)—

insert—

‘(c) an authorised person has impounded the animal more than 3 times during a

12 month period.’.

13 Amendment of s32 (Application of this division)

Section 32(a)—

omit, insert—

‘(a) an impounded animal has not been reclaimed because each of the owner and the responsible person for the animal has not satisfied 1 or more of the conditions specified in section 30(2); or’.

14 Amendment of s34 (Register of impounded animals)

After section 34(3)—

insert—

‘(4) The local government may keep the register of impounded animals in the way the local government considers appropriate, including, for example, in electronic form.’.

15 Amendment of s35 (Access to impounded animal)

(1) Section 35(1), after ‘impounded’—

insert—

‘at a place operated by the local government’.

(2) Section 35(2), after ‘to time’—

insert—

‘, but in any event, not more frequently than once, on each business day’.

(3) Section 35(3), after ‘inspection’—

insert—

‘for example, in circumstances where an inspection by the owner causes a disruption to the animal, or other animals, and the disruption affects the safe operation of the place of care for animals at which the animal is impounded’.

16 Amendment of s44 (Subordinate local laws)

(1) Section 44(g)—

omit.

(2) Section 44(h) to (s)—

renumber as section 44(g) to (r).

17 Amendment of sch (Dictionary)

(1) Schedule, definitions *animal registration number*, *breeder approval number*, and *breeding dog* —

omit.

(2) Schedule, definition *State planning instrument*, ‘Sustainable Planning Act 2009, schedule 3’—

omit, insert—

‘Planning Act 2016, schedule 2’.

18 Minor and consequential amendments

Footnotes 32 to 44—

renumber as footnotes 31 to 43.

This and the preceding 5 pages bearing my initials is a certified copy of *Animal Management (Amendment) Local Law (No. 1) 2023* made in accordance with the provisions of the *Local Government Act 2009* by Fraser Coast Regional Council by resolution dated the day of 2023.

.....
Chief Executive Officer