



ORDINARY MEETING

AGENDA

6 MARCH 2018

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 6 March 2018 commencing at 9:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be the initials "CR" followed by a long horizontal stroke.

CHIEF EXECUTIVE OFFICER
1 March 2018

Next Meeting Date: 20.03.18

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

The opening prayer presented by Reverend Lindsay Howie from St Paul's Cathedral.

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor R A Swadling
Councillor N K Fisher
Councillor A P Williams
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor S J Schwarten

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 20 February 2018

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 PLANNING AND REGULATORY COMMITTEE MEETING - 27 FEBRUARY 2018

RECOMMENDATION

THAT the Minutes of the Planning and Regulatory Committee meeting, held on 27 February 2018 as circulated, be received and that the recommendations contained within these minutes be adopted.

(Note: The complete minutes are contained in the separate Minutes document)

Recommendation of the Planning and Regulatory Committee, 27 February 2018**9.1.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE**

File No:	10097
Attachments:	1. Business Outstanding Table for Planning and Regulatory Committee
Authorising Officer:	Colleen Worthy - General Manager Community Services
Author:	Colleen Worthy - General Manager Community Services

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Regulatory Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

THAT the Business Outstanding Table for the Planning and Regulatory Committee be received.

Recommendation of the Planning and Regulatory Committee, 27 February 2018**9.1.2 DENGUE MANAGEMENT PLAN 2017-2021**

File No: 595
Attachments: 1. Dengue Management Plan 2017 - 2021
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Karen Moody - Coordinator Health and Environment

SUMMARY

This report presents the Rockhampton Regional Council Dengue Management Plan 2017-2021 (The Plan) for Council's consideration and adoption. The Plan builds on current activities and provides an adopted proactive, strategic approach for dengue management and clear direction for Vector Management Officers for the next four years.

COMMITTEE RECOMMENDATION

THAT Council adopts the Dengue Management Plan 2017-2021.

Recommendation of the Planning and Regulatory Committee, 27 February 2018**9.1.3 DELEGATED DECISIONS JANUARY 2018**

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the development applications received in January 2018 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT this report into the applications lodged in January 2018 be received.

Recommendation of the Planning and Regulatory Committee, 27 February 2018**9.1.4 PLANNING INSTITUTE OF AUSTRALIA - 2021 QUEENSLAND STATE PLANNING CONFERENCE**

File No: 7028
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Thomas Gardiner - Planning Officer

SUMMARY

To outline that Rockhampton has been successful in its submission to the Planning Institute of Australia to host the 2021 Queensland State Planning Conference.

COMMITTEE RECOMMENDATION

THAT the Rockhampton Regional Council supports the endorsement from the Planning Institute of Australia to host the 2021 Queensland State Planning Conference.

Recommendation of the Planning and Regulatory Committee, 27 February 2018**9.1.5 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - JANUARY 2018****File No: 1464****Attachments:**

- 1. Monthly Operations Report for Planning and Regulatory Services - January 2018**
- 2. Traffic Light Report - January 2018**

Authorising Officer: Colleen Worthy - General Manager Community Services**Author: Steven Gatt - Manager Planning and Regulatory Services**

SUMMARY

The Monthly Operations Report for the Planning and Regulatory Services Section for January 2018 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Planning and Regulatory Services Monthly Operations Report for January 2018 be 'received'.

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 DEVELOPING NORTHERN AUSTRALIA CONFERENCE - ALICE SPRINGS CONVENTION CENTRE, MONDAY 18 AND TUESDAY 19 JUNE 2018

File No: 10072
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Megan Careless - Executive Support Officer

SUMMARY

The Developing Northern Australia Conference is being held at the Alice Springs Convention Centre from Monday 18 June to Tuesday 19 June 2018.

OFFICER'S RECOMMENDATION

THAT Councillor _____ be authorised to attend the Developing Northern Australia Conference to be held in Alice Springs from Monday 18 June to Tuesday 19 June 2018.

BACKGROUND

Developing Northern Australia Conference is being held in Alice Springs from Monday 18 June to Tuesday 19 June 2018. Council has agreed to be a silver sponsor of the event.

This annual conference is now in its 4th year and continues to be a meeting place for those individuals, companies and government entities that are vested in progressing Northern Australia. The conference provides a platform for networking and connecting with like-minded contributors to share the opportunities, challenges and outcomes for growing Northern Australia. Topics for the 2018 Conference include:

- Trade and Investment
- Land and Water
- Connecting Northern Australia
- Attracting Business and Population
- Governance and the Next Generation of Northern Australian Policy
- Indigenous-led Development
- Food and Agribusiness
- Engaging Industry Sectors
- Small Business and New Opportunities
- Northern Australia Liveability

Registration for the conference is \$1,040.00 per delegate; accommodation is approximately \$175.00 per night (x3) with airfares costing approximately \$1,000.00 return.

11.2 DRAFT LOCAL LAWS FOR DISCUSSION, AMENDMENT AND ADOPTION

File No:	11698
Attachments:	<ol style="list-style-type: none">1. Local Law No 2 (Animal Management) 20112. Subordinate Local Law No. 2 (Animal Management) 20113. Subordinate Local Law No 1.5 (Keeping of Animals) 20114. Local Law No 5 (Parking) 20115. Subordinate Local Law No. 5 (Parking) 20116. Subordinate Local Law No. 1.15 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 20117. Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 20178. Subordinate Local Law No. 1.9 (Operation of Cemeteries) 20119. Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011
Authorising Officer:	Colleen Worthy - General Manager Community Services
Author:	Steven Gatt - Manager Planning and Regulatory Services

SUMMARY

This report is to provide the Council with the draft local laws for discussion, amendment and adoption.

OFFICER'S RECOMMENDATION

THAT Council resolves to receive the following amended Local and Subordinate Laws for adoption:-

- (a) Animal Management (Amendment) Local Law (No. 1) 2018
- (b) Animal Management (Amendment) Subordinate Local Law (No. 1) 2018
- (c) Keeping of Animals (Amendment) Subordinate Local Law (No. 1) 2018
- (d) Parking (Amendment) Local Law (No. 1) 2018
- (e) Parking (Amendment) Subordinate Local Law (No. 1) 2018
- (f) Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee (Amendment) Subordinate Local Law (No. 1) 2018
- (g) Operation of Cemeteries (Amendment) Subordinate Local Law (No. 1) 2018
- (h) Undertaking Regulated Activities regarding Human Remains (Amendment) Subordinate Local Law (No. 1) 2018
- (i) Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018

COMMENTARY

These versions of the listed Local & Subordinate Local Laws are provided to the Council for information and to allow a final opportunity to amend or discuss the changes prior to 'Propose to Make Local Laws' Council report and resolutions.

The Local Laws and Subordinate Local Laws were last amended in 2011, commencing on 1 January 2012. These amendments focused mainly on the amalgamation of Rockhampton

City Council, Fitzroy Shire Council, Mount Morgan Shire Council and Livingstone Shire Council in 2008.

Following de-amalgamation in 2014 several inconsistencies and concerns have also been identified particularly some of the laws currently in force for Rockhampton Regional Council reference Yeppoon and surrounding suburbs as being part of the local government area (references to cemeteries, parks, offices etc.).

The Local Law Review Project commenced in 2016. The project was to review and update the current Local Laws and Subordinate Local Laws of Rockhampton Regional Council.

BACKGROUND

Consultation has occurred via stakeholder meetings involving key stakeholders across the organisation to provide input and comment on proposed changes.

CEO consultation has occurred and Councillor workshops were organised and held for information and clarification of changes proposed.

Local Laws amendments are now to be presented to Council for final amendment approvals prior to being presented for the final 'proposal to make' resolution and State Interest Check on the remaining Local Laws and their subordinates as a complete package.

PREVIOUS DECISIONS

On the 30 January 2018 Council resolved to propose to make Local Law 1 Administration and Local Law 8 Waste Management.

These Local Laws have been forwarded to the State for interest checks.

LEGISLATIVE CONTEXT

The *Local Government Act 2009* and the *Local Government Regulation 2012* provide the legislative guidance for the making of Local and Subordinate Local Laws.

CONCLUSION

The first package of documents be presented to Council for adoption following any further comment and final amendments.

**DRAFT LOCAL LAWS FOR
DISCUSSION, AMENDMENT AND
ADOPTION**

**Local Law No 2 (Animal Management)
2011**

Meeting Date: 6 March 2018

Attachment No: 1

Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This model local law may be cited as *Local Law No. 2 (Animal Management) 2011*.

2 Purpose and how it is to be achieved

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

3 Definitions—the dictionary

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

4 Relationship with other laws²

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

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

² This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

Part 2 Keeping of animals

Division 1 Prohibition on keeping animals

5 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether an animal is a restricted dog;³
 - (g) the locality in which the animal would be kept;
 - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁴

Example for subsection (2)—

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

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

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

Division 2 Animals for which approval is required

6 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁵ for keeping an animal or animals in prescribed circumstances.
- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—

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

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

⁵ Keeping an animal for which an approval is required under this local law is a *prescribed activity* under schedule 2 of *Local Law No. 1 (Administration) 2011*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁶
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act⁷.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁸

Division 3 Animals for which desexing is required

7 Requirement to desex an animal

- (1) The local government may, by subordinate local law, require—
- (a) an animal of a particular species or breed to be desexed; and
 - (b) a menacing dog to be desexed.
- (2) The subordinate local law may—
- (a) specify that the requirement for desexing only applies once an animal reaches a certain age; and
 - (b) exempt animals under particular circumstances.

Example for paragraph (b)—

Exemption might be provided for an animal that is owned by a member of a recognised breeders' association for the purposes of breeding or showing.

- (3) A person must not keep an animal that is required to be desexed unless the animal has been desexed.

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

⁶ See note 4.

⁷ See the definition of *Planning Act* in the Act, schedule 4.

⁸ Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

Division 4 Minimum standards

8 Minimum standards for keeping animals

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.⁹
Maximum penalty for subsection (2)—20 penalty units.
- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 5 Identification of registered cats and dogs

9 Identification for cats and dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008* for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog.¹⁰

Part 3 Control of animals

Division 1 Animals in public places

10 Exclusion of animals

- (1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.
- (2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition specified under subsection (1).
Maximum penalty for subsection (2)—20 penalty units.
- (3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.
- (4) In this section—
reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—
 - (a) the animals that are prohibited in the place; and
 - (b) in general terms, the provisions of subsection (2).

⁹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁰ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a cat or dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

11 Dog off-leash areas

- (1) The local government may, by subordinate local law, designate an area within a public place as an area where a dog is not required to be on a leash (a *dog off-leash area*).
- (2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.
- (3) In this section—
reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of the area.

12 Control of animals in public places¹¹

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
 - (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal¹²—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

Maximum penalty for subsection (1)—20 penalty units.

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

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

- (3) An animal is under the *effective control* of someone only if—
 - (a) a person who is physically able to control the animal—
 - (i) is holding it by an appropriate leash, halter or rein which has a length of not more than 2m; or
 - (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or
 - (b)

¹¹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

¹² See the definition of *declared dangerous animal* in the schedule.

the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or

- (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or
- (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or
- (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

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

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

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

14 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.¹³

Maximum penalty for subsection (1)—20 penalty units.

- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.

- (3) The owner of the animal must ensure that it is not wandering at large.¹⁴

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

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—

- (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
- (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

Example for paragraph (b)—

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

15 Koala conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.

¹³ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁴ See the definition of *wandering at large* in the schedule.

- (2) The prescribed requirements may relate to—
- (a) the enclosure in which the dog must be kept between sunset and sunrise; or
 - (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or
 - (c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land; or
 - (d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.
- (3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

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

- (4) In this section—

koala area means—

- (a) a koala habitat area; or
- (b) an area designated by subordinate local law as a koala area.

koala habitat area means an area designated as a koala habitat by—

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

Division 3 Aggressive behaviour by animals other than dogs

16 Limited application of division to dogs¹⁵

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

17 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
- (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or

¹⁵ Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196.

- (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
- (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
- (d) otherwise—20 penalty units.
- (3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.¹⁶

18 Defences for offence against s 17

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

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the *accompanying person*), or the responsible person's or accompanying person's property.

Division 4 Dangerous animals other than dogs¹⁷

19 Declaration of dangerous animal other than a dog

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.
- (3) A declaration under subsection (2) takes effect at the time the local government

¹⁶ See section 83 of that Act.

¹⁷ Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

gives the responsible person for the animal an information notice¹⁸ about the declaration.

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

An authorised person may, by giving a compliance notice,¹⁹ require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

21 Seizure of animals

- (1) An authorised person may seize²⁰ an animal, other than a dog,²¹ in the following circumstances—
 - (a) the animal is found wandering at large; or

¹⁸ See the definition of *information notice* in *Local Law No.1 (Administration) 2011*, schedule 1.

¹⁹ See *Local Law No.1 (Administration) 2011*, section 27 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

²⁰ See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

²¹ See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

- (b) if a compliance notice has been given to the responsible person for the animal in relation to compliance with a requirement of this local law—the authorised person has entered a property, including private property, under chapter 5, part 2, division 1 of the Act, and reasonably believes the responsible person for the animal has not complied with the compliance notice; or
 - (c) the authorised person reasonably believes the animal—
 - (i) has attacked, threatened to attack or acted in a way that causes fear to, a person or another animal; or
 - (ii) is, or may be, a risk to community health or safety; or
 - (d) the animal is being kept in contravention of section 5 or section 6 of this local law and the authorised person reasonably believes there is a risk the animal may be concealed or moved to avoid a requirement of section 5 or section 6 of this local law; or
 - (e) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (2) An authorised person may seize a dog in the following circumstances—
- (a) the dog is found wandering at large; or
 - (b) if a compliance notice has been given to the responsible person for the dog in relation to compliance with a requirement of this local law—the authorised person has entered a property, including private property, under chapter 5, part 2, division 1 of the Act, and reasonably believes the responsible person for the dog has not complied with the compliance notice; or
 - (c) the dog is being kept in contravention of section 5 or section 6 of this local law and the authorised person reasonably believes there is a risk the dog may be concealed or moved to avoid a requirement of section 5 or section 6 of this local law; or
 - (d) the authorised person considers on reasonable grounds that the dog has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
- (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action,
-

including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

22 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a regulated dog,²² under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or
 - (b) the animal is suffering as a result of disease, severe infection, severe emaciation or serious injury; or
 - (c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

23 Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 21(1)(a) or section 21(2)(a); and
 - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

24 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

25 What is a notice of impounding

- (1) A **notice of impounding** means a written notice, given to the owner or responsible person for an animal, stating that—
 - (a) the animal has been impounded; and

²² See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated dog.

- (b) the animal may be reclaimed within the prescribed period provided that—
 - (i) the cost-recovery fee is paid; and
 - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (iii) if the animal has been seized under section 21(1)(b) or 21(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
 - (v) no destruction order has been made for the animal; and
 - (vi) if the animal has been seized under section 21(1)(c)—the owner of the animal agrees, in writing, to permanently remove the animal from the local government area not later than 14 days after the animal is reclaimed by the owner.
- (2) In this section—
relevant compliance notice means the compliance notice mentioned in section 21(1)(b) or 21(2)(b).
- (3) Subsection (4) applies if—
 - (a) an animal is reclaimed within the prescribed period under subsection (1)(b)(iv); and
 - (b) the animal is not permanently removed from the local government area not later than 14 days after the animal is reclaimed by the owner.
- (4) An authorised person may, by giving a compliance notice to the owner of the animal, require the owner to permanently remove the animal from the local government area.

26 Dealing with animal seized and impounded for wandering at large

- (1) Subsection (2) applies where—
 - (a) an authorised person has impounded an animal seized under section 21(1)(a) or 21(2)(a); and
 - (b) the animal was not a declared dangerous animal at the time of being seized; and
 - (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person must give the owner or responsible person a notice of impounding.
- (3) Subsection (4) applies where—
 - (a) an authorised person has impounded a declared dangerous animal seized under section 21(1)(a); or
 - (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.

- (4) The authorised person may—
 - (a) give the owner or responsible person for the animal a notice of impounding;
or
 - (b) make a destruction order for the animal under section 30.

27 Dealing with animal seized and impounded for non-compliance with local law

- (1) This section applies where an authorised person has impounded an animal seized under section 21(1)(b) or 21(2)(b).
- (2) The authorised person may—
 - (a) give the owner or responsible person for the animal a notice of impounding;
or
 - (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

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

- (1) This section applies where an authorised person has impounded an animal seized under section 21(1)(c).
- (2) The authorised person may²³—
 - (a) make a destruction order for the animal under section 30; or
 - (b) give the owner or responsible person a notice of impounding.

29 Reclaiming an impounded animal

- (1) This section applies where—
 - (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within the prescribed period; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—obtains the approval or registration; and
 - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies

²³ An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.

- with the compliance notice; and
- (e) if the animal is a cat or a dog that is not implanted with a PPID, the owner of the animal must ensure the animal is implanted with a PPID prior to leaving the pound.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
- (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
- (a) if subsection (3)(a) applies—
 - (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
 - (b) if subsection (3)(b) applies—
 - (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

Division 4 Destruction of animal following notice

30 Destruction orders

- (1) An authorised person may make an order (a *destruction order*) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
 - (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (b) the animal is a declared dangerous animal and was found wandering at large; or
 - (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
 - (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include or be accompanied by an information notice.²⁴

²⁴ See note 17.

-
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
 - (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
 - (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
 - (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 29(2)(b)-(d).
 - (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 29(2)(b)-(d).
 - (9) In this section—

review means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2011*.

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

Division 5 Disposal of impounded animals

31 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 29(2); or
- (b) if section 29(3)(a) applies— the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or

- (c) if section 29(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal mentioned in section 27(2)(b); or
- (e) the owner of an animal has surrendered the animal to the local government.

32 Sale, disposal or destruction of animals

- (1) The local government may—
 - (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is an animal mentioned in section 27(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it, for example, by giving the animal to an animal welfare agency for disposal by the animal welfare agency; or
 - (iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
 - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
 - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.
 - (4) An amount realised on sale of an impounded animal must be applied—
 - (a) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
 - (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
 - (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

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

Division 6 Other impounding matters

33 Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (2) The register of impounded animals must contain at least the following information about each impounded animal—
 - (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the responsible person; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) Subject to the *Information Privacy Act 2009*, the register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.
- (4) However, a person may not inspect the register unless the person satisfies the local government that the person is the owner of, or responsible person for, an impounded animal by, for example, providing to the local government a statutory declaration detailing the facts and circumstances of the seizure or impounding of the impounded animal.
- (5) The owner of, or responsible person for, an impounded animal may only inspect that part of the information on the register that relates to the impounding of the impounded animal.

34 Access to impounded animal

- (1) This section applies to an animal impounded under section 24.
 - (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
 - (3) Subsection (2) does not apply if—
 - (a) it is impracticable or would be unreasonable to allow the inspection; or
 - (b) in the opinion of an authorised person acting reasonably, allowing the owner of the animal to inspect it would be likely to create a significant risk
-

of injury or damage to a local government employee.’

- (4) The inspection must be provided free of charge.

35 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
- (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government’s facility for keeping impounded animals.

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

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

36 Who may appeal

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

37 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
- (a) filing notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

38 Stay of destruction order

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

39 Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—

- (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

40 Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
- (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

41 Appeal to District Court

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

Part 6 Miscellaneous

42 Sale of animals

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

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

43 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;²⁵ or
- (b) the circumstances in which an approval is required for the keeping of

²⁵ See section 5(1).

- animals;²⁶ or
- (c) the circumstances in which desexing of an animal is required;²⁷ or
 - (d) minimum standards for keeping animals generally or animals of a particular species or breed;²⁸ or
 - (e) the identification for cats and dogs required under the *Animal Management (Cats and Dogs) Act 2008*;²⁹ or
 - (f) the exclusion of animals, or animals of a specified species, from public places;³⁰ or
 - (g) designated dog off-leash areas;³¹ or
 - (h) animals whose faeces in public places must be removed and disposed of;³² or
 - (i) proper enclosure requirements;³³ or
 - (j) requirements for keeping a dog within a koala area;³⁴ or
 - (k) designation of an area as a koala area;³⁵ or
 - (l) the criteria for declaring an animal other than a dog to be a declared dangerous animal;³⁶ or
 - (m) the organisation or local government that operates a place or care for impounded animals;³⁷ or
 - (n) the species, breed or class of animal that may be disposed of other than by public auction or tender;³⁸ or
 - (o) the office at which the register of impounded animals is available for public inspection;³⁹ or
 - (p) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;⁴⁰ or
 - (q) the exclusion of animals of a particular species from the application of this

²⁶ See section 6(1).

²⁷ See section 7(1).

²⁸ See section 8(1).

²⁹ See section 9.

³⁰ See section 10(1).

³¹ See section 11(1).

³² See section 13.

³³ See section 14(2).

³⁴ See section 15(1).

³⁵ See section 15(4).

³⁶ See section 19(1).

³⁷ See section 24(b).

³⁸ See section 32(1)(b).

³⁹ See section 33(3).

⁴⁰ See section 42(1).

local law;⁴¹ or

- (r) the declaration of a species of animal as a declared dangerous animal;⁴² or
- (s) the period within which an impounded animal may be reclaimed.⁴³

⁴¹ See the definition of *animal* in the schedule.

⁴² See the definition of *declared dangerous animal* in the schedule.

⁴³ See the definition of *prescribed period* in the schedule.

Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

animal welfare agency means—

- (a) the Royal Society for the Prevention of Cruelty to Animals (Queensland); and
- (b) the Animal Welfare League of Queensland; and
- (c) another incorporated association which—
 - (i) has objects similar to the objects of the corporation referred to in paragraph (a) or the incorporated association referred to in paragraph (b); and
 - (ii) is recognised as an animal welfare agency by the local government.

attack, by an animal, means—

- (d) aggressively rushing at or harassing any person or animal; or
- (e) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal;
or
- (f) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁴⁴

declared dangerous animal means an animal—

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

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

destruction order see section 30(1).

dog off-leash area see section 11(1).

effective control see section 12(3).

menacing dog has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

notice of impounding see section 25(1).

owner, of an animal, means

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

⁴⁴ See the Act, section 97 for the power of a local government to fix a cost recovery fee.

PPID has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

prescribed period means the period, fixed by subordinate local law, of not less than—

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

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

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

responsible person, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) the parent or guardian of a minor who has immediate control or custody of the animal; or
- (c) the person who occupies the place at which the animal is usually kept,

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

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

State planning instrument see *Sustainable Planning Act 2009*, schedule 3.

the Act means the *Local Government Act 2009*.

wandering at large means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
 - (iii) a public place; or
 - (iv) a private place without the consent of the occupier.

This and the preceding 24 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 2 (Animal Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2017.

.....
Chief Executive Officer

Local Law No 2 (Animal Management)

**DRAFT LOCAL LAWS FOR
DISCUSSION, AMENDMENT AND
ADOPTION**

**Subordinate Local Law No. 2 (Animal
Management) 2011**

Meeting Date: 6 March 2018

Attachment No: 2

Subordinate Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2011*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
 - (c) the control of animals in public places; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 13 defines particular words used in this subordinate local law.

Part 2 Keeping of animals

5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

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

6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

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

7 Animals that must be desexed—Authorising local law, s 7

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

8 Minimum standards for keeping animals—Authorising local law, s 8(1)

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9

For section 9 of the authorising local law, the identification required for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog is the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008*.

Part 3 Control of animals**10 Public places where animals are prohibited—Authorising local law, s 10(1)**

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

11 Dog off-leash areas—Authorising local law, s 11(1)

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

12 Animal faeces in public places—Authorising local law, s 13

For section 13 of the authorising local law, no other species of animal is prescribed as an animal whose faeces must be removed from a public place and disposed of in a sanitary way.

13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

14 Koala conservation—Authorising local law, s 15

- (1) For section 15(1) of the authorising local law, schedule 9 sets out the requirements for keeping a dog on land that is within a koala area.
- (2) For section 15(4) of the authorising local law, each area described in schedule 10 is designated as a koala area.

15 Criteria for declared dangerous animals—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 11.

Part 4 Seizure, impounding or destruction of animals**16 Place of care for impounded animals—Authorising local law, s 24**

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be operated by the local government.

17 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)

For section 32(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following—

- (a) dogs; and
- (b) cats; and
- (c) other domestic animals; and
- (d) stock.

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

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

Part 5 Appeals against destruction orders

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 6 Miscellaneous

19 **Conditions regarding sale of animals—Authorising local law, s 42(1)**

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 12 must comply with the conditions set out in column 2 of schedule 12.

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

For the purposes of the definition of “*animal*” in the schedule to the authorising local law, animals of the fish species are excluded from the application of the authorising local law.

21 **Species that are declared dangerous animals—Authorising local law, schedule**

For the purposes of the definition of “*declared dangerous animal*” in the schedule to the authorising local law, no species of animal is declared to be a declared dangerous animal.

22 **Prescribed period for reclaiming animals—Authorising local law, schedule**

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is—

- (a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal—3 days.

Schedule 1 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(a) More than 2 dogs over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the dogs on the premises—</p> <ul style="list-style-type: none"> (i) a multiple dog approval; or (ii) a kennel approval; or (iii) a pet shop approval. <p>(b) However, the prohibition in paragraph (a) does not apply to the keeping of a working dog on an allotment if the allotment—</p> <ul style="list-style-type: none"> (i) is rural land or is in the rural zone in the planning scheme of the local government; and <p>(c) Any of the following breeds, and a cross breed of any of the following breeds, anywhere in the local government area—</p> <ul style="list-style-type: none"> (i) American pit bull terrier or pit bull terrier; (ii) dogo Argentino; (iii) fila Brasileiro; (iv) Japanese tosa; (v) Perro de Presa Canario or Presa Canario.
2	Cat	<p>More than 2 cats over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the cats on the premises—</p> <ul style="list-style-type: none"> (a) a multiple cat approval; or (b) a cattery approval; or (c) a pet shop approval.
3	Horse or donkey (other than a racehorse or a stallion)	A horse or donkey (other than a racehorse or a stallion) on an allotment with an area less than 2,000m ² .
4	Cow	A cow on an allotment with an area less than 2,000m ² .
5	Bull	A bull on an allotment with an area less than 10,000m ² .

6	Birds	More than 20 birds of the same or different species on an allotment with an area less than 801m ² More than 40 birds of the same or different species on an allotment with an area between 801m ² and 2,500m ²
7	Pig (including a miniature pig)	A pig (including a miniature pig) on an allotment with an area less than 8,000m ² .
8	Ostrich or emu	An ostrich or emu on an allotment with an area less than 4,000m ² .
9	Racing pigeons	1 or more racing pigeons on an allotment with an area less than 800m ² .
10	Bees	A hive on an allotment with an area less than 800m ² ; (see Code of Practice for Urban Bee Keeping in Queensland 1998).
11	Racing greyhound	More than 2 racing greyhounds over the age of 12 weeks on an allotment with an area less than 800m ² .
12	Racehorse	A racehorse on an allotment with an area less than 800m ² .
13	Stallion	A stallion on an allotment with an area less than 40,000m ² .
14	European rabbit	A European rabbit on premises in the local government area.

- (1) A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals (each an *exempt animal*) on premises if—
- (a) the animal or animals were kept on the premises before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2017*; and
 - (b) the keeping of the animal or animals on the premises immediately before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2017* did not contravene any provision of the authorising local law.
- (2) For the avoidance of doubt, if an exempt animal dies or is permanently removed from the premises, subsection (1) does not exempt, from the prohibition prescribed in this schedule, the keeping of any animal which is a replacement for the exempt animal.

Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval⁴⁵
1	Dog	<p>(a) 3 or more dogs over the age of 12 weeks (other than a working dog or a racing greyhound) on any premises.</p> <p>(b) 1 or more dogs on non-residential premises.</p> <p>(c) A guard dog on any premises.</p> <p>(d) A dog kept on residential premises—</p> <p style="padding-left: 20px;">(i) temporarily; but</p> <p style="padding-left: 20px;">(ii) for longer than 1 month.</p> <p>(e) 1 or more dogs kept in circumstances which require the grant of a kennel approval.</p> <p>(f) 1 or more dogs kept in circumstances which require the grant of a pet shop approval.</p>
2	Cat	<p>(a) 3 or more cats over the age of 12 weeks on any premises.</p> <p>(b) 1 or more cats kept in circumstances which require the grant of a cattery approval.</p> <p>(c) 1 or more cats kept in circumstances which require the grant of a pet shop approval.</p>
3	Horse or donkey (other than a racehorse or a stallion)	<p>(a) More than 1 animal to which this item 3 applies on an allotment with an area less than 20,000m².</p> <p>(b) Subject to paragraph (a), if the density of the animals to which this item 3 applies kept on the allotment is greater than 1 animal per 2,000m².</p>
4	Cow	More than 1 cow on an allotment, but excluding an allotment within an urban area, unless the density of the cows kept on the allotment is less than 1 cow per 2,000m ² .
5	Bull	More than 1 bull on an allotment with an area not less than 10,000m ² .
6	Birds other than nuisance	More than 10 birds of the same or different species on an

⁴⁵ See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1.5 (Administration) 2011* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

	birds	<p>allotment with an area less than 801m² but not more than 20.</p> <p>More than 20 birds of the same or different species but not more than 40 on an allotment with an area between 801m² and 2,500m²</p>
7	Nuisance bird	1 or more nuisance birds on an allotment with an area less than 20,000m ² .
8	Pig (including a miniature pig)	<p>(a) More than 1 pig on an allotment with an area less than 20,000m² unless—</p> <p>(i) the keeping of the pigs on the allotment is authorised by a development approval; or</p> <p>(ii) the allotment is situated on rural land and the responsible person for the pigs is a primary producer.</p> <p>(b) Subject to paragraph (a), unless the density of the pigs kept on an allotment is less than 1 pig per 4,000m².</p>
9	Sheep, goat, or camelid	<p>(a) More than 1 animal to which this item 9 applies on an allotment with an area less than 20,000m².</p> <p>(b) Subject to paragraph (a), if the density of the animals to which this item 9 applies kept on the allotment is greater than 1 animal per 2,000m².</p>
10	Racing pigeons	1 or more racing pigeons on an allotment with an area of 800m ² or more.
11	Bees	<p>(a) More than 2 hives on an allotment with an area between 800m² and 1,000m².</p> <p>(b) More than 5 hives on an allotment with an area between 1,001m² and 2,000m² (see Code of Practice for Urban Bee Keeping in Queensland 1998).</p>
12	Racing greyhound or whippet	<p>(a) 3, 4 or 5 dogs to which this item 12 applies over the age of 12 weeks on an allotment with an area less than 10,000m².</p> <p>(b) 6,7 or 8 dogs to which this item 12 applies over the age of 12 weeks on an allotment with an area between 10,000m² and 100,000m².</p> <p>(c) More than 8 dogs to which this item 12 applies over the age of 12 weeks on an allotment with an area of more than 100,000m².</p>
13	Racehorse	1 or more racehorses on premises in an urban area.
14	Stallion	1 or more stallions on an allotment with an area not less

		than 40,000m ² .
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Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
1	Dog (other than a menacing dog).	Refer to the exemption in column 3.	The requirement for desexing of dogs does not apply if— <ul style="list-style-type: none"> (a) more than 2 dogs over the age of 12 weeks are kept on premises; and (b) the keeping of the dogs on the premises complies with the requirements of the authorising local law; and (c) the owner of the dogs is— <ul style="list-style-type: none"> (i) a registered breeder; or (i) a recognised animal carer; or (ii) a recognised show keeper.
2	Menacing dog.	The requirement for desexing applies once the menacing dog reaches 12 weeks of age.	No menacing dog is exempt from the requirement to be desexed.
3	Cat.	Refer to exemption in column 3.	The requirement for desexing of cats does not apply if— <ul style="list-style-type: none"> (a) more than 2 cats over the age of 12 weeks are kept on premises; and (b) the keeping of the cats on the premises complies with the requirements of the authorising local law; and (c) the owner of the cats is— <ul style="list-style-type: none"> (i) a recognised breeder; or (ii) a recognised animal carer; or (iii) a recognised show

			keeper.
4	An animal of a species or breed, if the animal is declared to be a dangerous animal under the authorising local law, section 19.	The animal must be desexed by whichever is the later of— (a) the age of 12 weeks; and (b) within 1 month after the animal is declared as a dangerous animal.	The requirement for desexing of the animal does not apply if— (a) desexing is likely to be a serious risk to the health of the animal; and (b) the owner of the animal delivers to the local government, a signed veterinary surgeon's certificate for the animal stating that desexing the animal is likely to be a serious risk to the health of the animal.

Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

- (1) A person who keeps an animal on premises must —
- (a) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
 - (b) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and
 - (c) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and
 - (d) ensure that any enclosure in which the animal is kept is properly maintained in—
 - (i) a clean and sanitary condition; and
 - (ii) an aesthetically acceptable condition; and
 - (e) take all reasonable steps to prevent the keeping of the animal on the premises from making a noise or disturbance that, in the opinion of an authorised person, causes a *community nuisance* to occupiers of 3 or more persons all of whom occupy separate premises in the *vicinity* of the premises on which the animal is ordinarily kept; and
 - (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
 - (g) if the animal is a cat or a dog and the animal is required to be implanted with a PPID—ensure that the cat or dog is implanted with a PPID as required by section 14 of the Animal Management Act; and
 - (h) if the animal is a dog and the dog is required to be registered by the person in the local government area of the local government—comply with section 46 of the Animal Management Act to register the dog in the local government area as required by section 44 of the Animal Management Act; and
 - (i) if the animal is a dog and section 57 of the Animal Management Act applies to the person—comply with section 57(2) of the Animal Management Act to renew the registration for the dog.
- ~~(2) For the purpose of subsection (1)(e), an authorised person may consider a noise or disturbance to be a *community nuisance* if—~~
- ~~(a) the noise is made for more than a total of 8 minutes in any hour from 7a.m. to 7p.m. on any day; or~~
 - ~~(b) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 7p.m. and before 7a.m.~~
- (3) A person who keeps a dog on premises must, if the dog is on heat—
- (a) for the keeping of the dog on the premises, comply with the requirements

for a proper enclosure for the dog mentioned in schedule 8, item 1, column 2; and

- (b) in any event, ensure that the proper enclosure prevents any dog going within a radius of 100m of the dog on heat.

Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Racing greyhound or whippet	<p>Each owner of, and responsible person for, a racing greyhound must—</p> <p>(a) ensure that the racing greyhound is kept—</p> <p>(i) without nuisance; and</p> <p>(ii) if a code of practice for the keeping of racing greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice; and</p> <p>(b) not bring into, or permit the racing greyhound to be in, a public place unless the racing greyhound is muzzled so as to prevent the racing greyhound from biting.</p>
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, camel, pig and other animals of a similar size or type	<p>Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of—</p> <p>(a) a residence on adjoining premises; or</p> <p>(b) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or</p> <p>(c) a place used for the storage of food (other than food kept in hermetically sealed packages).</p>
3	Budgerigar, canary cockatiel, galah and other birds of a similar size and type	<p>Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that—</p> <p>(a) the bird is kept without nuisance; and</p> <p>(b) the bird is contained within an enclosed cage or aviary; and</p> <p>(c) the bird's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and</p> <p>(e) if a code of practice for the keeping of birds of a relevant species has been approved by the local</p>

		<p>government—the bird is kept in accordance with the requirements of the code of practice; and</p> <p>(f) the enclosure in which the bird is kept is not located less than 2m from the side and rear boundaries of the premises.</p>
4	Racing pigeons	<p>Each owner of, and responsible person for, racing pigeons which are kept on premises must ensure that—</p> <p>(a) the racing pigeons are kept without nuisance; and</p> <p>(b) the racing pigeons are contained within an enclosed cage or aviary; and</p> <p>(c) the racing pigeon’s food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the racing pigeons are kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) if a code of practice for the keeping of racing pigeons has been approved by the local government—the racing pigeons are kept in accordance with the requirements of the code of practice; and</p> <p>(f) the enclosure in which the racing pigeons are kept is not located less than 2m from the side and rear boundaries of the premises.</p>
5	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <p>(a) the bees are kept without nuisance; and</p> <p>(b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner’s name, address and telephone number are readily ascertainable; and</p> <p>(d) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of</p>

		practice.
6	Duck, drake, peahen, a nuisance bird, ostrich, emu, guinea fowl and poultry	<p>Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird's food is stored in a properly sealed, vermin proof container; and (d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) if the bird is a domestic chicken, duck, drake, goose or turkey and the bird is kept on premises with an area less than 2,000m²—located at the rear of, and behind, any residence situated on the premises; and (e) the enclosure in which the bird is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> (i) a residence on adjoining premises; or (ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (f) the enclosure in which the bird is kept is not located less than 2m from the side or rear boundaries of the premises.

Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	Within 5m of— (a) any playground apparatus which is provided for the use of minors in a public place which is a local government controlled area; or (b) a designated playground area in a public place which is a local government controlled area; or (c) a barbecue or other cooking facility in a public place which is a local government controlled area; or (d) a public place which is a botanical garden or a zoo.	Dogs

Schedule 7 Dog off-leash areas

Section 11

1. Ted Price Park, Gracemere (access via Breakspear Street and Holgate Close) but limited to the area designated as a dog off-leash area by signpost.
2. Duthie Park, North Rockhampton (access via Thozet Road, Marsh Avenue, Lawrence Avenue and Wigginton Street) but limited to the area and times designated by signpost and, in any event, not while the area is being used by animals participating in an obedience trial supervised by a body recognised for section 12(3)(d) of the authorising local law by the local government.
3. Rosel Park, 504 Quay Street, Depot Hill (access via Quay Street).
4. Victoria Park, 1A Lion Creek Road, Wandal (access via Sir Raymond Huish Drive) but limited to the area designated as a dog off-leash area by signpost.
5. Eddie Baker Park, North Rockhampton (access via Currawong Street and Rosella Court) but limited to the area designated.
6. Part of 291 Lakes Creek Road, Koongal, but limited to the area designated.
7. Part of Number 7 Dam, Byrnes Parade, Mount Morgan, but limited to the area designated.

Schedule 8 Requirements for proper enclosures for animals

Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	<p>(1) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(2) The area must be suitably fenced—</p> <ul style="list-style-type: none"> (a) appropriate to the species and breed of the animal to be enclosed; and (b) so as to effectively enclose the animal on the land on which it is kept at all times; and (c) so as to effectively enclose the animal on the land so that the animal cannot reach over or through the fence to adjoining land or any public place. <p>(3) Subsection (2)(c) does not apply to the fence of a proper enclosure on land if—</p> <ul style="list-style-type: none"> (a) the fence abuts a road; and (b) the land is rural land; and (c) the animal is kept by a primary producer on the land for primary production purposes. <p>(4) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> (a) constructed of materials which provide a physical barrier of sufficient strength to prevent the animal from escaping over, under or through the fence; and (b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and (c) where the animal has the ability to dig — which includes a barrier installed directly below the fence to prevent the animal digging its way out; and (d) where the animal has the ability to climb — designed and constructed in such a way as to prevent the animal from climbing over the fence; and (e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.
2	Horse	(1) A proper enclosure for the keeping of a horse must, in

		<p>addition to the requirements specified in item 1 —</p> <ul style="list-style-type: none">(a) effectively enclose the horse so that the horse can not reach over or through the fence to adjoining land or any public place; and(b) where the animal is a stallion—the enclosure must be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the stallion is kept to a standard approved by an authorised person.
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**Schedule 9 Requirements for keeping a dog in a koala
area**

Section 14(1)

No requirements prescribed.

Schedule 10 Koala areas⁴⁶

Section 14(2)

No area designated.

⁴⁶ “Koala areas” under section 15(4) of the authorising local law comprise the areas designated in this schedule plus “koala habitat areas” designated by a State planning instrument or a conservation plan made under the *Nature Conservation Act 1992*.

Schedule 11 Criteria for declared dangerous animals

Section 15

There is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

- (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
- (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.

Schedule 12 Conditions for sale of animals

Section 19

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	A dog or a cat	<p>(1) A person who offers an animal of a species specified in column 1 item 1 for sale must keep and maintain a written register detailing —</p> <ul style="list-style-type: none"> (a) the particulars and description of each animal offered for sale including breed, name, date of birth, identifying tag and any other form of identification; and (b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and (c) if the animal is sold or otherwise disposed of — the name and address of the new owner of the animal and the date of sale or disposal of the animal. <p>(2) If section 44 of the Animal Management Act applies to an animal which is offered for sale by the person— the person must comply with the requirements of the section before the sale of the animal by the person.</p> <p>(3) If section 44 of the Animal Management Act does not apply to the animal offered for sale by the person—the person must supply a register to the local government, at least monthly, giving full details of —</p> <ul style="list-style-type: none"> (a) all animals sold or otherwise disposed of including the name and address of the new owner of the animal; and (b) a full description of each animal sold or otherwise disposed of; and (c) the date of sale or disposal of each animal. <p>(4) A person must not offer an animal of a species specified in column 1 item 1 for sale unless the animal has received all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.</p>

Schedule 13 Dictionary

Section 4

Animal Management Act see *Animal Management (Cats and Dogs) Act 2008*.

animal welfare agency means—

- (a) the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated; and
- (b) the Animal Welfare League of Queensland Incorporated.

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

cat—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a kitten regardless of age.

cattery—

- (a) means premises used for boarding, breeding or training cats; but
- (b) does not include the keeping of cats as domestic pets.

cattery approval means an approval required to operate a cattery on premises.

community nuisance is a nuisance which impacts 2 or more residents in a vicinity of the complaint premises.

decommissioned greyhound has the meaning given in the Animal Management Act.

designated playground area means an area which is—

- (a) physically defined; and
- (b) constructed by the local government for recreational use by minors; and
- (c) provided with 1 or more items of playground apparatus.

Example—

A designated playground area may be an area which is—

- (a) enclosed by a fence or some other barrier; and
- (b) covered by bark chips or similar material; and
- (c) equipped with a swing, see-saw or similar playground apparatus.

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

dog—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a puppy regardless of age.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

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

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

exempt animal see schedule 1.

fence—

- (a) means a barrier enclosing an area, consisting of, for example, posts connected by wire or wood; but
- (b) if the animal to be enclosed in an area by a fence is a dog—does not include a hidden fence, electric fence, for example, a fence through which an electric current can be passed, giving an electric shock to any person or animal touching the fence.

guard dog—

- (a) means a dog which is released by a person on residential premises or non-residential premises in the area of the local government without a handler for the primary purpose of acting as a deterrent to intruders; and
- (b) includes a dog which has been released by a person on residential premises or non-residential premises in the area of the local government without a handler in circumstances where the dog has been trained to attack for the purpose of guarding either persons or property; and
- (c) in the absence of evidence in rebuttal thereof, if a person releases a dog on non-residential premises in the area of the local government without a handler, the person is presumed to have released the dog for the primary purpose of acting as a deterrent to intruders; but
- (d) does not include a police dog or a regulated dog.

horse includes a pony and a miniature horse.

identifiable animal means an animal—

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

keep (an animal)—

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —
 - (i) feeds and cares for the animal on the land; and
 - (ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

kennel—

- (a) means premises used for boarding, breeding or training dogs; but
- (b) does not include the keeping of dogs as domestic pets.

kennel approval means an approval required to operate a kennel on premises.

land has the meaning given in the *Planning Act 2016*.

multiple cat approval, for the keeping of cats on premises, means an approval to keep more than 3 or more cats over the age of 12 weeks on the premises.

multiple dog approval, for the keeping of dogs on premises, means an approval to keep more than 3 dogs over the age of 12 weeks (other than a working dog or a racing greyhound) on the premises.

multi-residential premises means each of —

- (a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share—
 - (i) a common wall; or
 - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (b) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

Examples of multi-residential premises —

Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

non-residential premises means premises other than residential premises.

nuisance bird means—

- (a) a rooster, goose, cockatoo, galah or peacock; and
- (b) another bird kept on premises which makes an audible noise which causes environmental harm or environmental nuisance to an occupier of other premises.

occupier, of premises—

- (a) means the person who has the control or management of the premises; and
- (b) includes the owner of the premises where there is no person in apparent occupation of the premises.

pet shop means a shop or a stall at a market at which animals are offered for sale.

pet shop approval means an approval required to operate a pet shop on premises.

PPID has the meaning given in the Animal Management Act.

premises means—

- (a) a building or other structure; or
- (b) land, whether or not a building or other structure is on the land.

primary producer has the meaning given in the Animal Management Act.

racehorse means a horse bred and trained for racing.

racing greyhound or whippet —

- (a) means a greyhound registered with the Queensland Racing Integrity Commission under the rules for racing, as enforced from time to time, of a control body for a code of racing, as required under the *Racing Act 2002*, or registered with a control body of another State responsible pursuant to the law of that State for the registration of racing greyhounds; and
- (b) for the avoidance of doubt, does not include a decommissioned greyhound.

racing pigeon means a class of pigeon which is—

- (a) primarily kept for the purpose of racing or breeding for racing; and
- (b) kept by a person who is a registered member of the Queensland Racing Pigeon Federation Incorporated; and
- (c) kept in accordance with the terms of membership of the Queensland Racing Pigeon Federation Incorporated.

recognised animal carer means a person who holds a document or registration issued by an animal welfare agency in which the animal welfare agency approves the holder of the document or registration keeping 1 or more animals primarily to protect or preserve the health or welfare of the animal.

recognised breeder, of cats, means a person who—

- (a) breeds cats; and
- (b) is registered as a breeder of cats with—
 - (i) the Queensland Feline Association Inc; or
 - (ii) another association recognised by the local government for the purposes of this definition.

recognised show keeper, for an animal, means a person who—

- (a) if the animal is a cat—
 - (i) keeps the cat for show purposes; and
 - (ii) has registered the cat with—
 - (A) the Queensland Feline Association Inc; or
 - (B) another association recognised by the local government for the purposes of this definition; or
- (b) if the animal is a dog—
 - (iii) keeps the dog for show purposes; and
 - (iv) has registered the dog with—
 - (A) the Canine Control Council (Queensland); or
 - (B) another association recognised by the local government for the purposes of this definition.

registered has the meaning given in the Animal Management Act.

registered breeder, of dogs, has the meaning given in the Animal Management Act.

residence means a building, or part of a building, that is—

- (a) fixed to land; and
- (b) a self-contained unit used by, or intended for the exclusive residential use of, one household.

residential premises means premises used, or intended to be used, predominantly as a place of residence.

rural land has the meaning given in the Animal Management Act.

sale includes—

- (a) to sell; and
- (b) offer, or expose for sale; and
- (c) agree or attempt to sell; and
- (d) dispose of for negligible or no consideration; and
- (e) barter.

stallion means an uncastrated adult male horse.

stock has the meaning given in the Animal Management Act.

structure has the meaning given in the *Local Government Act 2009*.

urban area—

- (a) means an area that is used for urban purposes; and
- (b) includes an area that is used for residential (other than rural residential), retail, commercial, industrial, community or government related purposes.

Vicinity is any premises directly adjacent or neighbouring within one dwelling distance on the same frontage.

working dog has the meaning given in the Animal Management Act.

This and the preceding 29 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2017.

.....
Chief Executive Officer

Subordinate Local Law No 2 (Animal Management)

**DRAFT LOCAL LAWS FOR
DISCUSSION, AMENDMENT AND
ADOPTION**

**Subordinate Local Law No 1.5 (Keeping
of Animals) 2011**

Meeting Date: 6 March 2018

Attachment No: 3

Subordinate Local Law No. 1.5 (Keeping of Animals) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed

activity named in section 1 of schedule 1 is a category 1 activity.

- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Keeping of animals

Section 5

1. Prescribed activity

Keeping of animals.

2. Activities that do not require an approval under the authorising local law

The keeping of animals at an animal entertainment park or an animal sanctuary.

3. Documents and materials that must accompany an application for an approval

- (1) An application detailing—
 - (a) the species, breed, age and gender of each animal for which the approval is sought; and
 - (b) the number of animals to be kept; and
 - (c) the nature of the premises at which the animal or animals are to be kept; and
 - (d) the area, or the part of the area, in which the animal or animals are to be kept; and
 - (e) the materials out of which any enclosure in which the animal or animals to be kept is (or is to be) constructed and any other details of the enclosure; and
 - (f) the location of the enclosure on the premises; and
 - (g) the name of each person who is to occupy any residence located on the premises on which the animal or animals are to be kept.
- (2) Proof that the applicant currently holds any development approval relating to the prescribed activity that is required under the Planning Act.
- (3) If the applicant is not the owner of the premises on which the animal or animals are to be kept — the written permission of the owner of the premises to the keeping of the animal or animals on the premises.
- (4) Where the animal or animals are to be kept on multi-residential premises and the keeper of the animal or animals is entitled to make use of an area used in common with others (a *common area*) for the purpose of keeping the animal or animals — the written permission of the person or body which manages or controls the common area to use the common area for the purpose of keeping the animal or animals.
- (5) If an animal the subject of the application is required to be registered under the Animal Management Act — evidence that the animal is currently registered with the local government.

- (6) A drawing showing the design and dimensions of any enclosure in which the animal or animals are to be kept.

4. Additional criteria for the granting of an approval

- (1) Whether the premises on which the animal or animals are to be kept is appropriately sized so that the animal or animals can be effectively and comfortably kept on the premises.
 - (2) Whether a residence exists on the premises.
 - (3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2011*.
 - (4) Whether the applicant for the approval of some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.
 - (5) Whether the animal or animals will be properly supervised.
 - (6) If the application relates to the keeping of dogs— whether the animals identified in the application are registered with the local government.
 - (7) If section 14 of the Animal Management Act applies to the applicant for the approval — whether the applicant has complied with the requirements of the section.
 - (8) Whether the applicant is a suitable person to hold the approval.
 - (9) Whether the grant of the approval for the prescribed activity on the premises is likely to —
 - (a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or
 - (b) affect the amenity of the surrounding area; or
 - (c) have a deleterious effect on the local environment or cause pollution or other environmental damage.
 - (10) If the application relates to the keeping of cats —
 - (a) whether the cats have been desexed; and
 - (b) whether the cats have been fitted with an approved microchip.
 - (11) If the application relates to the keeping of an animal or animals on multi-residential premises —
 - (a) whether the applicant is entitled to make use of a common area; and
 - (b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and
-

- (c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals.
- (12) Where the animal or animals are to be kept on premises other than multi-residential premises and the applicant is not the owner of the premises — whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.
- (13) Whether the applicant has been refused a similar type of approval by the local government or another local government.
- (14) If the application relates to a multiple cat approval or a multiple dog approval—whether compassionate grounds exist for granting the approval.

Example—

Compassionate grounds for the grant of an approval exist if—

- (a) 2 dogs are registered with the local government as kept by a person (the *first person*) on the premises; and
- (b) another person (the *second person*) is the keeper of another dog (the *third dog*); and
- (c) the second person is, due to the occurrence of an event (the *intervening event*) which is beyond the reasonable control of the second person, for example, a serious injury, sickness or the death of the second person, unable to keep the third dog; and
- (d) the first person, as a result of, or after the occurrence of, the intervening event, wishes to keep the third dog on the premises.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions that will ordinarily be imposed on an approval to keep dogs on premises are—
 - (a) a condition requiring that the approval holder take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and
 - (b) a condition requiring that the approval holder ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining premises; and
 - (c) a condition requiring that the approval holder ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person; and
 - (d) a condition requiring that the approval holder ensure that any enclosure in which the dogs are kept is maintained in—
 - (i) a clean and sanitary condition and disinfected regularly; and

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- (ii) an aesthetically acceptable condition; and
 - (e) a condition limiting the approval to the dogs identified in the approval; and
 - (f) a condition limiting the approval to the premises identified in the approval; and
 - (g) subject to compliance with the requirements of the Animal Management Act, section 14, a condition requiring that each dog be implanted with an approved microchip.
- (2) The conditions that will ordinarily be imposed on an approval to keep cats on premises are—
- (a) a condition limiting the approval to the cats identified in the approval; and
 - (b) a condition requiring the approval holder to—
 - (i) desex each cat within 3 months of the issue of the approval if the cat is aged 6 months or over; and
 - (ii) otherwise, desex each cat within 3 months after the cat reaches 6 months of age; and
 - (iii) produce to the local government evidence, by way of, for example, a statutory declaration, that the cat has been desexed; and
 - (c) a condition requiring that each cat be implanted with an approved microchip.
- (3) The conditions that will ordinarily be imposed on an approval to keep an animal (other than a dog or a cat) are—
- (a) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*; and
 - (b) if the approval relates to the keeping of 1 or more animals and the animal or animals are identified in the approval—a condition limiting the approval to the animal or animals identified in the approval; and
 - (c) a condition limiting the approval to the premises identified in the approval.
- (4) The conditions that will ordinarily be imposed on each of a cattery approval and a kennel approval are—
- (a) the operation of the prescribed activity must not detrimentally affect the amenity of neighbouring premises; and
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- (b) the cattery or kennel must be suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions; and
 - (c) only rain from uncontaminated areas may drain directly into the storm water system; and
 - (d) all spillages of waste, contaminants and other materials must be cleaned up immediately and must not be cleaned up by hosing, sweeping or otherwise releasing such waste, contaminants or material to any storm water system or waters; and
 - (e) the operation of a prescribed activity must not attract fly breeding or vermin infestation; and
 - (f) all fixtures, fittings, equipment and facilities used in the operation of the prescribed activity must be maintained in a clean, tidy, sanitary and hygienic condition; and
 - (g) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the prescribed activity must be provided in the manner, and at locations, approved by an authorised person; and
 - (h) all waste containers must be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and
 - (i) animal feed must be stored in insect and vermin proof containers; and
 - (j) all enclosures which form part of the operation of the prescribed activity must be provided and maintained in a manner so as to—
 - (i) be clean and in a sanitary condition; and
 - (ii) prevent the escape of any animal kept in the enclosure; and
 - (iii) be in a state of good order and repair; and
 - (iv) avoid injury to any animal kept in the enclosure; and
 - (v) be impervious and able to be effectively cleaned and sanitised.
- (5) The conditions that will ordinarily be imposed on a pet shop approval are—
- (a) the holder of the approval must ensure that each animal kept at the premises receives all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal; and
 - (b) no animal may be sold from the premises unless all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal have been implemented; and
 - (c) the premises must be maintained in a clean and sanitary condition at all times; and
-

- (d) all excreta, offensive material and food scraps must be collected at least once each day and placed in a fly proof approved waste container for disposal; and
- (e) all animal food must be stored in a sealed vermin proof container; and
- (f) waste waters from the premises must be drained in a nuisance free manner or as directed by an authorised person; and
- (g) if a code of practice for the operation of a pet shop has been approved by the local government—the holder of the approval must operate the pet shop in accordance with the requirements of the code of practice.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirements stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

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

Animal Management Act has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

animal sanctuary means a park, reserve or other place used for the preservation, protection or rehabilitation of animals.

approved microchip (for an animal)—

- (a) means a microchip which—
 - (i) is capable of being read by the local government’s microchip reader; and
 - (ii) bears an electronic code which permanently identifies the animal for identification purposes; and
- (b) includes a permanent identification device.

cattery approval has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

common area has the meaning given in schedule 1, section 3(4).

development approval has the meaning given in the *Sustainable Planning Act 2009*.

kennel approval has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

multiple cat approval has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

multiple dog approval has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

multi-residential premises has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

owner (of an animal) has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

owner (of land) includes—

- (a) the registered proprietor of freehold land; and
- (b) the purchaser of land to be held as freehold land that is being purchased from the State under an Act; and
- (c) the holder of a leasehold interest from the State; and
- (d) the holder of a mining claim or a mining lease to which the *Mineral Resources Act 1989* applies; and
- (e) another person who is entitled to receive the rent for the land.

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

permanent identification device has the meaning given in the *Animal Management Act*.

pet shop approval has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

PPID has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

premises has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

proper enclosure has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

public place has the meaning given in *Local Law No. 1 (Administration) 2011*.

registered has the meaning given in the Animal Management Act.

residence has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

suitable person, to hold an approval, means a person who, in the local government's opinion, is acceptable as a keeper of an animal having regard to the following—

- (a) the nature of any offence committed by the person under the authorising local law or another law about the keeping of animals; and
- (b) whether the person has been the keeper of an animal and an approval of the person about the keeping of the animal has been cancelled under the authorising local law or another law; and
- (c) whether the person has committed an offence involving cruelty to an animal; and
- (d) any unsatisfactory past conduct of the person in relation to the keeping of an animal; and
- (e) whether the person has complied with the criteria prescribed for the keeping of an animal.

waste has the meaning given in the *Environmental Protection Act 1994*.

This and the preceding 11 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2017.

.....
Chief Executive Officer

Subordinate Local Law No 1-5 (Keeping of Animals)

**DRAFT LOCAL LAWS FOR
DISCUSSION, AMENDMENT AND
ADOPTION**

Local Law No 5 (Parking) 2011

Meeting Date: 6 March 2018

Attachment No: 4

Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.
- (2) The purpose is achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
 - (c) the prescribing of infringement notice penalties for minor traffic offences.

3 Definitions—the dictionary

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

4 Relationship with other laws⁴⁷

This local law is—

- (a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6⁴⁸; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.^{49 50}
- (2) The subordinate local law must define the boundaries of the traffic area.

⁴⁷ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

⁴⁸ A local government cannot regulate parking on a State-controlled road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

⁴⁹ See the TORUM Act, sections 102(3)(a) and 102(2)(b).

⁵⁰ The TORUM Act, section 69(4), provides: "A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the *Transport Planning and Coordination Act 1994*, section 8D(1), only if the chief executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D."

6 Declaration of off-street regulated parking areas

- (1) The local government may, by subordinate local law, declare an area of land controlled⁵¹ by the local government, including structures on the land, as an off-street regulated parking area.⁵²
- (2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits⁵³

- (1) The local government may issue a parking permit.⁵⁴
- (2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).
- (3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
 - (a) a parking permit for people with disabilities;⁵⁵ or
 - (b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

8 Commercial vehicle identification labels⁵⁶

- (1) The local government may, on application, approve the issue a commercial vehicle identification label.⁵⁷
- (2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.⁵⁸

⁵¹ See the TORUM Act, section 104(2).

⁵² See the TORUM Act, sections 104(1)(b) and 101(1)(c).

⁵³ See the TORUM Act, section 103(4).

⁵⁴ *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a **prescribed activity** includes "an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval." Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a parking permit must be obtained under that part.

⁵⁵ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

⁵⁶ See the TORUM Act, section 103(5).

⁵⁷ *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a **prescribed activity** includes "an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval." Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

⁵⁸ The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles - see schedule 4, definition, **commercial**

- (3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.⁵⁹

Part 4 Minor traffic offence infringement notice penalties

9 Minor traffic offence infringement notice penalties

- (1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.⁶⁰
- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5 Miscellaneous

10 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of traffic areas;⁶¹ or
- (b) the declaration of off-street regulated parking areas;⁶² or
- (c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;⁶³ or
- (d) vehicles that may be issued with a commercial vehicle identification label;⁶⁴ or
- (e) infringement notice penalty amounts that apply for minor traffic offences.⁶⁵

vehicle.

⁵⁹ See also *Transport Operations (Road Use Management-Road Rules) Regulation 1999*, section 179, relating to drivers who are permitted to stop in a loading zone.

⁶⁰ See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

⁶¹ See section 5(1).

⁶² See section 6.

⁶³ See section 7(2).

⁶⁴ See section 8(2).

⁶⁵ See section 9(1).

Schedule Dictionary

Section 3

commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

indication, on an official traffic sign, see TORUM Act, schedule 4.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

minor traffic offence see TORUM Act, section 108(4).

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

parking permit for people with disabilities see TORUM Act, schedule 4.

traffic area see TORUM Act, schedule 4.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

This and the preceding 4 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 5 (Parking) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2017.

.....
Chief Executive Officer

Local Law No 5 (Parking)

**DRAFT LOCAL LAWS FOR
DISCUSSION, AMENDMENT AND
ADOPTION**

**Subordinate Local Law No. 5 (Parking)
2011**

Meeting Date: 6 March 2018

Attachment No: 5

Subordinate Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons that may be issued with a parking permit; and
 - (c) the vehicles that may be issued with a commercial vehicle identification label; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2011* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas—Authorising local law, s 5

For section 5 of the authorising local law—

- (a) a traffic area is declared, the area shown hatched in black on the map titled “Rockhampton Regional Council CBD On Street Parking CBD Traffic Area” in schedule 1; and
- (b) the boundaries of the traffic area are indicated by a bold black line circumscribing the hatched area on the map in schedule 1.

6 Declaration of off-street regulated parking areas—Authorising local law, s 6

- (1) For section 6(1) of the authorising local law, each area of land identified in schedule 2 is declared to be an off-street regulated parking area.
- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are the boundaries of the land identified in schedule 2.

Part 3 Parking contrary to parking restriction**7 Parking permits issued by local government—Authorising local law, s 7(2)**

- (1) This section prescribes—
 - (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
 - (b) the circumstances in which the parking permits may be issued.
- (2) A parking permit (a *resident parking permit*) may be issued to a person whose circumstances are as follows—
 - (a) the person resides in a residence⁶⁶ situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (c) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
 - (d) if the parking permit is granted — there would not be in force more than 1 resident parking permit for the same residence; and
- (3) A parking permit (a *community service organisation parking permit*) may be issued to a person whose circumstances are as follows—
 - (a) the person is a community service organisation⁶⁷; and
 - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
 - (c) the activity is undertaken on a section of road where —
 - (i) parking is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (4) A parking permit (a *temporary parking permit*) may be issued to allow the holder of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic

⁶⁶ See definition of *residence* in the dictionary.

⁶⁷ See definition of *community service organisation* in the dictionary.

- sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.
- (5) A temporary parking permit may only be granted if the local government is satisfied that—
- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
 - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (6) A parking permit (a *works zone parking permit*) may be issued to a person if the local government is satisfied that—
- (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a *visitor parking permit*) may be issued to a person whose circumstances are as follows—
- (a) the person (the *resident*) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the parking permit is to be made available by the resident for use by another person who —
 - (i) is visiting or attending at the residence identified in the parking permit; and
 - (ii) intends parking on the section of road immediately adjacent to the residence; and
 - (c) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (d) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
 - (e) if the parking permit is granted — there would not be in force more than 1 visitor parking permit for the same residence.
- (8) A parking permit (a *local government works parking permit*) may be issued to allow a person to park 1 or more vehicles in a designated parking space or spaces, despite an indication on an official traffic sign regulating parking by time or payment of a fee to the contrary, if the person is—
- (a) an employee, contractor or agent of the local government; and
 - (b) parking the vehicle or vehicles in the space or spaces—

- (i) for the purpose of carrying out work for or on behalf of the local government; and
 - (ii) in the course of carrying out the person's duties for or on behalf of the local government.
- (9) A parking permit (a *tourist vehicle parking permit*) may be issued to allow a person to park a tourist vehicle which is used for the purpose of carrying passengers on a commercial basis in a designated parking space or spaces, despite an indication on an official traffic sign regulating parking by time or payment of a fee to the contrary.

Part 4 Minor traffic offence infringement notice penalties

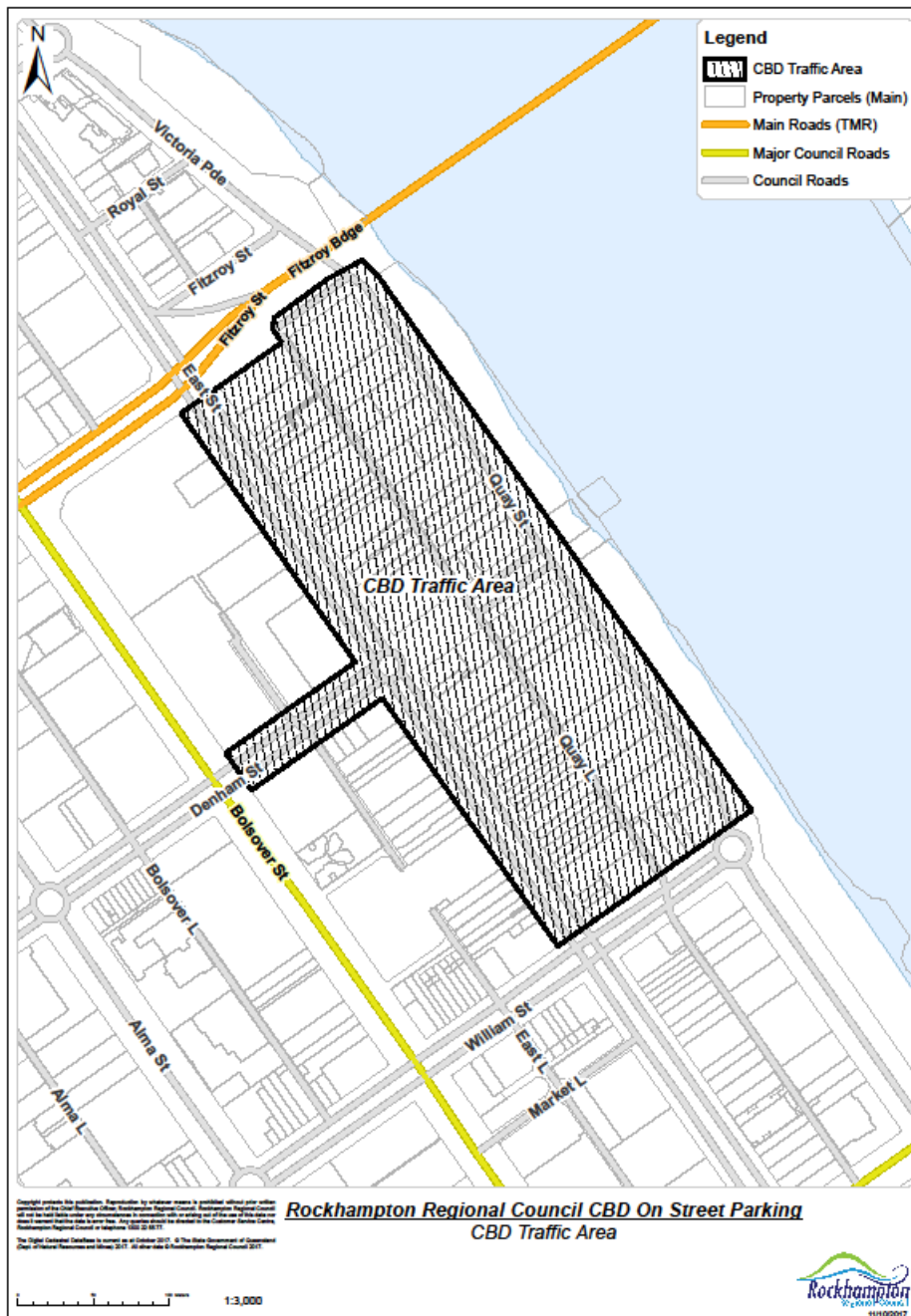
8 Infringement notice penalty amounts—Authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty amount⁶⁸ for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

⁶⁸ See section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law—the amount, not more than \$100.00, prescribed under a regulation. See section 2A of the *Penalties and Sentences Regulation 2005*. The value of the penalty unit for a local law made by a local government mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2 of the Regulation is \$75.00. The value of a penalty unit for a local law made by a local government not mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 2 of the Regulation, is \$100.00.

Schedule 1 Declaration of traffic area

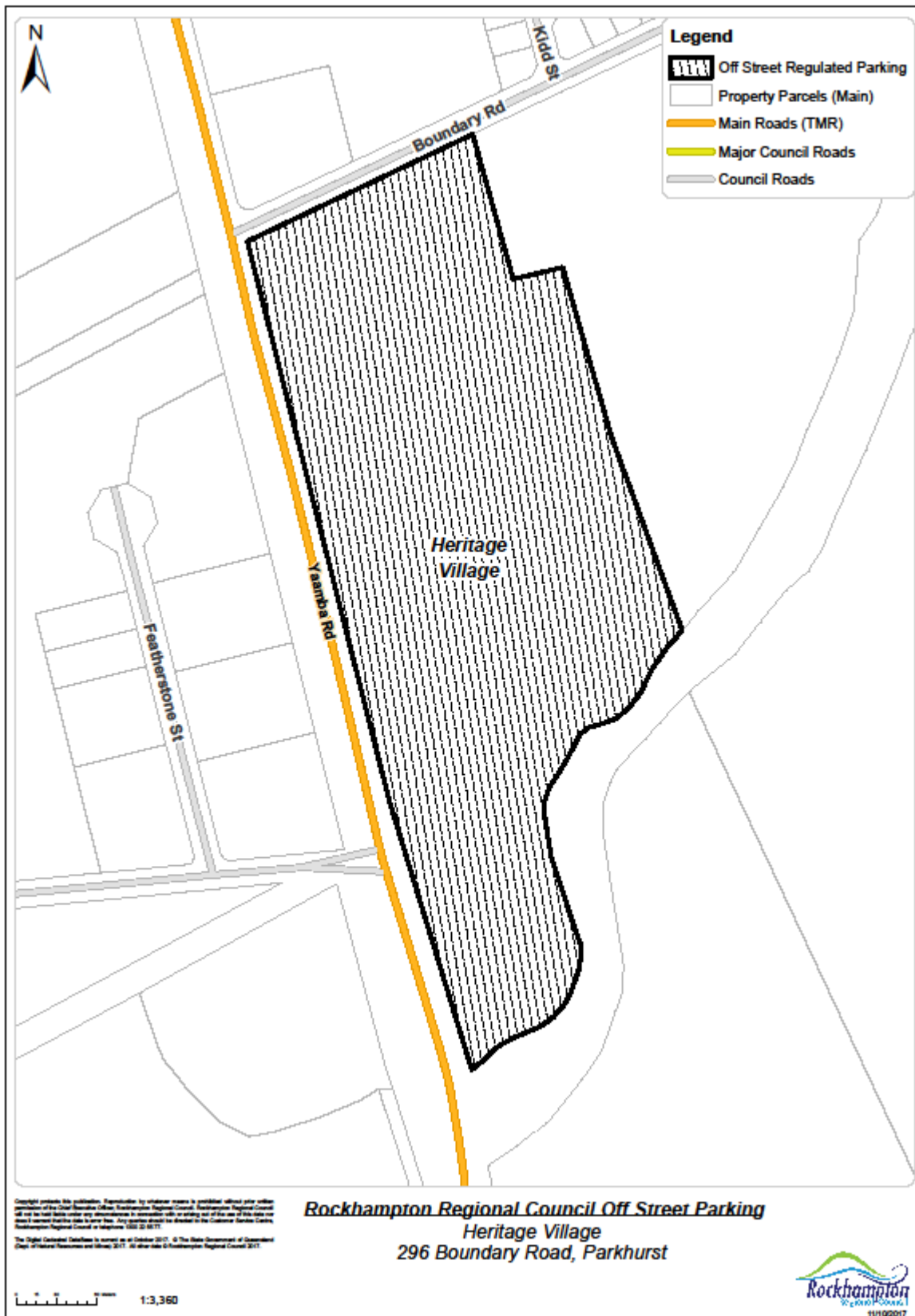
Section 5

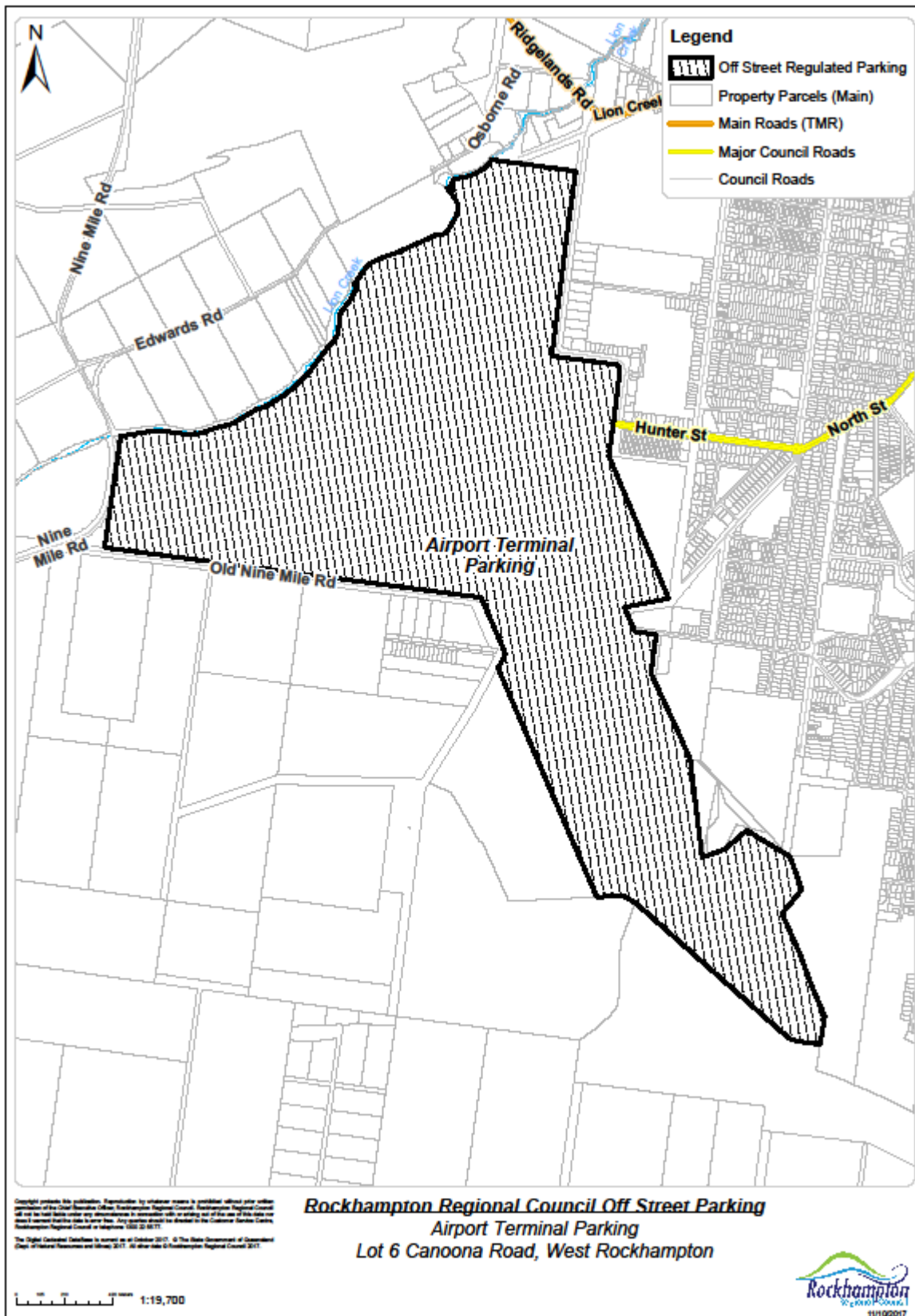


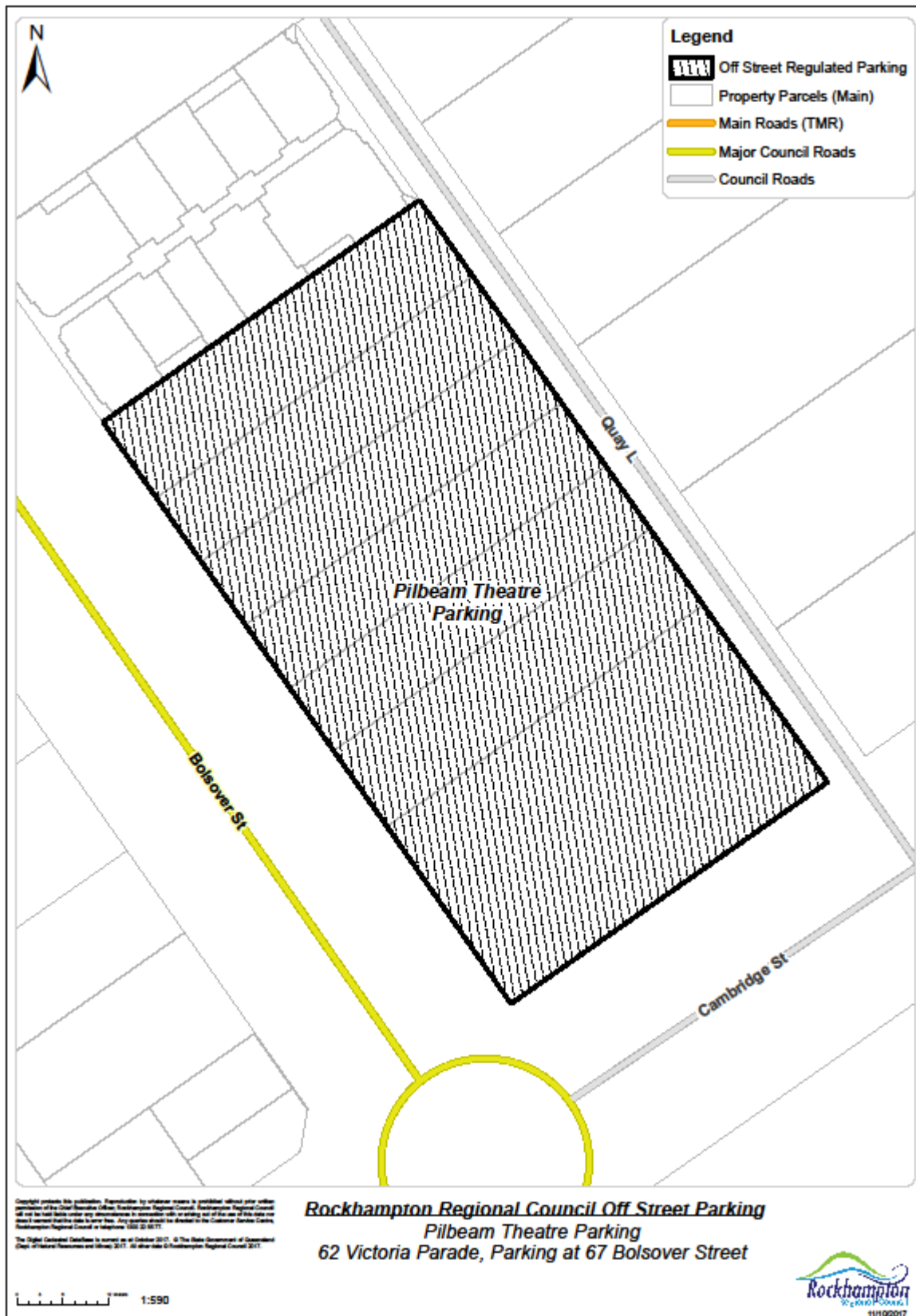
Schedule 2 Declaration of off-street regulated parking areas

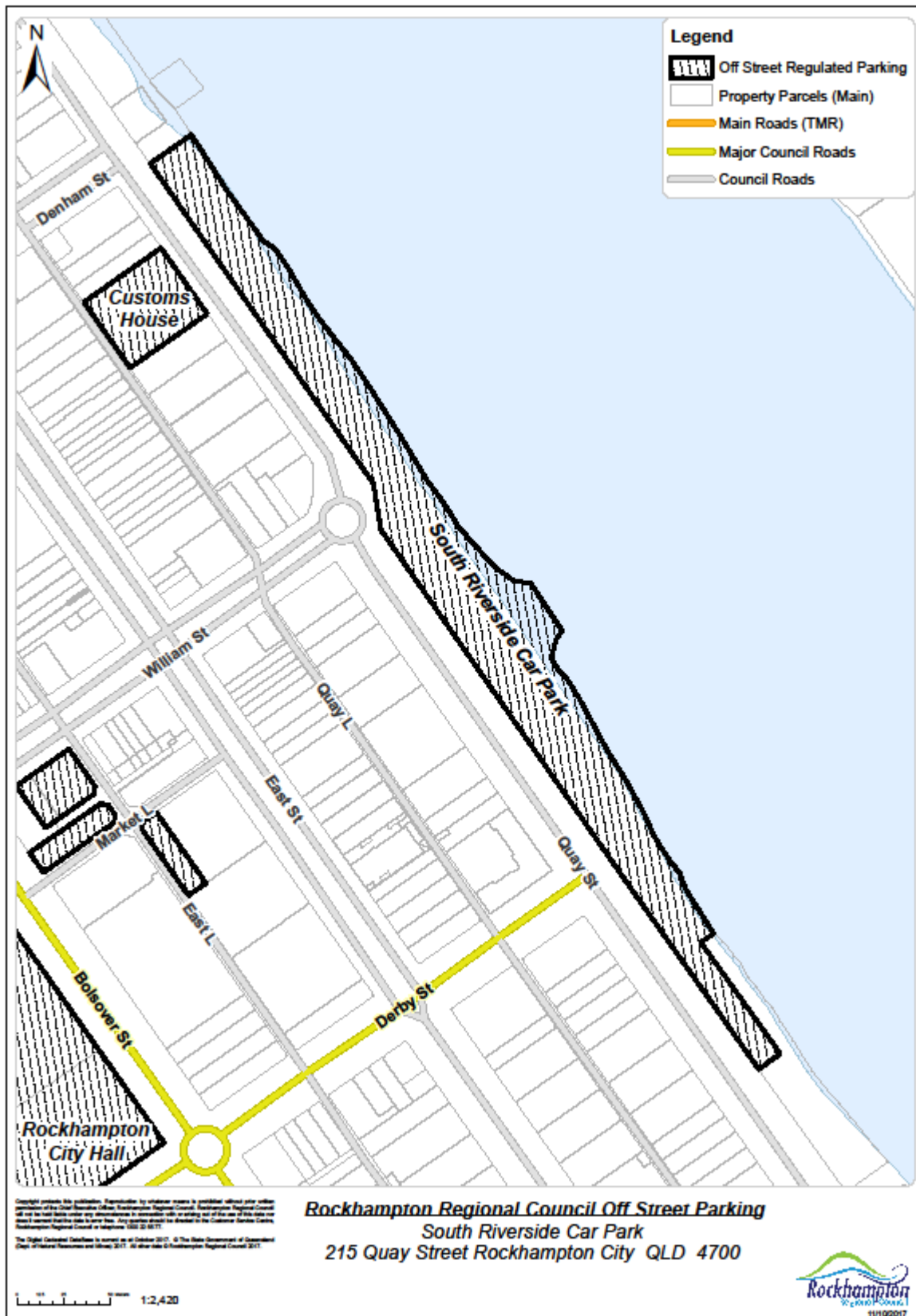
Section 6

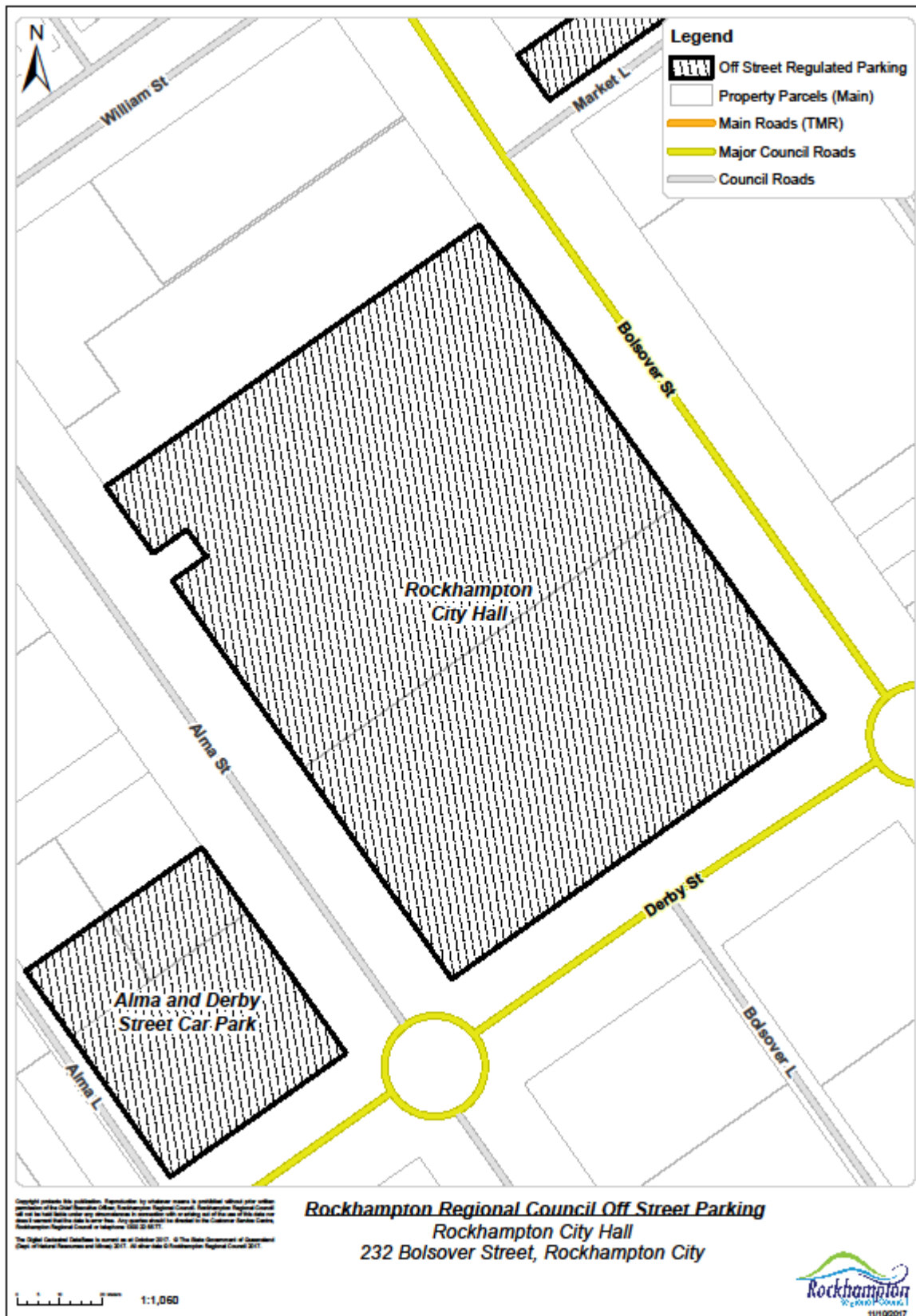
Facility Common Name	Street Address	Real Property Description	
		Lot	Plan
Heritage Village	296 Boundary Road, Parkhurst, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 220	LN2565
Rockhampton Airport Terminal Parking	Part of Lot 6, Canoona Road, West Rockhampton, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 6	CP906611
Pilbeam Theatre Car Park, Rockhampton	62 Victoria Parade, Rockhampton City (parking at 67 Bolsover Street, Rockhampton City), but limited to the area shown hatched in black on the map in this schedule 2.	Lot 68 Lot 3 Lot 1 Lot 2 Lot 3 Lot 4 Lot 1	SP268488 RP600027 RP601155 RP601155 RP601155 RP601155 RP600889
Riverside Car Park (North)	Victoria Parade, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 1	LN844289
Riverside Car Park (South)	215 Quay Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 7	SP289445
Rockhampton City Hall	232 Bolsover Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 11 Lot 3	SP254998 R2616
Customs House	208 Quay Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 3	RP619454
East St Post Office	150 East Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 4	RP892686
Corner Alma Street and Derby Street, Rockhampton	180-186 Alma Street, Rockhampton City, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 2 Lot 3 Lot 211	RP602014 RP615771 R1675
Gracemere Library	1 Ranger Street, Gracemere, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 2	CP860880

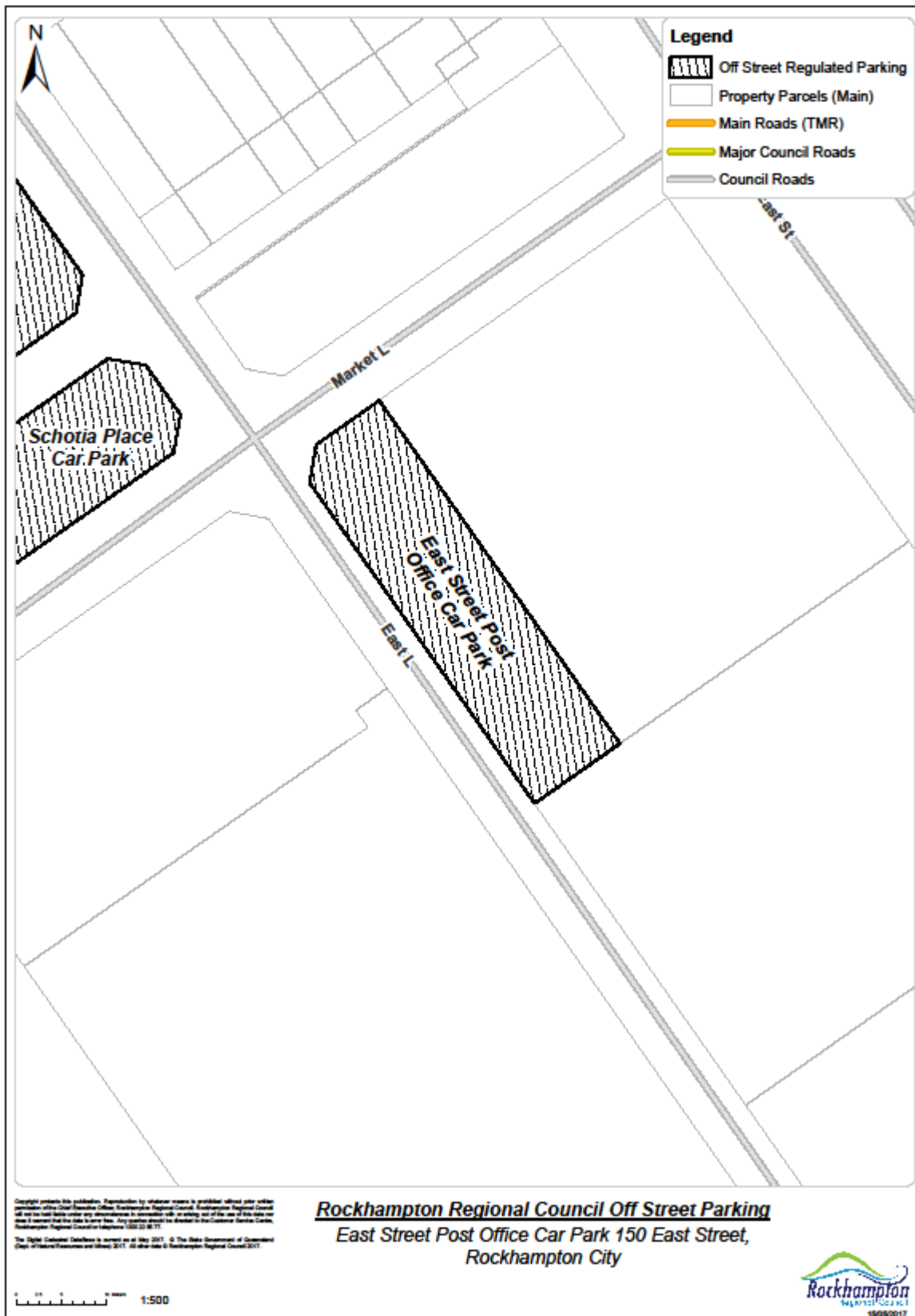


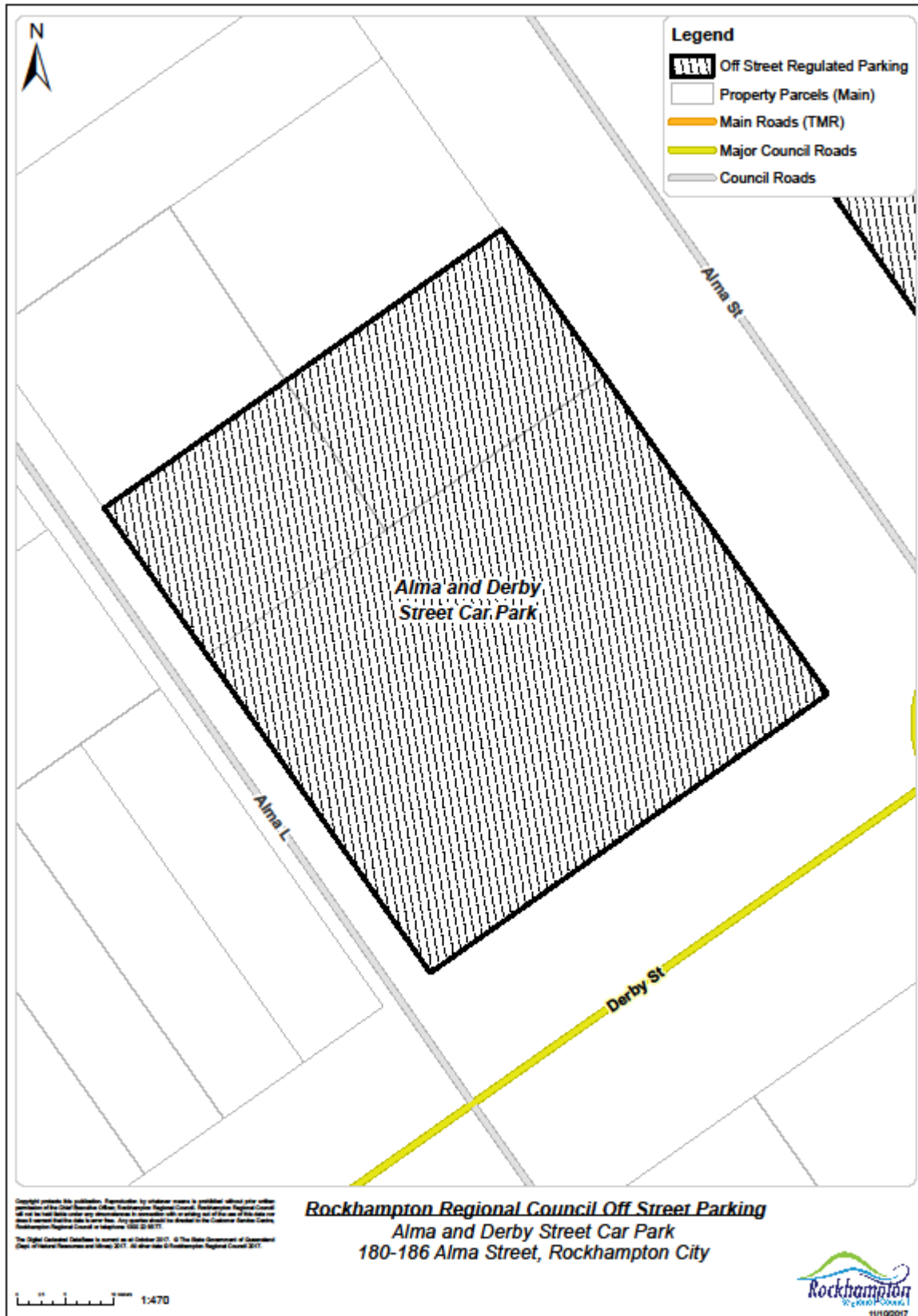














Schedule 3 Infringement notice penalty amounts for

certain minor traffic offences

Section 9

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or park at area installed for the space indicates that the parking fee has been paid	0.5 penalty units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	0.5 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	0.5 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	0.5 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.5 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	1 penalty unit
169	Stopping at the side of a road marked with a continuous yellow edge line	1 penalty unit

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
170(1)	Stopping in an intersection	1 penalty unit
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	0.5 penalty unit
170(4)(a)	Stopping within 10m of an intersection without traffic lights unless permitted by a sign	0.5 penalty units
172(1)	Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.5 penalty units
172(1)	Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.5 penalty units
173	Stopping on a marked foot crossing that is not at an intersection, or on a road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing unless permitted by a sign	1 penalty unit
175	Stopping on a level crossing, or on a road within 20m before the nearest rail or track to the driver approaching the crossing and 20m after the nearest rail or track to the driver leaving the crossing unless permitted by a sign	1 penalty unit
176(1)	Stopping on a road contrary to a clearway sign	0.5 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.5 penalty units
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.5 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.5 penalty units
181	Unauthorised driver stopping in a works zone	0.5 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	0.5 penalty units
183(1)	Stopping an unauthorised vehicle in a bus zone	0.5 penalty units
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	0.5 penalty units
185(1)	Stopping an unauthorised vehicle in a permit zone	0.5 penalty units
186(1)	Stopping in a mail zone	0.5 penalty units
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	0.5 penalty units
191	Stopping on a road so as to obstruct traffic	0.5 penalty units
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	0.5 penalty units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	0.5 penalty units
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	0.5 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	0.5 penalty units
199	Stopping near a postbox	0.5 penalty units
202	Stopping contrary to a motorbike parking sign	0.5 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	1 penalty unit
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.5 penalty units
208(1)	Parking on a two way road other than parallel and as near as practicable to the far left side of the road	0.5 penalty units
208(1)	Parking on a one way road other than to the far left or far right of the road unless permitted by a sign	0.5 penalty units
208(1)	Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign.	0.5 penalty units
210(1)	Angle parking - failing to properly position the vehicle.	0.5 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.5 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.5 penalty units

Schedule 4 Dictionary

Section 4

community service organisation means an association incorporated under the *Associations Incorporation Act 1981* which has as the main purpose of its objects, making financial gain for community service, charitable or similar purposes.

community service organisation parking permit see section 7(3).

local government works parking permit see section 7(8).

residence means a building, or part of a building, that is —

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

resident see section 7(7)(a).

resident parking permit see section 7(2).

temporary parking permit see section 7(4).

tourist vehicle means a horse drawn vehicle or a pedicab which is used for the purpose of carrying passengers on a commercial basis.

tourist vehicle parking permit see section 7(9).

visitor parking permit see section 7(7).

works zone parking permit see section 7(6).

This and the preceding 23 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 5 (Parking) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2017.

.....
Chief Executive Officer

Subordinate Local Law 5 (Parking)

**DRAFT LOCAL LAWS FOR
DISCUSSION, AMENDMENT AND
ADOPTION**

**Subordinate Local Law No. 1.15
(Parking Contrary to an Indication on
an Official Traffic Sign Regulating
Parking by Time or Payment of a Fee)
2011**

Meeting Date: 6 March 2018

Attachment No: 6

Subordinate Local Law No. 1.15 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.15 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

- (1) The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).
- (2) The activity named in schedule 1, section 1 is a prescribed activity for the purposes of section 5(b) of the authorising local law.

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and

- (b) prescribes the matters specified in this section for the prescribed activity.⁶⁹
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
 - (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
 - (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
 - (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
 - (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
 - (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
 - (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
 - (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Part 3 Application to State-controlled roads

7 State-controlled roads to which the local law applies – authorising local law, schedule 1

⁶⁹ Section 103(4) of the TORUM Act relevantly provides that under a local law, a local government may—

- (a) allow a vehicle to park contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays a permit issued by the local government; and
- (b) define the persons that may be issued with a permit (as distinct from an approval).

The local government has defined the persons that may be issued with a permit (as distinct from an approval) under *Local Law No. 5 (Parking) 2011*. *Local Law No. 1 (Administration) 2011* is a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws and provides for miscellaneous administrative matters. *Local Law No. 1 (Administration) 2011* provides for consistent and comprehensive processes for the local government to grant and regulate approvals (as distinct from permits) to undertake prescribed activities. The activity identified in schedule 1, section 1 is a prescribed activity. *Local Law No. 1 (Administration) 2011*, schedule 1 defines approval to include, relevantly, a permit. Each category of permit identified under *Local Law No. 5 (Parking) 2011* is an approval for the purposes of *Local Law No. 1 (Administration) 2011*.

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 3 are the roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

Section 5

1. Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

- (1) The name and contact details of the applicant.
- (2) A description of the type and make of the vehicle.
- (3) The registration number of the vehicle and the date of expiry of the registration.
- (4) Details of the registered owner of the vehicle.
- (5) Details of why the applicant requires the approval.
- (6) The period during which the applicant requires the approval.
- (7) If the application is for a works zone parking permit—
 - (a) details of the specified part of the road adjacent to the site of the proposed building or construction work which the applicant proposes will be declared as a works zone; and
 - (b) evidence that the applicant intends undertaking the building or construction work at the site during the term of the permit.
- (8) If a community service organisation is applying for a community service organisation parking permit—details of off-street parking that is, or could reasonably be, made available for use by persons undertaking activities for or on behalf of the community service organisation on land of which the community service organisation is the owner or the occupier.
- (9) If the application is for a tourist vehicle parking permit—
 - (a) details of—
 - (i) if the tourist vehicle is a horse drawn vehicle—the horses to be used in the undertaking of the prescribed activity, including the condition and fitness of the horses and the address where the horses are normally stabled; and

- (ii) the passenger carrying capacity of the tourist vehicle; and
 - (iii) lighting and warning devices attached to the tourist vehicle; and
 - (iv) the proposed hours of operation of the prescribed activity; and
 - (v) the name, address and telephone number of each person who will be driving the tourist vehicle, including details of their experience in operating such tourist vehicles; and
- (b) a statement by the owner of the tourist vehicle that the tourist vehicle complies with the *Transport Operations (Road Use Management Act) 1995*.

4. Additional criteria for the granting of an approval

The local government may only grant a community service organisation parking permit to a community service organisation if it is satisfied that off-street parking that is, or could reasonably be, made available for use by persons undertaking activities for or on behalf of the community service organisation at the premises of the community service organisation is not adequate.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require the approval holder to—
- (a) affix the approval to, or exhibit the approval on, a specified part of the vehicle identified in the approval facing outwards so that it is clearly visible to a person outside the vehicle; and
 - (b) if the approval holder requests the issue of a replacement approval—complete a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original approval; and
 - (c) enter into an agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the use of a vehicle under the approval; and
 - (d) if the approval holder is a business—take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
 - (e) take specified measures to reduce the impact of the activities authorised by the approval so that the activities do not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or

- (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken.
- (2) Also, the conditions of a resident parking permit may require that the approval holder—
 - (a) only use the permit in respect of the parking of a vehicle identified in the permit at the location identified in the permit which must be—
 - (i) the road adjacent to the residence identified in the permit; or
 - (ii) the one or more segments of road in close proximity to the residence identified in the permit; and
 - (b) only use the permit whilst the holder resides at the residence identified in the permit.
- (3) Also, the conditions of a works zone parking permit may—
 - (a) specify the part of the road to which the permit relates; and
 - (b) require the approval holder to pay a prescribed fee, as determined by the local government, for the installation of official traffic signs, or other signs and markings, as determined by the local government to be appropriate, to identify the boundaries of the works zone identified in the permit; and
 - (c) require that the approval holder not park a vehicle within the works zone except while the vehicle is being loaded or unloaded in connection with the building or construction work to which the permit relates; and
 - (d) require that materials of any kind not be stacked, placed or otherwise left on the road or footpath (either within or outside of the works zone); and
 - (e) require that a vehicle not be parked, loaded or unloaded or that other operations be carried out, in a manner which obstructs pedestrian movement along a footpath within or adjacent to the works zone.
- (4) The conditions of a visitor parking permit may—
 - (a) require that the approval holder only use the permit in respect of the parking of a vehicle at the locations identified in the permit which must be—
 - (i) the road adjacent to the residence identified in the permit; or
 - (ii) the one or more segments of road in close proximity to the residence identified in the permit; and
 - (b) require that the permit must only be used by a person visiting or attending at the residence identified in the permit; and
 - (c) specify that the visitor parking permit is not specific to any particular

vehicle.

- (5) The conditions of a tourist vehicle parking permit may—
- (a) require that the tourist vehicle used in the undertaking of the prescribed activity must be kept in a condition which is clean, safe and fit for the conveyance of passengers; and
 - (b) require that the person driving the tourist vehicle must be in a clean and presentable condition; and
 - (c) limit the operation of the prescribed activity by reference to specified hours and specified days; and
 - (d) require that the name, address and telephone number of the holder of the permit is prominently and permanently displayed on both sides of the tourist vehicle; and
 - (e) if the tourist vehicle is a horse drawn vehicle—
 - (i) require that the driver of the horse drawn vehicle undertaking the prescribed activity must, at all times, be close enough to the vehicle to be able to maintain adequate control over the vehicle and the horse; and
 - (ii) require that the driver of the horse drawn vehicle ensure that appropriate measures are taken to—
 - (A) prevent manure dropping onto a road; and
 - (B) remove any manure that drops onto a road; and
 - (C) ensure that no overloading of the vehicle occurs; and
 - (f) require the holder of the permit to give specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the permit.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

**Schedule 3 State-controlled roads to which the local
law applies**

Section 7

Lawrie Street, Gracemere
Campbell Street, Wandal
Wandal Road, Wandal

Schedule 4 Dictionary

Section 4

community service organisation parking permit see *Subordinate Local Law No. 5 (Parking) 2011, schedule 4.*

resident parking permit see *Subordinate Local Law No. 5 (Parking) 2011, schedule 4.*

tourist vehicle see *Subordinate Local Law No. 5 (Parking) 2011, schedule 4.*

tourist vehicle parking permit see *Subordinate Local Law No. 5 (Parking) 2011, schedule 4.*

visitor parking permit see *Subordinate Local Law No. 5 (Parking) 2011, schedule 4.*

works zone parking permit see *Subordinate Local Law No. 5 (Parking) 2011, schedule 4.*

This and the preceding 11 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.15 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2017.

.....
Chief Executive Officer

Subordinate Local Law 1-15 (Parking)

**DRAFT LOCAL LAWS FOR
DISCUSSION, AMENDMENT AND
ADOPTION**

**Subordinate Local Law No. 1.6
(Operation of Accommodation Parks)
2017**

Meeting Date: 6 March 2018

Attachment No: 7

Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2017

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2017*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) For the purposes of the definition of **complementary accommodation** in schedule 1 of the authorising local law, the accommodation listed in schedule 3 is prescribed as appropriate to accommodation parks.
- (3) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the

authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Part 3 Repeal

7 Repeal of subordinate local law

This subordinate local law repeals—

- (a) *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011*; and
- (b) *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

Schedule 1 Operation of accommodation parks

Section 5

1. Prescribed activity

Operation of accommodation parks.

2. Activities that do not require an approval under the authorising local law

- (1) Section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity if—
 - (a) the prescribed activity is undertaken contemporaneously with the operation of a temporary entertainment event; and
 - (b) the operation of the temporary entertainment event is undertaken in compliance with the requirements of the authorising local law.
- (2) For the avoidance of doubt, section 6(2) of the authorising local law does not apply if the local government permits access to, or use of, an accommodation park on a local government controlled area for no consideration.
- (3) Also, section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity on premises if the undertaking of the prescribed activity on the premises complies with the minimum standards prescribed subsection (4).
- (4) The person undertaking the prescribed activity at the premises must –
 - (a) allow an authorised person to have reasonable access to the premises during normal business hours; and
 - (b) ensure that the undertaking of the prescribed activity at the premises does not detrimentally affect the amenity of land adjoining the premises; and
 - (c) ensure that any premises, building, structure, vehicle, facility, equipment or fixture used in the undertaking of the prescribed activity is maintained in—
 - (i) good working order and condition; and
 - (ii) a clean, safe and tidy condition; and
 - (d) ensure that people, vehicles and caravans may enter and exit the premises used in the undertaking of the prescribed activity safely; and
 - (e) provide and maintain an adequate supply of water to the premises, including water suitable for drinking, cooking and personal hygiene purposes; and
 - (f) ensure that—
 - (i) hot and cold reticulated water is available for every shower and

-
- bath which is made available for use by patrons of the premises; and
- (ii) reticulated water is available for every hand basin which is made available for use by patrons of the premises; and
- (g) ensure that the water supplied for drinking purposes at the premises is potable water; and
 - (h) if water supplied from a particular water outlet at the premises is unsuitable for drinking—ensure that a sign is prominently displayed at the outlet stating "unsuitable for drinking"; and
 - (i) ensure that all materials of a hazardous or dangerous nature which are used in the undertaking of the prescribed activity are stored and used in a safe manner; and
 - (j) ensure that the facilities provided at the premises for the disposal of solid waste are—
 - (i) sufficient to accommodate the collection and storage of all solid waste generated as part of the undertaking of the prescribed activity at the premises; and
 - (ii) provided in the manner, and at the locations, as specified by an authorised person from time to time; and
 - (k) not locate accommodation, or permit the accommodation to be located, at any place within the premises other than on a site which is designated for a single accommodation; and
 - (l) not locate, or permit to be located, at any 1 time, more than 1 accommodation, on a site which is designated for a single accommodation; and
 - (m) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate; and
 - (n) keep and maintain a register which details—
 - (i) the name and address of each person who hires a site or complementary accommodation at the premises; and
 - (ii) an identifying number for the site or accommodation; and
 - (iii) if a caravan is brought onto a site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the site or accommodation begins and ends; and
 - (o) produce the register for inspection on demand by an authorised person; and
 - (p) not permit or allow a person to bring onto a site a caravan or other type
-

- of accommodation that is not fit for human habitation; and
- (q) in the undertaking of the prescribed activity, not use an extension telephone bell, open air address system or similar device if the bell, system or device causes a nuisance or annoyance to any person; and
 - (r) ensure that the undertaking of the prescribed activity does not attract fly breeding or vermin infestation; and
 - (s) dispose of all solid waste generated as part of the undertaking of the prescribed activity in a manner which maintains the undertaking of the prescribed activity at the premises and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (t) ensure that the undertaking of the prescribed activity does not result in an accumulation, aggregation or proliferation of—
 - (i) discarded or disused machinery, goods or wares; or
 - (ii) solid waste, refuse, scrap, bottles or second hand materials of any description; or
 - (iii) dead, overgrown or untended trees or vegetation on any part of the premises; and
 - (u) promptly remove from the premises any accommodation which is dilapidated, unsightly or overcrowded; and
 - (v) not allow the disposal of greywater or blackwater on any part of the premises unless the premises contains an approved dump point; and
 - (w) not erect or locate an accommodation, or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and
 - (x) not erect an accommodation, or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and
 - (y) provide ground anchor points designed to withstand heavy wind loads to enable the tie down of caravans and complementary accommodation; and
 - (z) maintain adequate recreational facilities at the premises; and
 - (aa) provide and maintain buffer zones between sites and roads, external boundaries and other facilities at the premises; and
 - (ab) provide and maintain adequate lighting at the premises; and
 - (ac) provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the premises for accommodation park purposes.

3. Documents and materials that must accompany an application for approval

- (1) If the applicant is not the owner of the place at which the accommodation park is to be operated—the written consent of the owner to the application.
- (2) The name, address and contact details of the proposed resident manager of the accommodation park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the accommodation park.
- (3) A plan of the proposed accommodation park which must be drawn to scale showing—
 - (a) the location and real property description of the place at which the accommodation park is to be operated; and
 - (b) the boundaries of the accommodation park; and
 - (c) the division of the accommodation park into sites, including the location and number of potential sites, with each site clearly defined and bearing a distinguishing mark or number; and
 - (d) the location of each road and building situated within the accommodation park; and
 - (e) details of the water supply system, including the position of all water points; and
 - (f) the position of all waste containers; and
 - (g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
 - (h) details of the on-site sewerage facilities; and
 - (i) the position of all fire places; and
 - (j) the nature and position of all fire alarms and fire fighting equipment; and
 - (k) the nature and position of all electrical installations.
- (4) Details of the facilities for sanitation, washing and laundry to be provided for users of the accommodation park.
- (5) Details of water quality, reticulation and drainage facilities to be provided for users of the accommodation park.
- (6) Details of the maximum number of persons who can be accommodated at—
 - (a) the accommodation park; and
 - (b) each site within the accommodation park.
- (7) Details of the rules which will govern the use of the accommodation park,

including rules which prohibit or restrict the keeping of dogs at the accommodation park.

- (8) A current certificate of compliance issued under the *Fire and Emergency Services Act 1990*.
- (9) A current certificate of testing and safety issued under the *Electrical Safety Act 2002*.

4. Additional criteria for the granting of an approval

- (1) The operation of the accommodation park must be lawfully conducted on the premises.
- (2) The operation of the accommodation park must not produce—
 - (a) environmental harm; or
 - (b) environmental nuisance; or
 - (c) inconvenience or annoyance to the occupiers of any adjoining land.
- (3) All facilities at the accommodation park must be—
 - (a) of an acceptable standard; or
 - (b) able to be brought to an acceptable standard, for use by residents of the accommodation park.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The operation of the accommodation park must not detrimentally affect the amenity of adjoining land.
- (2) The operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment or fixture must be maintained in—
 - (a) good working order and condition; and
 - (b) a clean, safe and tidy condition.
- (3) Provision must be made for people, vehicles and caravans to enter and exit the accommodation park safely.
- (4) The approval holder must—
 - (a) provide and maintain an adequate supply of water to the accommodation park, including water suitable for drinking, cooking and personal hygiene; and
 - (b) cause hot and cold water to be reticulated to every shower, bath and

hand basin.

- (5) The water supply for drinking purposes must be potable water.
- (6) The approval holder must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating "Unsuitable for Drinking".
- (7) The approval holder must provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the accommodation park, including—
 - (a) at least 2 showers or baths (in separate cubicles) for each sex, for every 15 individual sites (within the accommodation park); and
 - (b) at least 1 handbasin for every 4 shower cubicles (or baths) for each sex; and
 - (c) shower (or bath) cubicles must be constructed so as to totally conceal a person within the cubicle from persons who may be outside the cubicle; and
 - (d) for water closets—for every 12 individual sites (within the accommodation park)—
 - (i) for males—at least 2 water closet pedestals and 0.9 metres of urinal stall; and
 - (ii) for females—at least 4 water closet pedestals.
- (8) If bed linen is supplied—
 - (a) keep it in a clean and sanitary condition; and
 - (b) replace it with clean bed linen after each change of occupation of the accommodation.
- (9) All materials of a hazardous or dangerous nature which are used in the operation of the accommodation park must be stored and used in a safe manner.
- (10) Facilities for the disposal of solid waste must be—
 - (a) sufficient to accommodate the collection and storage of all solid waste generated as part of the operation of the accommodation park; and
 - (b) provided in the manner, and at the locations, specified by the local government.
- (11) The local government may limit the number of persons who may occupy a site and require the approval holder to—
 - (a) ensure that the limit is displayed on a notice erected in a prominent position at the accommodation park; and

- (b) take appropriate action to ensure that the limit is not contravened.
- (12) The approval holder must—
- (a) not locate or permit accommodation to be located at any place within the accommodation park other than on a site approved by the local government under this subordinate local law; and
 - (b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and
 - (c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate.
- (13) The approval holder must—
- (a) unless an accommodation is fitted with a set of twin wash tubs and a clothes washing machine or washing boiler— provide for the exclusive use of the occupants of the accommodation, laundry facilities in the ratio of 1 set of twin wash tubs and 1 clothes washing machine or washing boiler and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part of a site; and
 - (b) not erect or locate an accommodation or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and
 - (c) if the local government has approved a site layout plan for the accommodation park— cause each site to be clearly defined and legibly marked in accordance with the plan; and
 - (d) not erect an accommodation or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and
 - (e) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and
 - (f) cause sanitary conveniences and ablutionary facilities to be located—
 - (i) not more than 100 m from any site; and
 - (ii) at least 6 m from any site; and
 - (g) provide and maintain specified recreational facilities; and
 - (h) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the accommodation park; and
 - (i) provide and maintain lighting at the accommodation park—
 - (i) to a specified standard; and
-

- (ii) during specified hours.
- (14) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the accommodation park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.
- (15) The approval holder must keep and maintain a register which details—
- (a) the name and address of each person who hires a site or complementary accommodation at the accommodation park; and
 - (b) an identifying number for the site or accommodation; and
 - (c) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (d) the dates when the hiring of the site or accommodation begins and ends.
- (16) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.
- (17) The approval holder must not permit or allow a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.
- Example—a caravan that is not weather proof*
- (18) The approval holder must not, unless the local government agrees in writing, change the sites at the accommodation park by—
- (a) adding to the existing sites; or
 - (b) changing the position or boundaries of a site.
- (19) The approval holder must not change any building, structure or facility at the accommodation park by—
- (a) adding new buildings, structures or facilities; or
 - (b) removing existing buildings, structures or facilities; or
 - (c) changing the position of any building, structure or facility.
- (20) However, subsections (18) and (19) do not apply if the proposed change constitutes development under the *Planning Act 2016*.
- (21) The operation of the accommodation park must not—
- (a) create a traffic problem; or
 - (b) increase an existing traffic problem; or
 - (c) detrimentally affect the efficiency of an existing road network.

-
- (22) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person.
- (23) The operation of the accommodation park must not attract fly breeding or vermin infestation.
- (24) The approval holder must dispose of all solid waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (25) Signage used in the operation of the accommodation park must be exhibited in a manner, and at the locations, specified by the local government.
- (26) The local government may—
- (a) prescribe rules which govern the use of the accommodation park and require the approval holder to ensure compliance with the rules by each user of the accommodation park; and
 - (b) require that the rules which govern the use of the accommodation park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the accommodation park.
- (27) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
- (28) The approval holder must ensure that no accumulation, aggregation or proliferation of—
- (a) discarding or disused machinery, goods or wares; or
 - (b) solid waste, refuse, scrap, bottles or second hand materials of any description; or
 - (c) dead, overgrown or untended trees or vegetation,
- occurs on any part of the accommodation park.
- (29) The approval holder must not permit a person who occupies a place at an accommodation park, including a site or complementary accommodation at the accommodation park, to engage in a business, trade or occupation if the undertaking of the activity at the place—
- (a) causes a nuisance or annoyance to any person; or
 - (b) has, or may have, an adverse impact on the safety or amenity of users of the accommodation park.
- (30) The local government may specify conditions applying to the operation of the accommodation park including—
- (a) times and days for administration of the arrival and departure of hirers
-

- of accommodation at the accommodation park; and
- (b) conditions of stay; and
 - (c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and
 - (d) conditions applying to the use of any facilities or services of the accommodation park; and
 - (e) the prohibition of specified activities.
- (31) The local government may require that the approval holder direct a person to leave the accommodation park forthwith, or within a specified time, where the person is found to be—
- (a) acting in a disorderly or objectionable manner; or
 - (b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other accommodation park users.
- (32) The local government may require that the approval holder remove from the accommodation park a caravan which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 — Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Prescribed complementary accommodation

Section 4

The other accommodation that is prescribed as appropriate to accommodation parks is accommodation in any of the following—

- (a) an on-site caravan;
- (b) a cabin;
- (c) a manufactured home;
- (d) a tent or other structure that can be readily assembled and disassembled.

Schedule 4 Dictionary

Section 4

accommodation means—

- (a) a caravan; or
- (b) a complementary accommodation.

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

cabin means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

electrical installation has the meaning given in the *Electricity Act 1994*.

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

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

facilities includes—

- (a) toilets; and
- (b) bathing and showering facilities; and
- (c) facilities for washing and drying clothes; and
- (d) facilities for cooking and food preparation; and
- (e) sporting and other recreational facilities; and
- (f) the facilities for the use or convenience of people using an accommodation park.

manufactured home has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003*.

occupant (of accommodation) means a person who resides at the accommodation.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

potable water means water that is free from pollution, harmful organisms and impurities.

premises means the premises used for the operation of the accommodation park.

relocatable home means a Class 1 or Class 3 building under the Building Code of Australia (or its equivalent) which is—

- (a) constructed away from the site at which it is erected; and
- (b) designed to be moved from 1 location to another; and
- (c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

resident (of an accommodation park) means a person who resides in a caravan or complementary accommodation at the accommodation park.

resident manager (of an accommodation park) means —

- (a) a person nominated by the approval holder and accepted by the local government from time to time who—
 - (i) is responsible for the management and supervision of the accommodation park; and

- (ii) resides on or near the accommodation park; and
 - (iii) is present or available at all reasonable times to ensure the operation of the accommodation park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

site means a part of an accommodation park which is designated for a single accommodation of a particular type.

structure has the meaning given in the *Local Government Act 2009*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning given in the *Environmental Protection Act 1994*.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 17 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2017* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2017.

.....
Chief Executive Officer

SLL1.6

**DRAFT LOCAL LAWS FOR
DISCUSSION, AMENDMENT AND
ADOPTION**

**Subordinate Local Law No. 1.9
(Operation of Cemeteries) 2011**

Meeting Date: 6 March 2018

Attachment No: 8

Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed

activity named in section 1 of schedule 1 is a category 2 activity.

- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 2 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Operation of cemeteries

Section 5

1. Prescribed activity

Operation of cemeteries.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

- (1) Details of the proposed cemetery including—
 - (a) a site plan; and
 - (b) the proposed number of grave sites; and
 - (c) the proposed hours of operation.
- (2) Details of the proposed administration and management of the proposed cemetery.
- (3) If a development approval for the cemetery is required under the *Sustainable Planning Act 2009* — a copy of the development approval.
- (4) If the application for an approval does not relate to a local government cemetery and the applicant is not the owner of the premises on which the prescribed activity is to be undertaken — the written consent of the owner of the premises.

4. Additional criteria for the granting of an approval

- (1) The operation of the prescribed activity must not result in—
 - (a) harm to—
 - (i) human health; or
 - (ii) safety; or
 - (b) personal injury; or
 - (c) a loss of amenity; or
 - (d) a nuisance.
- (2) The proposed administration and management of the cemetery must be appropriate.

5. Conditions that must be imposed on an approval

- (1) The approval holder must—
 - (a) keep the cemetery open to the public during particular hours as specified by the local government; and
 - (b) keep and maintain records as prescribed by the local government about each burial and cremation.
- (2) A burial, cremation or other disposal at the cemetery must not be carried out outside the hours during which the cemetery is open to the public.
- (3) All remains in the cemetery must be enclosed in a coffin or other form of container appropriate to the form of disposal.
- (4) Subsection (3) does not apply to ashes scattered after the cremation of human remains.

6. Conditions that will ordinarily be imposed on an approval

- (1) The approval holder must take specified measures to—
 - (a) prevent harm to the health and safety of persons who may be involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent personal injury, property damage or a loss of amenity resulting from the undertaking of the prescribed activity.
- (2) The approval holder must—
 - (a) take out and maintain specified insurance indemnifying a person who may suffer personal injury, loss or damage as a result of the undertaking of the prescribed activity; and
 - (b) give the local government specified indemnities.
- (3) The local government may regulate—
 - (a) the position of grave sites; and
 - (b) periods of leases for grave sites; and
 - (c) requirements for the proper maintenance of memorials and other buildings and structures in the cemetery; and
 - (d) the hours when the cemetery may be open to the public; and
 - (e) the hours when a burial, cremation or disposal may take place in the cemetery; and
 - (f) standards for the minimum depth, size and other dimensions of graves and grave sites; and
 - (g) standards for coffins; and
 - (h) the number of bodies which may be buried in a single grave.

- (4) The approval holder must ensure that an appropriate identifying plaque is placed on or adjacent to the place of each disposal until an appropriate memorial to the deceased is erected or installed.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

development approval has the meaning given in the *Sustainable Planning Act 2009*.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

This and the preceding 7 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2017.

.....
Chief Executive Officer

Subordinate Local Law 1-9 (cemeteries)

**DRAFT LOCAL LAWS FOR
DISCUSSION, AMENDMENT AND
ADOPTION**

**Subordinate Local Law No. 1.13
(Undertaking Regulated Activities
regarding Human Remains) 2011**

Meeting Date: 6 March 2018

Attachment No: 9

Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed

activity named in section 1 of schedule 1 is a category 2 activity.

- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Undertaking regulated activities regarding human remains

Section 5

1. Prescribed activity

Undertaking regulated activities regarding human remains, including undertaking 1 or more of the following activities—

- (a) disturbance of human remains buried outside a cemetery; and
- (b) burial or disposal of human remains outside a cemetery; and
- (c) disturbance of human remains in a local government cemetery.

2. Activities that do not require an approval under the authorising local law

Section 6(2) of the authorising local law does not apply to—

- (a) the burial or disposal of cremated human remains outside a cemetery;
or
- (b) the disturbance of human remains in a local government cemetery.

3. Documents and materials that must accompany an application for an approval

- (1) Details of the burial site, niche or other place or proposed burial site, niche or other place at which the human remains are buried or placed, or are proposed to be buried or placed, including GPS coordinates or similar location particulars.
- (2) Evidence of the applicant's relationship (if any) with the deceased.
- (3) A certified copy of each approval required (including authority under the *Coroners Act 2003* (if applicable)) for the undertaking of the prescribed activity.
- (4) Details of how and when the prescribed activity is to be undertaken.
- (5) Evidence of the identity of the deceased person.
- (6) Evidence of the wishes of the deceased and the relatives of the deceased.
- (7) If the prescribed activity is the disturbance of human remains buried outside a cemetery—
 - (a) a written statement of the reasons for the proposed disturbance; and
 - (b) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are buried.
- (8) If the prescribed activity is the burial or disposal of human remains outside a cemetery—

- (a) a written statement of how and when the remains are proposed to be disposed of or buried; and
- (b) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed to the disposal of the remains on the land; and
- (c) details of the nature of the ceremony (if any) to be conducted at the time of the burial or disposal; and

4. Additional criteria for the granting of an approval

- (1) The undertaking of the prescribed activity must—
 - (a) not result in—
 - (i) harm to health or safety; or
 - (ii) personal injury; or
 - (iii) nuisance; or
 - (iv) a loss of amenity; and
 - (b) comply with the expressed wishes of each of the deceased and the relatives of the deceased; and
 - (c) if the prescribed activity involves the opening of a grave in order to bury another deceased person in the grave—comply with the expressed wishes of all of the deceased persons who are buried or will be buried in the grave.
- (2) If the prescribed activity is the burial or disposal of human remains outside a cemetery—
 - (a) the applicant must secure ongoing access to the place at which the human remains are to be buried or disposed of if the owner of the land on which the place is located disposes of the owner's interest in the land; and
 - (b) the land on which the human remains are to be buried or disposed of must have an area not less than 20,000m²; and
 - (c) human remains of the forebears of the applicant's family are lawfully buried or disposed of on the land.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The approval holder must undertake the prescribed activity at a particular time, or during a particular period.

- (2) Any spillage of waste, a contaminant or another material must—
 - (a) be cleaned up immediately; and
 - (b) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or other waters.
- (3) The approval holder must take specified measures to—
 - (a) prevent harm to the health or safety of persons who may be involved in, or effected by, the undertaking of the prescribed activity; and
 - (b) prevent personal injury, property damage or loss of amenity resulting from the undertaking of the prescribed activity; and
 - (c) ensure that there is compliance with the provisions of each local government Act which regulates the undertaking of the prescribed activity.
- (4) If the prescribed activity is the disturbance of human remains buried outside a cemetery—
 - (a) the approval holder must permit an authorised person to inspect the site at any time either before or after the disturbance; and
 - (b) the approval holder must prepare the site in accordance with particular standards as directed by the local government; and
 - (c) the prescribed activity must be undertaken by a qualified undertaker.
- (5) If the prescribed activity is the burial or disposal of human remains outside a cemetery—
 - (a) the approval holder must ensure that an appropriate identifying memorial is placed on or adjacent to the place of the burial or disposal; and
 - (b) if a development approval is required under the *Sustainable Planning Act 2009* to erect or install a memorial—the approval holder must not erect or install the memorial without the required development approval; and
 - (c) and an approval for the undertaking of the prescribed activity on land is granted—a condition that the grant of the approval does not imply that the local government will grant any other approval for the undertaking of the prescribed activity on the land; and
 - (d) the local government may regulate—
 - (i) the number of bodies which may be buried in a single grave; and
 - (ii) the frequency with which bodies may be buried in a single grave; and
 - (iii) the position of the grave site; and

- (iv) standards for the minimum depth, size and other dimensions of the grave site; and
- (v) the manner in which the applicant secures ongoing access to the place at which the human remains are buried or disposed of if the owner of the land on which the place is located disposes of the owner's interest in the land.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

development approval has the meaning given in the *Sustainable Planning Act 2009*.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

qualified undertaker means a person who carries on the business of disposing of human remains.

This and the preceding 8 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities Regarding Human Remains) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2017.

.....
Chief Executive Officer

SLL1.13

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

15 CLOSURE OF MEETING