

Amendments to Local Laws and Subordinate Local Laws

Council is currently undertaking a process to amend some of our existing Local Laws and Subordinate Local Laws. We are calling for public feedback by way of submissions on the proposed amendment to the following Local Laws and Subordinate Local Laws:

Local Law No. 1 (Administration)

Subordinate Local Law No. 2 (Animal Management)

Subordinate Local Law No. 3 (Community and Environmental Management)

All submissions must be

received on or before

Monday 2nd November 2020

What is the purpose of the proposed amendments?

The purpose and general effect of the proposed amendments is to provide clear provisions and requirements relating to the a number of matters within designated town areas.

As part of Council's operations, these matters have been highlighted as requiring further clarification, or the introduction of allowances for people in the community to enjoy their preferred lifestyle.

Council's Local Laws and Subordinate Local Laws are specific to the Longreach Regional Council area, and are essential for safe and comfortable enjoyment of lifestyles for all members of our communities.

Temporary Dwellings

It is known to be common practice for residents of our region to periodically host family and friends with their caravan, motorhome etc., and for the vehicle to be parked within the residential property's yard to use for accommodation during holiday periods. Current provisions of Local Law No. 1 do not allow occupation of temporary accommodation, and this amendment aims to allow residents to welcome friends and family in moveable dwellings for up to 4 weeks provided no payment is made for the occupation.

Backyards Fires

This amendment to Subordinate Local Law No. 3 is proposed to permit increased usage of equipment for backyard fires for cooking or heating. Similar changes have been adopted by a number of other Queensland Councils. Council understands that many residents enjoy the use of fire-powered cooking and heating appliances and equipment, and seeks to allow lighting of fires in these appliances, with conditions in place regarding use of suitable fuels and smoke management.

Keeping of Rats on Town Allotments

Over recent years, Council has identified some issues regarding the keeping of rats in the designated town area. These issues have given rise to infestations and public health risks. The proposed amendments to Subordinate Local Law No. 2 aim to introduce limitations and requirements for the keeping of rats within the designated town area. Limitations will include a maximum of 6 rats that may be kept, and the keeping of rats will be subject to conditions relating to enclosures, sanitation, food storage, and keeping without nuisance to others.

What are the proposed amendments?

See the reverse side of this information sheet for the proposed amendments, which were endorsed by Council (*Res-2020-09-243*) in September 2020. The proposed amendments form a 'starting point', and we are seeking public comment and submissions to finalise the amendments.

How can I provide suggestions or feedback?

All submissions must be received by Council in writing. Written submissions in support of, or objecting to, the proposed amendments may be made by any person. Submissions must state:

- The grounds of the submission; and
- The facts and circumstances relied in on support of the grounds.

Public consultation is invited for a 21 day period, commencing *Friday 9th October 2020* and ending at *5pm on Monday 2nd November 2020*.



For more information, please contact our Local Laws Team on (07) 4658 4111



**Longreach
Regional Council**
Ilfracombe Isisford Longreach Yaraka

Amendments to Local Laws and Subordinate Local Laws

Proposed Amendments to Local Laws and Subordinate Local Laws

Local Laws No. 1 (Administration)	
Schedule 2 Prescribed Activities	Amend the definition of “establishment or occupation of a temporary home” by adding a further sub paragraph <i>c) where the temporary home is or is intended to be occupied for less than 4 weeks and no payment or consideration is provided for the occupation to the owner or occupier of the residence.</i>
Subordinate Local Law No. 2 (Animal Management) 2011	
Section 17 Animals that may be disposed of without auction or tender – Authorising local law s32 (1) (b)	Insert a new sub clause <i>(p) Other small domestic animals, including guinea pigs, rats and mice.</i>
Schedule 1 Prohibition on keeping animals	Insert a new item <i>13 Rat</i>
Schedule 2 Requirement for approval to keep animal	Insert a new item <i>8 More than 6 rats on an allotment in a designated town area</i>
Schedule 5 Minimum standards for keeping particular animals	Insert a new item <i>7 Rat Each owner of and responsible person for an animal listed in Column 1 item 7 must ensure that –</i> <i>(a) The rat is kept without nuisance; and</i> <i>(b) The rat is contained within an enclosed cage at all times; and</i> <i>(c) The rat’s food is kept in a properly sealed, vermin proof container; and</i> <i>(d) The cage in which the rat is kept is properly maintained and kept in a clean and sanitary condition; and</i> <i>(e) Any cage in which the rat is kept is not located within 10 metres of:</i> <i>i. A residence on adjoining premises; or</i> <i>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 animals; or</i> <i>iii. A place used for the storage of food.</i>
Subordinate Local Law No. 3 (Community and Environmental Management)	
Schedule 3 item 1	Replace the existing wording in Column 2 with the following wording: <i>(1) A fire lit outdoors unless the fire is:</i> <i>(a) Directly associated with the bonafide use of any appliance or equipment for cooking or heating purposes; and</i> <i>(b) All reasonable and practical measures have been taken by the person in control of the fire to minimise smoke creation.</i> <i>(2) In clause 1 “reasonable and practical measures” include the selection of suitable fuel for the burning activity and the maintenance of conditions which promote efficient combustion of that fuel.</i>



Local Law No. 1 (Administration) 2011

Contents

- Part 1 Preliminary.....3**
 - 1 Short title..... 3
 - 2 Purposes and how they are to be achieved 3
 - 3 Definitions—the dictionary 3
 - 4 Relationship with other laws 3

- Part 2 Approvals for prescribed activities3**
 - 5 Meaning of *prescribed activity* 3
 - 6 Offence to undertake local law prescribed activity without approval 4
 - 7 Approvals for prescribed activities to be obtained under this part..... 5
 - 8 Form of application 5
 - 9 Local government’s discretion in granting approvals 6
 - 10 Conditions of approval 7
 - 11 Compliance with conditions of approval 9
 - 12 Third party certification 9
 - 13 Term of approval..... 9
 - 14 Renewal of approval 9
 - 15 Transfer of approval..... 11
 - 16 Amending conditions at request of approval holder 11
 - 17 Grounds for amending, suspending or cancelling approval 12
 - 18 Procedure for amending, suspending or cancelling approval 12
 - 19 Procedure for immediate suspension of approval 13

- Part 3 Authorised persons14**
 - 20 Appointment..... 14
 - 21 Threatening etc an authorised person..... 14

- Part 4 Review of decisions14**
 - 22 Application for review..... 14
 - 23 Review decision 15
 - 24 Stay of operation of original decision..... 15

- Part 5 Enforcement15**
 - 25 Production of records..... 15
 - 26 Compliance notice for contravention of local law or approval condition..... 16
 - 27 Compliance notice authorised by local law..... 17

28	Power to remove and cost recovery	17
29	Stop orders	18
Part 6	Legal proceedings	19
30	Defence of reasonable excuse	19
31	General defence for owners or occupiers of land.....	19
32	Joint and several liability	19
33	Rewards.....	19
Part 7	Miscellaneous.....	19
34	Maintenance of good order at meetings	19
35	Fees	20
36	Abandoned goods.....	20
37	Dealing with seized and impounded items	20
Part 8	Subordinate local laws	21
38	Subordinate local laws	21
Schedule 1	Dictionary.....	23
Schedule 2	Prescribed activities	26

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2011*.

2 Purposes and how they are to be achieved

- (1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
 - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
 - (b) authorised persons for enforcing local laws; and
 - (c) review of certain decisions made under local laws; and
 - (d) enforcement of local laws; and
 - (e) matters relating to legal proceedings; and
 - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

- (a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or

¹ 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.

- (b) 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.

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in—
- (a) section 5(a); or
- (b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.²
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
- (b) for a category 1 activity—50 penalty units; or
- (c) for a category 2 activity—200 penalty units; or
- (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a ‘permitted advertising device’). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government’s area.

- (4) In this section—

category 1 activity means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

category 2 activity means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

category 3 activity means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

² For the offence for undertaking a prescribed activity mentioned in section 5(b) without a current approval if the Local Government Act is not a local law, see the relevant Local Government Act that provides for the approval.

current approval means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

- (1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.

Examples of a form approved by the local government—

A written form or an online application process.

- (2) The application must be accompanied by—
 - (a) documents and materials required under a subordinate local law for this paragraph; and
 - (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
 - (c) the prescribed fee.

Example for paragraph (a)—

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

Example for paragraph (b)—

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide the further information.

- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
- (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
 - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (c) if the prescribed activity is the commercial use of a local government controlled area or road—the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies; and
 - (d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - (e) the grant of the approval would be consistent with the purpose of any relevant local law; and
 - (f) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - (g) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

- (2) The local government may, by written notice to the applicant—
- (a) grant the approval unconditionally; or
 - (b) grant the approval subject to conditions determined in accordance with section 10; or
 - (c) refuse to grant the approval.

Examples for paragraph (b)—

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval,

require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.

- The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.
- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.
- (4) The local government must give the applicant an information notice if the local government—
- (a) refuses to grant the approval; or
 - (b) grants the approval subject to a non-standard condition.
- (5) In this section—

non-standard condition means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
- (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (b) be consistent with the purpose of any relevant local law; and
 - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and
 - (d) not conflict with the conditions of any other relevant approval issued under an Act; and
 - (e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
- (a) contravenes a noise standard; or
 - (b) causes an environmental nuisance.³

Example for paragraph (a)—

A condition of an approval for operation of a temporary entertainment event may authorise the

³ See *Environmental Protection Act 1994*, schedule 1, section 3(b).

operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

(5) In this section—

environmental nuisance see *Environmental Protection Act 1994*, section 15.

noise standard see *Environmental Protection Act 1994*, section 440K.

11 Compliance with conditions of approval

- (1) A holder of an approval must ensure each condition of the approval is complied with.

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

- (2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

Example—

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

- (2) In this section—

third party certifier means—

- (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

14 Renewal of approval

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
 - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or

- (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.
- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.

- (3) The application under subsection (1) must be—
- (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
- (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
- (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
- (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
- (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or
 - (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
 - (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).⁴
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.

⁴ See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.

- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

- (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or local government controlled areas; or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
- (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
 - (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and

- (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
- (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
- (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
- (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
 - (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;

- (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

A person must not threaten, insult or use abusive language to an authorised person. Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the chief executive officer⁷ for a review of the decision under this part.⁸
- (2) The application (a *review application*) must be made within 14 days of—
 - (a) if the person is given an information notice for the decision—the day the person is given the notice; or
 - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
 - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
 - (b) supported by enough information to enable the local government to decide the application.

⁵ See the Act, chapter 6, part 6, for the power to appoint authorised persons.

⁶ See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

⁷ See definition of *chief executive officer* in the Act, schedule 4.

⁸ Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the *review decision*) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the *review notice*).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.⁹
- (2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

⁹ See the Act, section 132.

26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
- (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
 - (b) a matter relating to the contravention can be remedied; and
 - (c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
 - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give¹⁰ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.¹¹
- (3) The compliance notice must state the following—
- (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.
- (4) The time under subsection (3)(c) must be reasonable having regard to—
- (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
 - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.

¹⁰ See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

¹¹ Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138(2).

- (7) The recipient must comply with the compliance notice.¹²

Maximum penalty for subsection (7)—50 penalty units.

27 Compliance notice authorised by local law

- (1) This section applies if—
- (a) a local law provides that an authorised person may give a compliance notice to a person;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the *recipient*).¹⁵
- (2) The compliance notice must state the following—
- (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, an information notice.
- (6) The recipient must comply with the compliance notice.¹⁶
- Maximum penalty for subsection (6)—50 penalty units.

28 Power to remove and cost recovery

- (1) This section applies where—
- (a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or

¹² See also sections 17(e) and 18 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

¹³ For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities & Roads) 2011*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2011*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

¹⁶ See also footnote 12.

- (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—
 - (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—
 - (a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (5) In this section—

thing does not include an animal.

29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) An order under this section—
 - (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the prescribed activity under section 19.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.
Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government's powers under another law.
- (6) In this section—

relevant person means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

31 General defence for owners or occupiers of land

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

- (a) the act or omission occurred without the owner's or occupier's knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

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

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.
Maximum penalty for subsection (3)—20 penalty units.
- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

Suppose that a person pays an approval fee appropriate to an approval of 1 year's duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.

- (3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.
- (2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

- (1) This section applies where—
 - (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an *impounded item*);¹⁷ or
 - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.
- (2) However, this section does not apply to an impounded item that is an animal¹⁸

¹⁷ See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

¹⁸ See *Local Law No.2 (Animals) 2011*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).
- (4) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or
 - (b) by sale through—
 - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (6) The proceeds of the sale or disposal of the impounded item must be applied—
 - (a) firstly, towards the costs of the sale or disposal; and
 - (b) secondly, towards the prescribed fee for impounding the impounded item; and
 - (c) thirdly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

Part 8 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;¹⁹ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;²⁰

¹⁹ See section 6(3).

²⁰ See section 6(4).

- (c) the documents and materials that must accompany an application for an approval;²¹ and
- (d) additional criteria for the granting of approvals for prescribed activities;²² and
- (e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;²³ and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
- (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵
- (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
- (i) the term for which an approval for a prescribed activity remains in force;²⁷ and
- (j) the further term for which an approval for a prescribed activity may be renewed or extended;²⁸ and
- (k) categories of approvals that are non-transferable;²⁹ and
- (l) complementary accommodation prescribed as appropriate for caravan parks;³⁰ and
- (m) a State-controlled road to which this local law applies;³¹ and
- (n) public place activities prescribed as regulated activities on local government controlled areas and roads.³²

²¹ See section 8(2)(a).

²² See section 9(1)(d).

²³ See section 10(3).

²⁴ See section 12(1).

²⁵ See section 12(2), definition of *third party certifier*, paragraph(a).

²⁶ See section 12(2), definition of *third party certifier*, paragraph(b).

²⁷ See section 13(a).

²⁸ See section 14(1)(a).

²⁹ See section 15(2).

³⁰ See schedule 1, definition of *complementary accommodation*, paragraph (b).

³¹ See schedule 1, definition of *road*, subparagraph (b)(i).

³² See schedule 2, part 2, definition of *regulated activities on local government controlled areas and roads*, paragraph (c).

Schedule 1 Dictionary

Section 3

amend for an approval, includes varying a condition, removing a condition or adding a condition.

approval includes a consent, permission, licence, permit or authorisation.

authorised person see the Act, schedule 4³³.

caravan see *Residential Tenancies Act 1994*, section 3A.

complementary accommodation means—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

disturbance, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

DOGIT land means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

entertainment includes recreation and amusement.

entertainment event means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

environmental harm see *Environmental Protection Act 1994*, section 14.

goods does not include animals.

human remains means the body or part of the body of a deceased person.

information notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government cemetery means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

³³ See also section 20.

local government controlled area—

- 1 A *local government controlled area* means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- parks, reserves and gazetted foreshores
 - camping grounds or caravan parks on land owned or controlled by the local government
 - local government swimming pools
 - cemeteries
 - Council Chambers and local government offices
 - jetties.
- 2 A *local government controlled area* includes part of a local government controlled area.
- 3 A *local government controlled area* does not include a residential lot on DOGIT land.

network connection see the Act, section 35(2).

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁴.

property see *Acts Interpretation Act 1954*, section 36.

public notice means a notice published in a newspaper circulating in the local government's area.

public place see the Act, section 125(5).

residence means human habitation on a short-term or long-term basis.

review decision see section 23(1).

road means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
 - (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;

³⁴ See the Act, section 97.

- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*³⁵
means—

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
 - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.
- 2 *Alteration or improvement to local government controlled areas and roads*

³⁵ Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

does not include an alteration or improvement—

- (a) that constitutes development under the Planning Act³⁶; or
- (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
- (c) that involves a network connection; or
- (d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas³⁷ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the Planning Act;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.
- (c) where the temporary home is or is intended to be occupied for less than four (4) weeks and no payment or consideration is provided for the occupation to the owner or occupier of the residence.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.³⁸

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2011*.

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

³⁶ See the definition of *Planning Act* in the Act, schedule 4.

³⁷ See footnote 36.

³⁸ See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

operation of cane railways means the operation of a tramway or railway—

- (a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4³⁹; and
- (b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and
- (c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

operation of cemeteries means to operate a place for disposing of human remains by—

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

operation of public swimming pools means the operation of a swimming pool that is made available for use to—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

operation of temporary entertainment events means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

undertaking regulated activities regarding human remains means undertaking one of the following activities—

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

undertaking regulated activities on local government controlled areas⁴⁰ and roads means undertaking one of the following activities on a local government controlled area or road—

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or
- (c) holding of a public place activity prescribed under a subordinate local law

³⁹ *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

⁴⁰ See footnote 36.

for this paragraph, excluding the operation of a temporary entertainment event.

Example for paragraph (c)— A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

This and the preceding 28 pages bearing my initials is a certified copy of *Local Law No. 1 (Administration) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Longreach Regional Council by resolution dated the 15th day of December 2011.

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Acting Chief Executive Officer

Subordinate Local Law No. 2 (Animal Management) 2011

Contents

- Part 1 Preliminary.....3**
 - 1 Short title..... 3
 - 2 Purpose and how it is to be achieved..... 3
 - 3 Authorising local law 3
 - 4 Definitions 3

- Part 2 Keeping of animals3**
 - 5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)..... 3
 - 6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1) 4
 - 7 Animals that must be desexed—Authorising local law, s 7 4
 - 8 Minimum standards for keeping animals—Authorising local law, s 8(1) 4
 - 9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9 4

- Part 3 Control of animals.....4**
 - 10 Public places where animals are prohibited—Authorising local law, s 10(1) 4
 - 11 Dog off-leash areas—Authorising local law, s 11(1) 4
 - 12 Animal faeces in public places—Authorising local law, s 13 4
 - 13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)..... 5
 - 14 Koala conservation—Authorising local law, s 15..... 5
 - 15 Criteria for declared dangerous animals—Authorising local law, s 19(1)..... 5

- Part 4 Seizure, impounding or destruction of animals5**
 - 16 Place of care for impounded animals—Authorising local law, s 24..... 5
 - 17 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b) 5
 - 18 Register of impounded animals—Authorising local law, s 33(3) 6

- Part 5 Appeals against destruction orders6**

- Part 6 Miscellaneous.....6**
 - 19 Conditions regarding sale of animals—Authorising local law, s 42(1) 6
 - 20 Animals excluded from application of the local law—Authorising local law, schedule 6
 - 21 Species that are declared dangerous animals—Authorising local law, schedule6

22	Prescribed period for reclaiming animals—Authorising local law, schedule	6
Schedule 1	Prohibition on keeping animals	8
Schedule 2	Requirement for approval to keep animal.....	11
Schedule 3	Requirement to desex animal	12
Schedule 4	Minimum standards for keeping animals generally	13
Schedule 5	Minimum standards for keeping particular animals	14
Schedule 6	Prohibition of animals in public places.....	17
Schedule 7	Dog off-leash areas	18
Schedule 8	Requirements for proper enclosures for animals	19
Schedule 9	Requirements for keeping a dog in a koala area.....	20
Schedule 10	Koala areas	21
Schedule 11	Criteria for declared dangerous animals.....	22
Schedule 12	Conditions for sale of animals	23
Schedule 13	Designated Town Area	24
Schedule 13A	Stables precinct	29
Schedule 14	Dictionary.....	30

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 14 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 small domestic animals; and
- (d) horses; and
- (e) donkeys; and
- (f) mules; and
- (g) cows; and
- (h) bulls; and

- (i) sheep; and
- (j) goats; and
- (k) alpaca; and
- (l) llama; and
- (m) deer; and
- (n) pigs; and
- (o) camels; and
- (p) other small domestic animals, including guinea pigs, rats and mice.

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 3 dogs over the age of 3 months on an allotment in a designated town area.</p> <p>(b) More than 1 dog over the age of 3 months on multi-residential premises.</p> <p>(c) Any of the following breeds anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario.</p>
2	Cat	More than 3 cats over the age of 3 months on an allotment in a designated town area.
3	Horse, donkey, sheep, goat, alpaca, llama or deer	<p>(a) In the Longreach designated town area—</p> <p>(i) an animal to which this item 3 applies on an allotment with an area less than 4,000m²; or</p> <p>(ii) a density of animals to which this item 3 applies on an allotment that is greater than 1 animal per 4,000m².</p> <p>(b) However, paragraph (a) does not apply to the keeping of 1 or more horses on an allotment in the stables precinct.</p> <p>(c) In each of the Ilfracombe designated town area, the Isisford designated town area and the Yaraka designated town area—</p> <p>(i) an animal to which this item 3 applies on an allotment with an area less than 1,000m²; or</p> <p>(ii) a density of animals to which this item 3 applies on an allotment that is greater than 1 animal per 1,000m².</p>
4	Cow or bull	A cow or bull in a designated town area except where the cow or bull is kept within a 'town reserve' as that expression is defined in <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011</i> .
5	Poultry, including a chicken, turkey, duck, goose and domestic fowl, but	<p>(a) More than 5 birds to which this item 5 applies on an allotment in a designated town area.</p> <p>(b) However, paragraph (a) does not apply if a person who is the responsible person or owner of the birds is—</p>

	excluding a rooster	<ul style="list-style-type: none"> (i) a member of an association of breeders of the birds which is recognised by the local government; and (ii) the holder of an approval from the local government which authorises the keeping of the birds on the allotment.
6	Rooster	<ul style="list-style-type: none"> (a) A rooster on an allotment in a designated town area. (b) However, paragraph (a) does not apply if a person who is the responsible person or owner of the rooster is the holder of an approval from the local government which authorises the keeping of 1 or more roosters on the allotment.
7	Pig	A pig on an allotment in a designated town area.
8	Ostrich or emu	An ostrich or emu on an allotment in a designated town area.
9	Bees	<ul style="list-style-type: none"> (a) A hive on an allotment in a designated town area with an area less than 1,200m². (b) A density of hives on an allotment in the designated town area that is greater than 1 hive per 1,200m².
10	Cockatoo, galah or other bird of a similar size	<ul style="list-style-type: none"> (a) More than 2 birds to which this item 10 applies on an allotment in a designated town area; (b) However, paragraph (a) does not apply if a person who is the responsible person or owner of the birds is— <ul style="list-style-type: none"> (i) a member of an association of breeders of the birds which is recognised by the local government; and (ii) the holder of an approval from the local government which authorises the keeping of the birds on the allotment.
11	Budgerigar, canary or other bird of a similar size	<ul style="list-style-type: none"> (a) More than 20 birds to which this item 11 applies on an allotment in a designated town area. (b) However, paragraph (a) does not apply if a person who is the responsible person or owner of the birds is— <ul style="list-style-type: none"> (i) a member of an association of breeders of the birds which is recognised by the local government; and (ii) the holder of an approval from the local government which authorises the keeping of the birds on the allotment.
12	Racing pigeons	<ul style="list-style-type: none"> (a) More than 20 birds to which this item 12 applies on an allotment in a designated town area. (b) However, paragraph (a) does not apply if a person who is the responsible person or owner of the birds is— <ul style="list-style-type: none"> (i) a member of an association of breeders of the birds which is recognised by the local government; and

		(ii) the holder of an approval from the local government which authorises the keeping of the birds on the allotment.
13	Rats	(a) More than 6 rats on an allotment in a designated town area.

A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises if—

- (a) the animal or animals were kept on the premises before the commencement of the authorising local law; and
- (b) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.

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 approval¹
1	Dog	3 dogs over the age of 3 months on an allotment in a designated town area.
2	Cat	3 cats over the age of 3 months on an allotment in a designated town area.
3	Poultry, including a chicken, turkey, duck, goose and domestic fowl, but excluding a rooster	More than 5 birds to which this item 3 applies on an allotment in a designated town area.
4	Rooster	A rooster on an allotment in a designated town area.
5	Cockatoo, galah or other bird of a similar size	More than 2 birds to which this item 5 applies on an allotment in a designated town area.
6	Budgerigar, canary or other bird of a similar size	More than 20 birds to which this item 6 applies on an allotment in a designated town area.
7	Racing pigeons	More than 20 birds to which this item 7 applies on an allotment in a designated town area.
8	Rats	More than 6 rats on an allotment in a designated town area.

¹ 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).

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	No species or breed of animal mentioned		

Schedule 4 Minimum standards for keeping animals generally

Section 8(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 animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land 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.

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	Greyhound	Each owner of, and responsible person for, a greyhound must ensure that the dog is kept— <ul style="list-style-type: none"> (a) without nuisance; and (b) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice.
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, pig and other animals of a similar size	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— <ul style="list-style-type: none"> (a) a residence on adjoining premises; or (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 (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
3	Budgerigar, canary and other birds of a similar size and cockatiel and other birds of a similar size and cockatoo, galah and other birds of a similar size	Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that— <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government—the bird is kept in accordance with the requirements of the code of practice.

4	Pigeons	<p>Each owner of, and responsible person for, pigeons which are kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the pigeons are kept without nuisance; and (b) the pigeons contained within an enclosed cage or aviary; and (c) the pigeon’s food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the pigeons are kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) if a code of practice for the keeping of pigeons has been approved by the local government—the pigeons are kept in accordance with the requirements of the code of practice.
5	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bees are kept without nuisance; and (b) any beehive constructed for the purpose of keeping the bees 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 bees; or (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (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 (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 practice.
6	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich and emu	<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 keeping of the bird on the premises does not cause nuisance (for example, a noise nuisance), inconvenience or annoyance to the occupiers of any

		<p>land adjoining the premises; and</p> <p>(b) the bird is contained within an enclosure; and</p> <p>(c) the bird's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the enclosure in which the bird is 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) the enclosure in which the bird is kept 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 bird; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(f) the enclosure in which the bird is kept is not located less than 1 m from the side or rear boundaries of the premises.</p>
7	Rats	<p>Each owner of and responsible person for an animal listed in Column 1 item 7 must ensure that –</p> <p>(a) the rat is kept without nuisance;</p> <p>(b) the rat is contained within an enclosed cage at all times;</p> <p>(c) the rat's food is kept in a properly sealed, vermin proof container;</p> <p>(d) the cage in which the rat is kept is properly maintained and kept in a clean and sanitary condition;</p> <p>(e) any cage in which the rat is kept is not located within 10 metres 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 animal;</p> <p>(iii) a place used for the storage of food</p>

Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	No public place described.	

Schedule 7 Dog off-leash areas

Section 11

No dog off-leash area described.

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> <p>(a) appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) so as to effectively enclose the animal on the land on which it is kept at all times.</p> <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <p>(a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</p> <p>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</p> <p>(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</p> <p>(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</p> <p>(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.</p>
2	Horse	<p>(1) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 —</p> <p>(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</p> <p>(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.</p>

**Schedule 9 Requirements for keeping a dog in a koala
area**

Section 14(1)

No requirements prescribed.

Schedule 10 Koala areas²

Section 14(2)

No area designated.

² “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

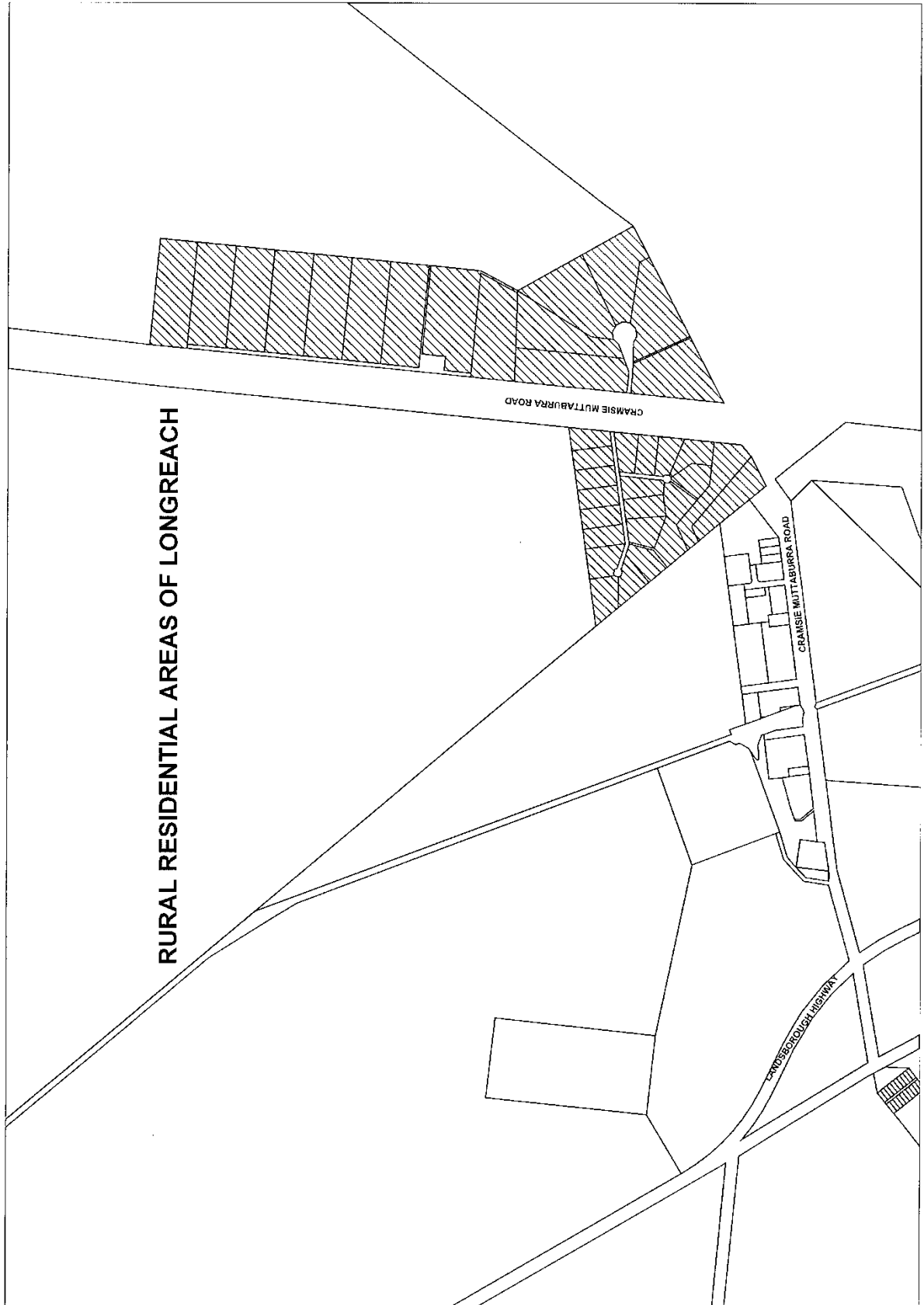
There is a likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

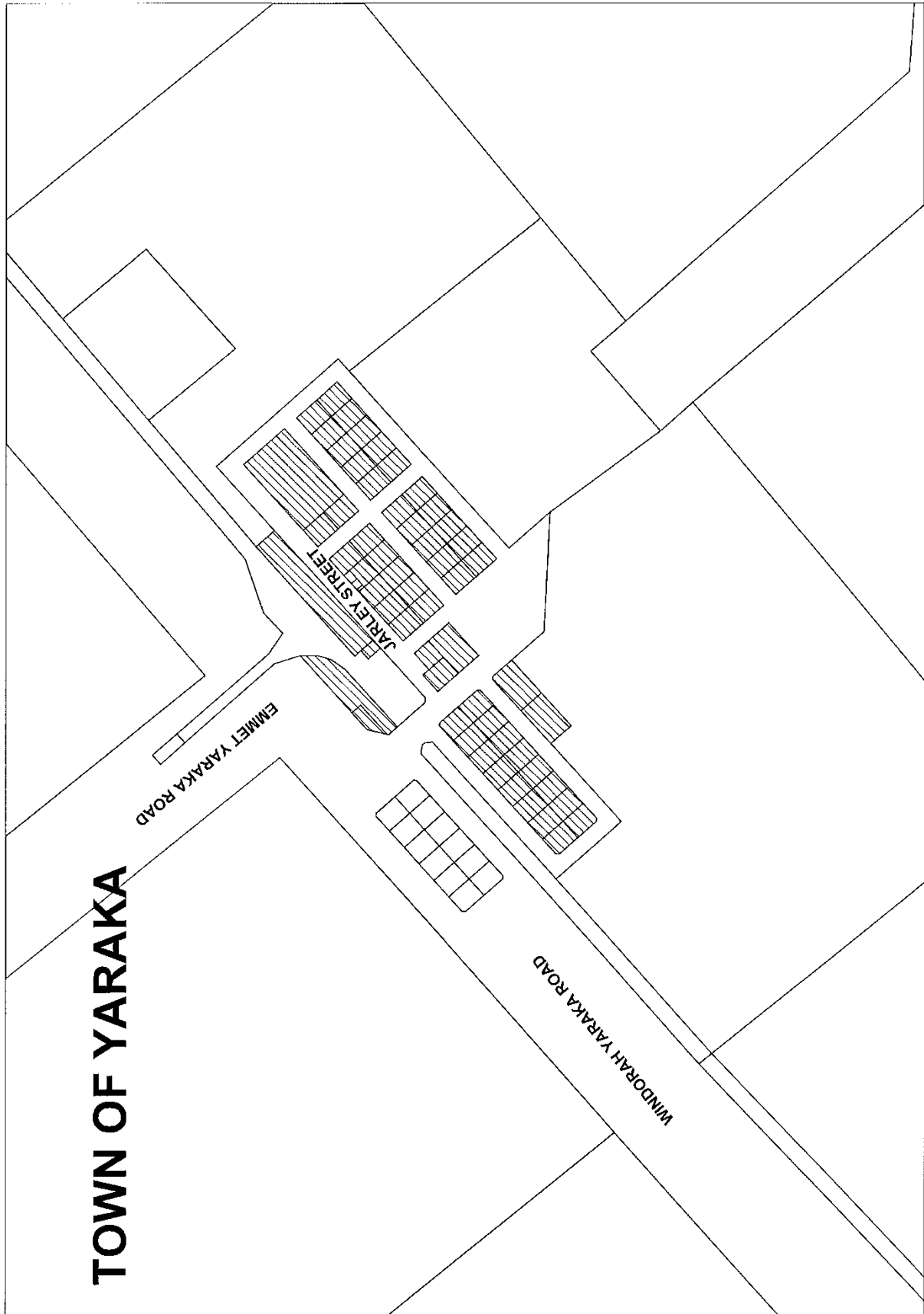
- (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
- (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.

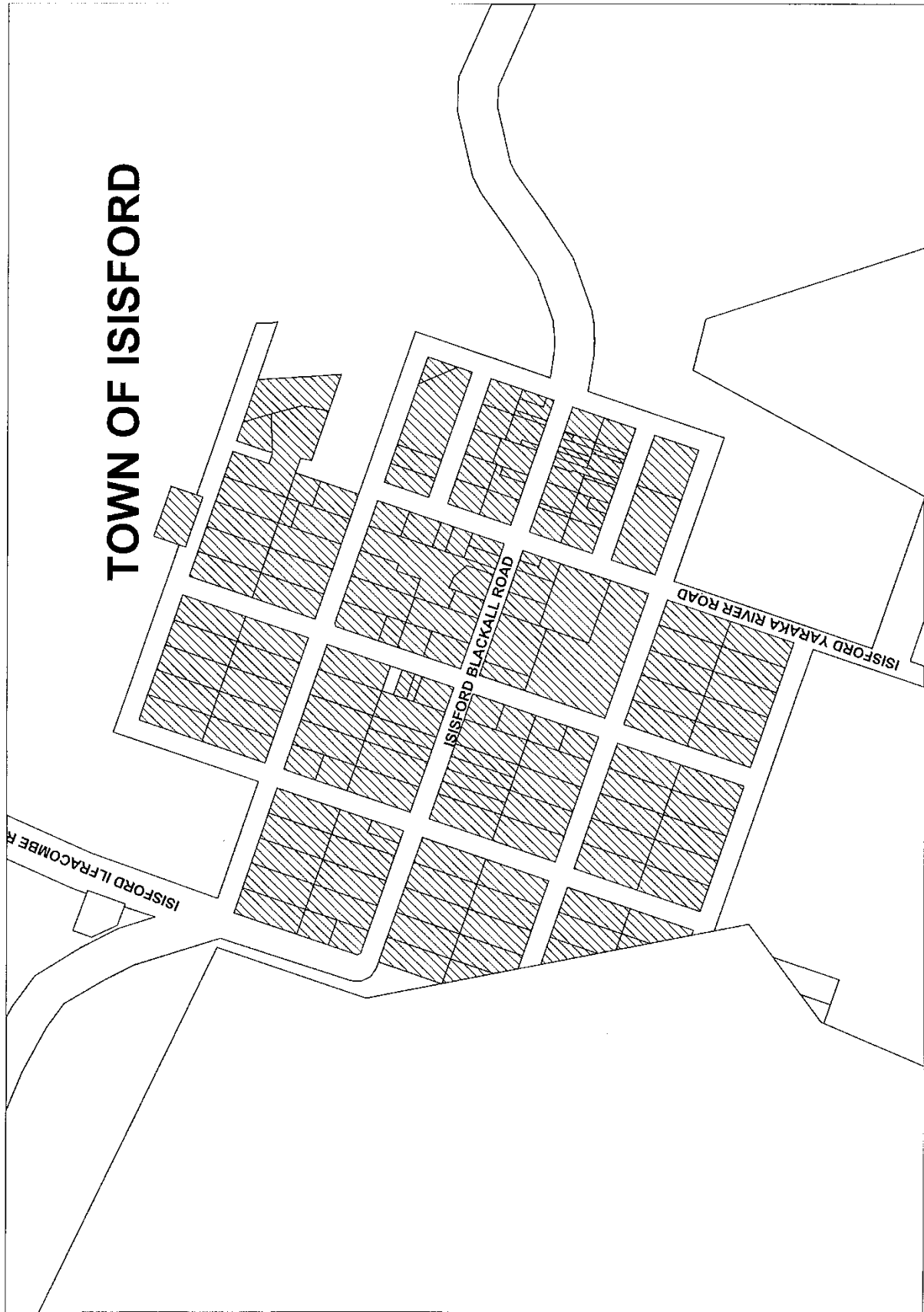
Schedule 12 Conditions for sale of animals

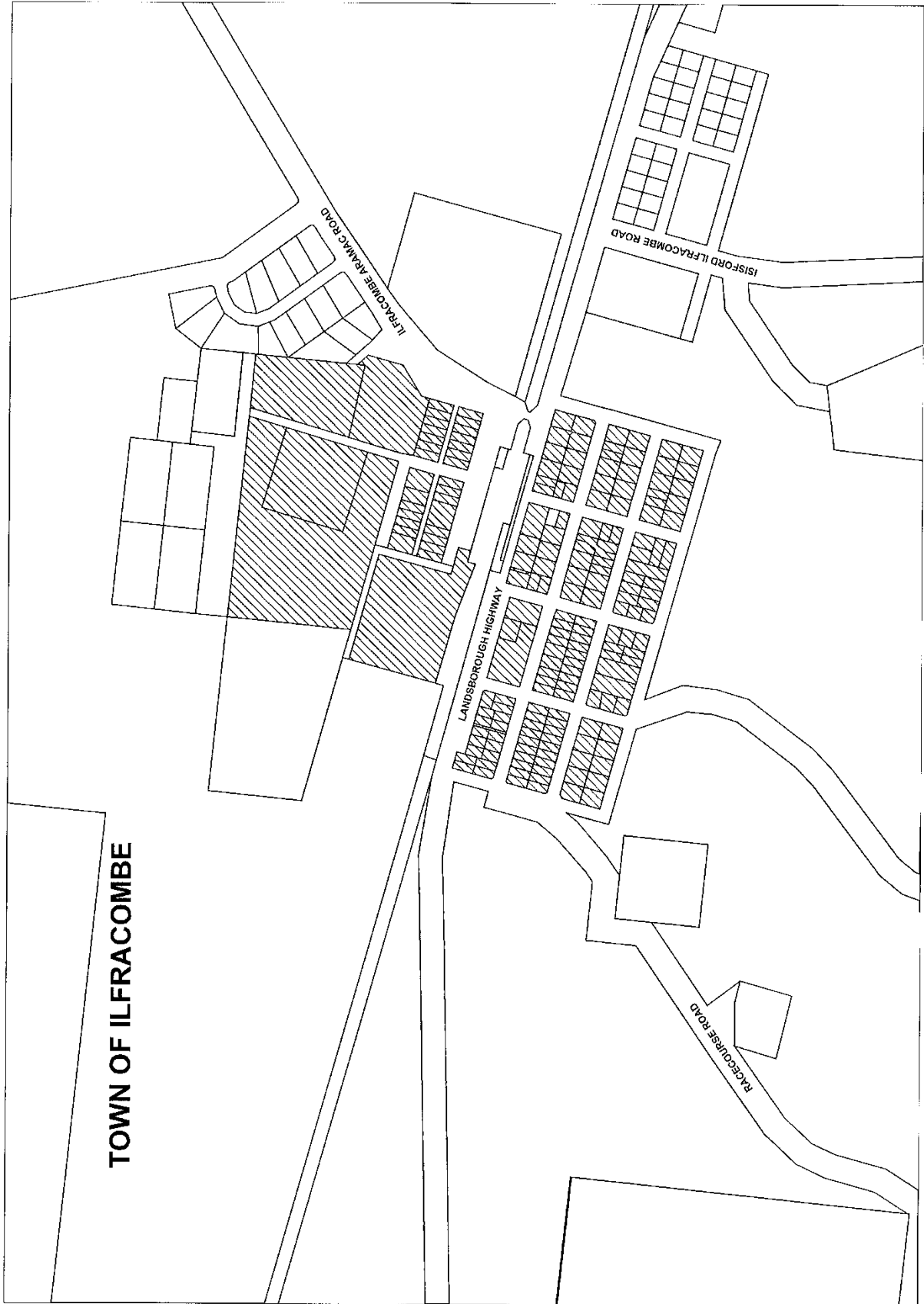
Section 19

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	No species or breed of animal mentioned.	









Schedule 13A Stables precinct

Section 4



Schedule 14 Dictionary

Section 4

allotment means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in —

- (a) the same ownership; or
- (b) the same occupation.

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

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.

designated town area means an area indicated by hatching in black on a map in schedule 13.

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.

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.

land has the meaning given in the *Sustainable Planning Act 2009*.

multi-residential premises means —

- (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.

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.

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

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

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.

stables precinct means the area indicated by hatching in black on the map in schedule 13A.

stallion means an uncastrated adult male horse.

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*.

This and the preceding 30 pages bearing my initials is a certified copy of a consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Longreach Regional Council by resolution dated the day of 2013.

.....
Chief Executive Officer

Subordinate Local Law No. 3 (Community and Environmental Management) 2011

Contents

- Part 1 Preliminary.....2**
 - 1 Short title..... 2
 - 2 Purpose and how it is to be achieved..... 2
 - 3 Authorising local law 2
 - 4 Definitions 2

- Part 2 Declared local pests2**
 - 5 Declaration of local pests—Authorising local law, s 6(1)..... 2
 - 6 Persons exempted from introducing etc a declared local pest—Authorising local law, s 12(2) 2

- Part 3 Overgrown and unsightly allotments3**

- Part 4 Fires and fire hazards3**
 - 7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2) 3
 - 8 Fire hazards—Authorising local law, s 16(3)(b) 3

- Part 5 Community safety hazards.....3**
 - 9 Community safety hazards—Authorising local law, s 17(c) 4
 - 10 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)..... 4

- Part 6 Noise standards4**
 - 11 Prescribed noise standards—Authorising local law, s 21(2) 4

- Part 7 Miscellaneous.....4**

- Schedule 1 Declared local pests 6**
- Schedule 2 Persons exempted from offence of introducing etc declared local pest.....6**
- Schedule 3 Prohibited fires.....7**
- Schedule 4 Prescribed requirements for community safety hazards8**
- Schedule 5 Prescribed noise standards9**
- Schedule 6 Dictionary.....10**

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental 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. 3 (Community and Environmental Management) 2011*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) declaration of local pests; and
 - (b) prohibition of lighting or maintaining certain fires; and
 - (c) declaration of fire hazards; and
 - (d) declaration of community safety hazards; and
 - (e) prescribed requirements for owners of land containing community safety hazards; and
 - (f) declaration of noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environmental 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 6 defines particular words used in this subordinate local law.

Part 2 Declared local pests

5 Declaration of local pests—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 1 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 2 of schedule 1.

6 Persons exempted from introducing etc a declared local pest— Authorising local law, s 12(2)

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

Part 3 Overgrown and unsightly allotments

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

Part 4 Fires and fire hazards

7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2)

- (1) This section applies to the following fires¹—
 - (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;
 - (b) a fire lit for the purpose of burning the carcass of a beast;
 - (c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;
 - (d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
- (2) For section 15(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

8 Fire hazards—Authorising local law, s 16(3)(b)

For section 16(3)(b) of the authorising local law, the following are declared to be fire hazards—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; and
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

¹ Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Rescue Service Act 2004*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire confirms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

9 Community safety hazards—Authorising local law, s 17(c)

For section 17(c) of the authorising local law, the following are declared to be community safety hazards—

- (a) a plant on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (b) an act or omission on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (c) a dead animal on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area.

10 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)

For section 20(1) of the authorising local law, a responsible person for a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

Part 6 Noise standards

11 Prescribed noise standards—Authorising local law, s 21(2)

- (1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.
- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

Part 7 Miscellaneous

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

Schedule 1 Declared local pests

Section 5

Column 1 Applicable part of local government's area	Column 2 Declared local pest
No local pest declared.	

Schedule 2 Persons exempted from offence of introducing etc declared local pest

Section 6(2)

Column 1 Exempt person	Column 2 Declared local pest
No exempt person prescribed.	

Schedule 3 Prohibited fires

Section 7(2)

	<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Applicable part of local government's area</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited fire</p>
1	Entire local government area	<p>A fire lit outdoors unless the fire is enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.</p> <p>(1) A fire lit outdoors unless the fire is:</p> <ul style="list-style-type: none"> (a) Directly associated with the bonafide use of any appliance or equipment for cooking or heating purposes; and (b) All reasonable and practical measures have been taken by the person in control of the fire to minimise smoke creation <p>(2) In clause 1 "reasonable and practical measures" include the selection of a suitable fuel for the burning activity and the maintenance of conditions which promote efficient combustion of that fuel.</p>
2	Local government controlled areas	A fire that is not in a fireplace, barbeque or incinerator constructed by the local government.

Schedule 4 Prescribed requirements for community safety hazards

Section 10

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible person
1	Barbed wire fencing	<ul style="list-style-type: none"> (a) Fencing not to be installed along a boundary adjoining a public park; (b) Barbed wire to be used in urban areas only in a security fence with the barbed wire to be more than 2 metres off the ground.
2	Electric fencing	<ul style="list-style-type: none"> (a) Fencing installed in an urban area that adjoins any road or public land to have warning signs of a size that can be read from a distance of 5 metres and fixed at 5 metre intervals along the fence; (b) Fencing installed in an urban area must be situated at least 1500mm from a fence located on or within the boundary of the premises OR such that if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched is at least 2000 mm in height; (c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003; (d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.
3	Roof sheeting, guttering and sheet metal	Any materials not fixed to a structure to be weighted down or tied down to prevent them from becoming airborne during high winds.

Schedule 5 Prescribed noise standards

Section 11

Column 1 Section of the <i>Environmental</i> <i>Protection Act 1994,</i> chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
No noise standard is prescribed.		

Schedule 6 Dictionary

Section 4

local government public health risk has the meaning given in the *Public Health Act 2005*.

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

urban area means an area forming the whole or part of an urban district.

urban district has the meaning given in the *Fire and Rescue Service Act 1990*.

vermin means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
 - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
 - (ii) a local government public health risk.

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environmental Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Longreach Regional Council by resolution dated the 15th day of December 2011.

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Acting Chief Executive Officer