

ITEM 1.1 - 125TH ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND CONFERENCE - MORETON BAY REGIONAL COUNCIL MOTIONS (Cont.)

#1 Proposed Motions - 2021 LGAQ Annual Conference

Restricted Dogs

Submitting Council	Moreton Bay Regional Council
Supporting ROC (if applicable)	
Category	Community Services and Social policy
Council resolution #	
Date of council resolution	
Title of motion	Restricted Dogs
Motion	That the LGAQ lobby the State Government to amend the <i>Animal Management (Cats and Dogs) Act 2008</i> (Qld) to prohibit the ownership of restricted dogs in Queensland.
Background	<p>Current situation: The prohibition of owning restricted dogs remains at the discretion of each local government authority in Queensland.</p> <p>Issue: The <i>Animal Management (Cats and Dogs) Act 2008</i> (Qld) empowers local governments to issue permits for the keeping of restricted dogs within a given region. Restricted dogs are defined under the <i>Customs Act 1901</i> (Cth) as those breeds prohibited from importation into Australia and they cannot lawfully be kept without a permit due to the considerable risk these breeds pose to the community.</p> <p>Under the <i>Customs Act 1901</i>, the following breeds are restricted dogs:</p> <p>Dogo Argentino Fila Brasileiro Japanese Tosa American Pit Bull Terrier / Pit Bull Terrier Perro de Presa Canario or Presa Canario.</p>

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	<p>The discretion for local governments to provide permits for restricted dogs under the existing legislation has translated into a lack of consistency across the state's 77 local government areas.</p> <p>To ensure community safety outcomes, a holistic approach across the state is needed.</p>
What is the desired outcome sought?	<p>Removal of existing provisions allowing for the discretionary approval of restricted dog permits by local governments.</p> <p>Replacement of the existing section 71 with a new section providing for the prohibition of keeping restricted dogs in Queensland. Any current restricted dog owners could be excepted from this prohibition until they relocate or the dog passes away, if conditions continue to be complied with.</p>

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Unregistered Dogs - Increasing Enforcement Powers

Submitting Council	Moreton Bay Regional Council
Supporting ROC (if applicable)	
Category	Community Services and Social Policy
Council resolution #	To be completed by Executive Services - and below.
Date of council resolution	Please select the date of resolution here
Title of motion	Unregistered Dogs - Increasing Enforcement Powers
Motion	<p>That the LGAQ lobby the State Government to:</p> <ol style="list-style-type: none"> 1. Amend the <i>Animal Management (Cats and Dogs) Act 2008</i> to provide powers for authorised persons to seize, impound and make an application to a Magistrates Court for the forfeiture of unregistered dogs. 2. Amend the <i>Animal Management (Cats and Dogs) Act 2008</i> to provide for a Magistrate to make an order for the prohibition of the keeping of animals for persons guilty of offences against the Act. 3. Amend the <i>Animal Management (Cats and Dogs) Act 2008</i> to provide an additional and greater maximum penalty for the failure to register a regulated dog under section 44(2) and 44(3).
Background	<p>Current situation: The <i>Animal Management (Cats and Dogs) Act 2008</i> provides only for financial penalty in relation to the failure to register dogs. The Act does not provide sufficient additional enforcement powers to ensure compliance with the purpose of the Act such as the seizure and forfeiture of the dog.</p> <p>Issue: The current powers to issue fines do not go far enough in achieving the purpose of the Act of ensuring dogs are registered. Fines are a good deterrent, however they do not provide any measure of</p>

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	<p>ensuring compliance. In circumstances where fines are ineffective, the Act does not provide any other powers for local government to ensure compliance.</p> <p>The penalties available do not differentiate between regulated and unregulated dogs. In the case of registration fees for regulated dogs, infringement amounts are less than the registration fees imposed by some local governments.</p>
What is the desired outcome sought?	<p>Previous resolutions from LGAQ have sought amendment to the mandatory conditions for the keeping a regulated dog to include registration. This motion provides an alternative approach.</p> <p>The proposed approach is to:</p> <ol style="list-style-type: none"> 1. provide authorised persons from the local government the power to seize/impound and seek forfeiture orders for unregistered dogs; and 2. provide local government provisions within the Act to seek orders via the Magistrates Court for the forfeiture of animals and the prohibition of animal keeping of offenders similar to those contained in s182 and 183 of the <i>Animal Care and Protection Act 2001</i>. 3. Add a subsection to the maximum penalty of sections 44(2) and 44(3) of the <i>Animal Management (Cats and Dogs) Act 2008</i> to specify regulated dogs with a substantial increase in the penalty.

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Department of Justice court related fees

Submitting Council	Moreton Bay Regional Council
Supporting ROC (if applicable)	
Category	Governance
Council resolution #	To be completed by Executive Services - and below.
Date of council resolution	Please select the date of resolution here
Title of motion	Department of Justice court related fees
Motion	<p>That the LGAQ lobby the State Government to:</p> <p>Amend section 16(3) of the <i>Uniform Civil Procedure (Fees) Regulation 2019</i> such that a local government is included in the meaning of 'state-related person'.</p>
Background	<p>Current situation: Local governments are subject to fees under the <i>Uniform Civil Procedure (Fees) Regulation 2019</i>.</p> <p>Issue: Local governments are subject to fees under the <i>Uniform Civil Procedure (Fees) Regulation 2019</i> for carrying out similar functions to the State Government, which is not subject to those same fees.</p>
What is the desired outcome sought?	The amendment of section 16(3) of the <i>Uniform Civil Procedure (Fees) Regulation 2019</i> such that a local government is included in the meaning of 'state-related person'. This would provide greater parity between the State Government and local governments carrying out similar functions.

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State Penalties Enforcement Registry Process Improvements

Submitting Council	Moreton Bay Regional Council
Supporting ROC (if applicable)	
Category	Governance
Council resolution #	To be completed by Executive Services - and below.
Date of council resolution	Please select the date of resolution here
Title of motion	State Penalties Enforcement Registry Process Improvements
Motion	<p>That the LGAQ lobby the State Government to:</p> <ol style="list-style-type: none"> 1. Ensure the State Penalties Enforcement Registries (SPER) source and implement an updated “fines-on-line” web portal service. 2. Amend SPER processes and practices to require the approval of the issuing authority prior to the cancellation of an enforcement order in circumstances where legislative requirements of service and lodgement have been met by the issuing authority. 3. Facilitate the compulsory refunding of all fees paid by issuing authorities to SPER on the approval of any Work and Development Orders. 4. Ensure the commencement of quarterly engagement between SPER and issuing authorities requiring motions raised to be addressed and outcomes provided in a timely manner. 5. Ensure quarterly reports detailing Work and Development Orders applicable to issuing authorities identifying the community benefit.

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Background	<p>Current situation:</p> <p>Local governments are required to use SPER for the collection of fines and penalties.</p> <p>Issue:</p> <ul style="list-style-type: none"> SPER's current 'fines-on-line' web portal is outdated and not compatible with current generation internet browsers. It is only compatible with Internet Explorer which is unsupported by Microsoft. SPER's current internal processes grant a cancellation of enforcement orders on application without investigation or stakeholder feedback from the issuing authority, shifting and increasing the administrative burden to issuing authorities where penalties have already been issued, served and lodged as per legislative requirements. Council is not aware of any evidence of Work and Development Orders providing benefit to the community. The only decreable benefit appears to be to the debtor.
What is the desired outcome sought?	<p>SPER be required to:</p> <ul style="list-style-type: none"> update the fines-on-line software as a priority obtain Local Government approval to cancel enforcement orders in circumstances where legislative requirements have been met. obtain approval from the respective Local Government for any Work and Development Orders made against debts lodged by the local government. All fees should also be returned to local government on approval of orders.

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Body worn cameras and CCTV systems

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Supporting ROC (if applicable)	
Category	Governance
Council resolution #	To be completed by Executive Services - and below.
Date of council resolution	Please select the date of resolution here
Title of motion	Body worn cameras and CCTV systems
Motion	<p>That the LGAQ lobby the State Government to amend the <i>Local Government Act 2009</i> to:</p> <p>Provide lawful authority for authorised persons to use surveillance devices including body-worn cameras, surveillance cameras and CCTV to record images and/or sound while the authorised person is acting in the performance of the authorised persons duties or during the investigation of offences.</p>
Background	<p>Current situation: The <i>Local Government Act 2009</i> does not make it lawful for authorised persons to use body-worn cameras, surveillance cameras and CCTV to record images and or sounds while acting in the performance of their duties or during the investigation of offences.</p> <p>Issue: Considering recent proposed changes to Queensland privacy legislation, namely the Draft Surveillance Devices Bill, Council is concerned that the use of surveillance devices by local governments in ways that are currently lawful may be problematic. This would diminish the ability of local governments to detect, investigate and prosecute offences and to keep proper records of interactions between local government officers and members of the public.</p> <p>Additionally, local government officers are exposed to the risk of breaching section 43 of the <i>Invasion of Privacy Act 1971</i> by</p>

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	<p>inadvertently recording conversations on their body-worn cameras that they are not a party to in the ordinary course of their duties.</p> <p>For the same reasons as outlined in the <i>Domestic and Family Violence Protection and Another Act Amendment Bill 2015</i>, as it relates to police officers, local government officers should be protected from the risk of breaching the <i>Invasion of Privacy Act 1971</i> in those circumstances outlined above.</p>
What is the desired outcome sought?	<p>That any changes to Queensland privacy legislation preserve local governments current ability to use surveillance devices.</p> <p>See the below example of provisions within the <i>Police Powers and Responsibilities Act 2000</i> providing for the use of body-worn cameras by police officers</p> <p>609A Use of body-worn cameras</p> <ol style="list-style-type: none"> (1) It is lawful for a police officer to use a body-worn camera to record images or sounds while the officer is acting in the performance of the officer's duties. (2) Use of a body-worn camera by a police officer under subsection (1) includes use that is— <ol style="list-style-type: none"> a. inadvertent or unexpected; or b. incidental to use while acting in the performance of the officer's duties. (3) Subsection (1) does not affect an ability the police officer has at common law or under this Act or another Act to record images or sounds. (4) To remove any doubt, it is declared that subsection (1) is a provision authorising the use by a police officer of a listening device, for the purposes of the <i>Invasion of Privacy Act 1971</i>, section 43(2)(d). (5) In this section— <p>body-worn camera means a device—</p> <ol style="list-style-type: none"> a. worn on clothing or otherwise secured on a person; and b. designed to be used to— <ol style="list-style-type: none"> i. record images; or ii. record images and sounds.