

Local Law Guideline: Keeping of Animals in Exceptional Circumstances

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| Local Law (section and title): | Section 19(3) of <i>Animal Management Local Law 2023</i> |
| Approved by: | Council |
| Date approved: | 8 November 2023 |
| Date of review: | 8 November 2024 |
| Current version: | 1 |

Purpose

Under section 19(3) of the *Animal Management Local Law 2023* (the Local Law), Council may approve an application to keep an animal in exceptional circumstances, where the keeping of the animal would otherwise be prohibited or restricted. This Local Law Guideline will be the Keeping of Animals in Exceptional Circumstance Policy as specified within the *Animal Management Local Law 2023*. This guideline will provide guidance to officers on whether an application to keep an animal meets the threshold requirement of “exceptional circumstances”.

Guidance

This guideline applies to applications to keep an animal or animals made under section 15(1) of the Local Law in circumstances where the keeping of the animal or animals would otherwise be prohibited or restricted.

City of Moreton Bay recognises that residents will, from time to time, experience situations where they may need to apply to the Council for consideration of exceptional circumstances in relation to the keeping of animals.

Section 19(3) of the Local Law gives Council the discretion to approve an application for the keeping of an animal or animals, on a permanent or temporary basis, in exceptional circumstances, where the keeping of the animal or animals would otherwise be prohibited or restricted under the Local Law.

This allows Council officers to consider and decide applications, even where the keeping of the animal is prohibited on that particular property type, or where the keeping of that animal exceeds the number caps for the property as set out in Schedule 2 of the Local Law.

This policy outlines the principles that Council will apply to identify and assess exceptional circumstances where it comes to the keeping of animals under section 19(3) of the Local Law and summarises the commitments and expectations of Council and the resident under this policy.

This policy is based on shared responsibility between Council and the resident seeking approval. The objective of this approach is for Council to support the resident through the application and assessment process for exceptional circumstances around animal ownership and custody.

Eligibility principles

The following information describes circumstances that should ordinarily be considered as ‘exceptional circumstances’ justifying the consideration of an approval under section 19(3) of the Local Law:

- Relocation to the City of Moreton Bay
- Relocation within the region
- Taking custody of a deceased or sick immediate family member’s animal

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Circumstances may not be limited to those listed and Council will review other circumstances on a case-by-case basis.

No applications for exceptional circumstances will be considered;

- If the animal is a regulated dog or declared dangerous animal
- If the animal is to be kept at a residence with an existing regulated dog or declared dangerous animal.

All applications for exceptional circumstances must be made by the:

- Animal owner or responsible person for the animal who is the subject of the application and
- Property owner or occupant at the property for which the application is being made.

Application process

Assessment criteria

In assessing an exceptional circumstances application to keep an animal (or animals), Council officers should consider the merit of the application holistically. This includes a consideration of (but is not limited to) the following matters:

- whether approving the application is consistent with the object of the local law
- the total number of all animals being kept at the relevant property
- the likelihood and risk of nuisance being caused by the animal, having regard to the size, nature, and location of the property
- whether the consequence of refusing an application is fair, reasonable and in the best interests of the community
- whether there is a pattern of similar applications.

Applicant obligations for all exceptional circumstances

Application must be supplied in writing to Council for consideration of exceptional circumstances.

Provide proof of registration in the City of Moreton Bay or prior Council area with the application.

Provide proof that the deceased or sick relative is an immediate family member of the applicant (taking custody for a deceased/sick immediate family member's animal).

Provide proof of relocation.

Conditions upon approval

The following conditions may be attached to any approval for exceptional circumstances:

- The applicant will be required to notify Council within 5 days of the death, relocation, or removal of the animal that is the subject of the approval.
- That the animals at the residence do not ever cause a nuisance, pursuant to s41 of the Animal Management Local Law 2023.
- That all animals at the residence that are required to be registered maintain a current registration
- The approval will be granted for:
- Temporary approval (not more than 365 days in total)
- Permanent approval (approval for the life of the animal).

Council may at its discretion add and apply conditions as required.

Related Documents

Relevant legislation

- *Animal Management Local Law 2023*
- *Animal Management Subordinate Local Law 2023*
- *Guide, Hearing and Assistance Dogs Act 2009*
- *Animal Management (Cats and Dogs) Act 2008*

Council documents

- *Animal Management Local Law 2023 - Explanatory Notes*

Definitions

| Term | Definition |
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| Application | An application to keep an animal made under the <i>Animal Management Local Law 2023</i> . |
| City of Moreton Bay or Council | Moreton Bay City Council |
| Declared Dangerous Animal | Means an animal - (a) Of a species declared by another law as declared dangerous animal; (b) Declared under section 57 of the <i>Animal Management Local Law 2023</i> to be a declared dangerous animal. |
| Exceptional Circumstances | Where an applicant is seeking to keep an animal or animals due to circumstances beyond the applicant's control, where the keeping of the animal or animals would otherwise be prohibited or restricted under the <i>Animal Management Local Law 2023</i> . |
| Immediate Family Member | Parent, sibling, spouse, child of a marriage or other relationship. |
| Local Law | <i>Animal Management Local Law 2023</i> |
| Number Cap | Maximum number limit that applies to a particular species of animal under Schedule 2 of the <i>Animal Management Subordinate Local Law 2023</i> . |
| Permanent Approval | Conditional approval of application for exceptional circumstances for the life of the animal. |
| Regulated Dog | A regulated dog is— (a) a declared dangerous dog; or (b) a declared menacing dog; or (c) a restricted dog. (<i>Animal Management (Cats and Dogs) Act 2008</i>) |
| Temporary Approval | Conditional approval of an application for exceptional circumstances not more than 365 days in total. |

Document Control

| Document History | | | | Official Version: ECM68254966 |
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| Version | Approval | Date | Description | Document ID |
| 1.0 | Council | 8/11/2023 | New Guideline | XXX |
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