



AGENDA

Ordinary Meeting
Tuesday
17 February 2026
at 10:00am.

Venue

Council Chambers
506 Kang Kang Road
Aurukun Qld 4892



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 Council sends condolences to the family of Waal Waal M Bowenda and Waal Waal A Bowenda, and other members of the community currently in Sorry Business.

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1 OPENING OF MEETING

Mayor "<enter Mayor Name>" opened the Meeting at [enter time](#), welcoming everyone and acknowledging the custodians of the land we are meeting upon in Aurukun and in Cairns and paying respect to Elders and Leaders past present and emerging.

2 DECLARABLE CONFLICTS OF INTEREST**3 CONDOLENCES**

Council sends condolences to the family of Waal Waal M Bowenda and Waal Waal A Bowenda, and other members of the community currently in Sorry Business.

4 LEAVE OF ABSENCE FOR APPROVAL**5 DEPUTATIONS****6 PREVIOUS MINUTES**

Ordinary Council Meeting held on 27 January 2026

7 MAYOR'S REPORT

Nil

8 CHIEF EXECUTIVE OFFICER'S REPORT

Nil

9 CORPORATE SERVICES REPORT

9.1 Date change for October 2026 Ordinary Meeting of Council

Author	General Manager Corporate Services
Authorising Officer	Chief Executive Officer
Attachments	Nil

RECOMMENDATION

That Council endorse a change of date for the October 2026 Ordinary Meeting from 20 October to 27 October to allow Aurukun delegates to attend the Local Government Association of Queensland Conference and Indigenous Leaders Forum in Cairns from 19-21 October 2026.

EXECUTIVE SUMMARY

This report has been prepared to seek Elected Member endorsement for a change of date for the October 2026 Ordinary Meeting of Council.

BACKGROUND

The approved date for the October 2026 Ordinary Meeting of Council is 20 October, however, this clashes with the Local Government Association of Queensland Conference and Indigenous Leaders Forum in Cairns from 19-21 October, which the majority of Elected Members have indicated they wish to attend.

It is recommended that the meeting date be changed by resolution to 27 October 2026, which will accommodate delegates returning to Aurukun after the event.

POLICY IMPLICATIONS

Nil.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LINK TO CORPORATE PLAN

Governance: Capacity building for local leaders.

LINK TO OPERATIONAL PLAN

Governance 1 (Transparent Decision Making) and Governance 4 (Organisational Capacity)

RISK MANAGEMENT IMPLICATIONS

While recent changes to the *Local Government Regulation 2012* permit a Council not to meet in a particular month if it “considers it would be impracticable or unnecessary to do so”, not holding an Ordinary Meeting in order for Elected Members and/or executive staff to travel to a conference does not meet the threshold of “impractical” or “unnecessary”. To that end, not holding a meeting in October 2026 represents a potential minor reputational risk to the organisation.

9.2 2026 LGAQ Conference and Indigenous Leaders Forum

Author General Manager Corporate Services
Authorising Officer Chief Executive Officer
Attachments Nil

RECOMMENDATION

That Council endorse [insert names of Elected Members and/or executive staff] attending the 2026 Local Government Association of Queensland Conference and Indigenous Leaders Forum in Cairns from 19-21 October 2026.

EXECUTIVE SUMMARY

This report has been prepared to seek Council resolution on which Elected Members and/or executive staff will represent the organisation and Aurukun community at the 2026 Local Government Association of Queensland Conference (“**Conference**”) and Indigenous Leaders Forum (“**ILF**”) in Cairns from 19-21 October 2026.

BACKGROUND

The annual Conference and ILF will be held in Cairns from 19-21 October 2026. While a venue and program are yet to be announced, it is necessary to determine who from Council will be delegates at the event to maximise cost efficiencies regarding flights, accommodation and early bird event registration.

Further to an inquiry from the Deputy Mayor and general discussion at the 27 January Ordinary Meeting of Council, it is anticipated all five Elected Members will wish to attend the event.

The estimated cost per delegate is show below for Elected Members’ reference.

Expense description	Estimated cost
Conference early bird registration	\$ 1,600
Conference gala dinner	\$ 200
Return flights (AUU-CNS)	\$ 930
Accommodation (5 nights)	\$ 750
Travel allowance	\$ 800
Estimated cost per delegate	\$ 4,280

If all Elected Members and two executive staff represent Council at the IFL and Conference, the estimated overall cost will be \$30-35,000.

POLICY IMPLICATIONS

Attendance will be managed pursuant to relevant policies, including the Travel Policy.

FINANCIAL/RESOURCE IMPLICATIONS

Any costs associated with attendance will be factored into the preparation of Council’s 2026-27 budget.

LINK TO CORPORATE PLAN

Governance: Capacity building for local leaders.

LINK TO OPERATIONAL PLAN

Governance 1 (Transparent Decision Making) and Governance 4 (Organisational Capacity)

RISK MANAGEMENT IMPLICATIONS

Not considering the cost of attendance represents a potential minor risk to Council, while not attending the Conference or ILF at all represents a potential minor reputational risk to the organisation in terms of missed engagement and decision-making opportunities with key stakeholders, including government funding partners.

9.3 Policy update - Procurement Policy

Author	General Manager Corporate Services
Authorising Officer	Chief Executive Officer
Attachments	1. Draft Procurement Policy (S011) - February 2026 update ↓

RECOMMENDATION

That Council adopts the updated Procurement Policy (S011) as presented.

EXECUTIVE SUMMARY

This report has been prepared to seek Elected Member endorsement of Council's updated Procurement Policy (S011) ("**Policy**").

BACKGROUND

The Policy requires updating to reflect the changes to procurement identified in the *Local Government Legislation (Empowering Councils) Amendment Regulation 2025* ("**Regulation**"), which came into effect on 12 December 2025.

Amongst the changes set out in the Regulation include increases to the threshold for a *medium-sized contractual arrangement* – up from \$15,000 to \$21,000 – and *large-sized contractual arrangement* – up from \$200,000 to \$280,000.

The only amendments to the Policy have been to reflect the increase in values for these types of contractual arrangements. The processes Council will use to manage contracts of this nature remain unchanged, and can be seen at clause 7.

POLICY IMPLICATIONS

The updated Policy is presented to Council for consideration and adoption at this meeting.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LINK TO CORPORATE PLAN

Governance: Establish audit and risk management practices to strengthen governance, oversee internal controls, and provide independent assurance on risk management and financial reporting in alignment with legislative and best practice requirements.

LINK TO OPERATIONAL PLAN

Governance 1 (Transparent Decision Making)

RISK MANAGEMENT IMPLICATIONS

Not updating policies to reflect relevant changes in legislation represents a potential statutory risk for Council, and would likely create additional concerns during the annual internal and external audit processes.



Procurement Policy

1. Heads of Power

Local Government Act 2009 (Qld)
 Local Government Regulation 2012 (Qld)
 Queensland Procurement Policy 2023
 Public Records Act 2002 (Qld)

2. Intent

The intent of this policy is to establish a framework for the procurement of goods and services by Aurukun Shire Council (**Council**), ensuring that all procurement activities are conducted ethically, transparently, and in compliance with applicable laws and regulations.

3. Scope

This policy applies to all procurement activities undertaken by Council, including the acquisition of goods, services, and works, regardless of value or funding source. It applies to all Councillors, employees, contractors, and agents involved in procurement processes.

4. Definitions

Procurement: The process of acquiring goods, services, or works.

Value for Money: Achieving the best overall economic, environmental, and social outcomes for the Council and the community.

Preferred Supplier: A supplier with whom the Council has an established procurement arrangement.

Standing Offer Arrangement: A contract with one or more suppliers for the supply of goods or services over a specified period at pre-agreed terms and pricing.

Financial Delegation: The level of purchasing authority assigned to employees based on their position.

5. Policy Statement

Council is committed to conducting procurement activities in a manner that is:

Ethical and Fair – Ensuring transparency, accountability, and integrity in all procurement decisions.

Value for Money – Ensuring procurement decisions provide the best overall benefit, considering price, quality, and whole-of-life costs.

Local Economic Development – Supporting local businesses and Indigenous enterprises where possible.

Sustainable – Incorporating environmental, economic, and social considerations into procurement decisions.

Legally Compliant – Ensuring all procurement activities comply with relevant legislation and Council policies.

6. Procurement Principles

Council's procurement processes will align with the following key principles:

6.1. Value for Money

- Consideration of total cost over the life of the product or service.

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Policy No. S011

Adopted Date: 17/02/2026 | Version: 1

Responsible Department: Corporate Services

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- Assessment of quality, efficiency, and effectiveness.

6.2. Open and Effective Competition

- Encouraging fair competition by providing equal access to procurement opportunities.
- Ensuring transparency in the tendering and quotation process.

6.3. Development of Competitive Local Business and Industry

- Encouraging participation by local suppliers.
- Providing opportunities for Indigenous-owned businesses.

6.4. Environmental Protection

- Considering environmental impacts in procurement decisions.
- Encouraging sustainable and resource-efficient procurement.

6.5. Ethical Behaviour and Fair Dealing

- Conducting procurement activities with integrity.
- Avoiding conflicts of interest and improper supplier relationships.
- Ensuring suppliers meet ethical business standards

7. Procurement Methods

Council will use the following procurement methods based on the value of the procurement:

7.1. Petty Cash (Up to \$1,200)

- Purchases up to \$1,200 may be made out of petty cash except where defined otherwise by this policy.

7.2. Low-Value Contracts (Up to \$5,000 GST Exclusive)

- Requires at least one verbal or written quote.
- Purchases must be made through an approved purchase order.

7.3. Small-Sized Contracts (\$5,000 - \$20,999 GST Exclusive)

- Requires at least two written quotes.
- Justification is required if fewer quotes are obtained.

7.4. Medium-Sized Contracts (\$21,000 - \$279,999 GST Exclusive)

- Requires at least three written quotes.
- Evaluation criteria must be documented.

7.5. Large-Sized Contracts (Above \$280,000 GST Exclusive)

- Public Tender Process required.
- Tender must be advertised for at least 21 days.
- Evaluation panel appointed to assess tenders.

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Policy No. S011

Adopted Date: 17/02/2026 | Version: 1

Responsible Department: Corporate Services

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8. Exemptions from Quotation and Tendering

Procurement exemptions apply in the following situations under the *Local Government Regulation 2012* (Qld):

- Sole Supplier – If there is only one reasonable supplier available.
- Specialised or Confidential Services – Where public tendering would be impractical.
- Emergency Procurement – Where urgent procurement is required due to an emergency situation.
- Local Government Arrangements – Procurement under an established LocalBuy or other government procurement arrangement.

Exemptions must be approved by the Chief Executive Officer (**CEO**) or the Authorised Person.

9. Financial Delegations

Council officers must operate within their approved financial delegation limits as outlined in Council's Delegations Register. Financial delegation levels will be reviewed periodically to ensure alignment with operational needs.

10. Contract Management

Council will implement contract management processes to:

- Ensure suppliers meet performance expectations.
- Monitor contract compliance.
- Address contract risks in a timely manner.

11. Record-Keeping and Reporting

Council will maintain accurate procurement records in compliance with the *Public Records Act 2002* (Qld). Procurement decisions must be documented and retained for audit purposes.

12. Related Documents

- Council's Delegations Register
- Tender and Quotation Procedures
- Financial Management Policy
- Local Buy Procurement Arrangements
- Procurement SOPs

13. Document Controls

Council will review this policy every two years or as required by changes in law or best practice.

This policy was updated in February 2026 to reflect the changes to the value of medium-sized and large-sized contractual arrangements identified in the *Local Government Legislation (Empowering Councils) Amendment Regulation 2025*, which came into effect on 12 December 2025.

14. Policy Owner

General Manager Corporate Services.

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Policy No. S011

Adopted Date: 17/02/2026 | Version: 1

Responsible Department: Corporate Services

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9.4 Financial Report at 31 January 2026

Author	Finance Manager
Authorising Officer	Chief Executive Officer
Attachments	Nil

RECOMMENDATION

That Council receives and notes the Financial Report to 31 January 2026 as presented.

EXECUTIVE SUMMARY

The Reports presented provide Council with details of its financial position and the operating result as at 31 January 2026.

BACKGROUND

The purpose of this report is to comply with the *Local Government Regulation 2012 Sec 204*, to provide Council with a monthly financial report that states the progress made in relation to the local government's 2025-26 Annual Budget.

ASSOCIATED ORGANISATION/PERSON

N/A

CONSULTATION

N/A

LEGAL AND GOVERNANCE OFFICER COMMENTS

N/A

POLICY IMPLICATIONS

N/A

FINANCIAL/RESOURCE IMPLICATIONS

The financial reports to 31 January 2026 show a surplus of \$5.4M, this includes \$9M in capital grants received. Council has a healthy cash balance with \$23M invested at QTC this includes advances from FAGs \$2.3M (50% of 2025-26 allocation) and Indigenous Councils Funding grant of \$3.9M. Tied grant funds total \$38.9M this consists mostly of advances on grants for community housing programs - \$30M is deposited in separate QTC Fund accounts.

HUMAN RIGHTS IMPLICATIONS

N/A

NATIVE TITLE AND/OR CULTURAL HERITAGE IMPLICATIONS

N/A

LINK TO CORPORATE PLAN

Governance – We underpin governance through transparency, integrity and accountability across the entire organisation.

LINK TO OPERATIONAL PLAN

Governance – Provide independent assurance on risk management and financial reporting in alignment with legislative and best practice requirements

RISK MANAGEMENT IMPLICATIONS

Financial Impact – RSK011 – Council strives to be accountable by acting responsibly and efficiently with financial decision making and operates within legislative parameters. Financial reports are provided to council monthly including a list of grants and the spend to date.

COMMENTS

CASH AND INVESTMENTS

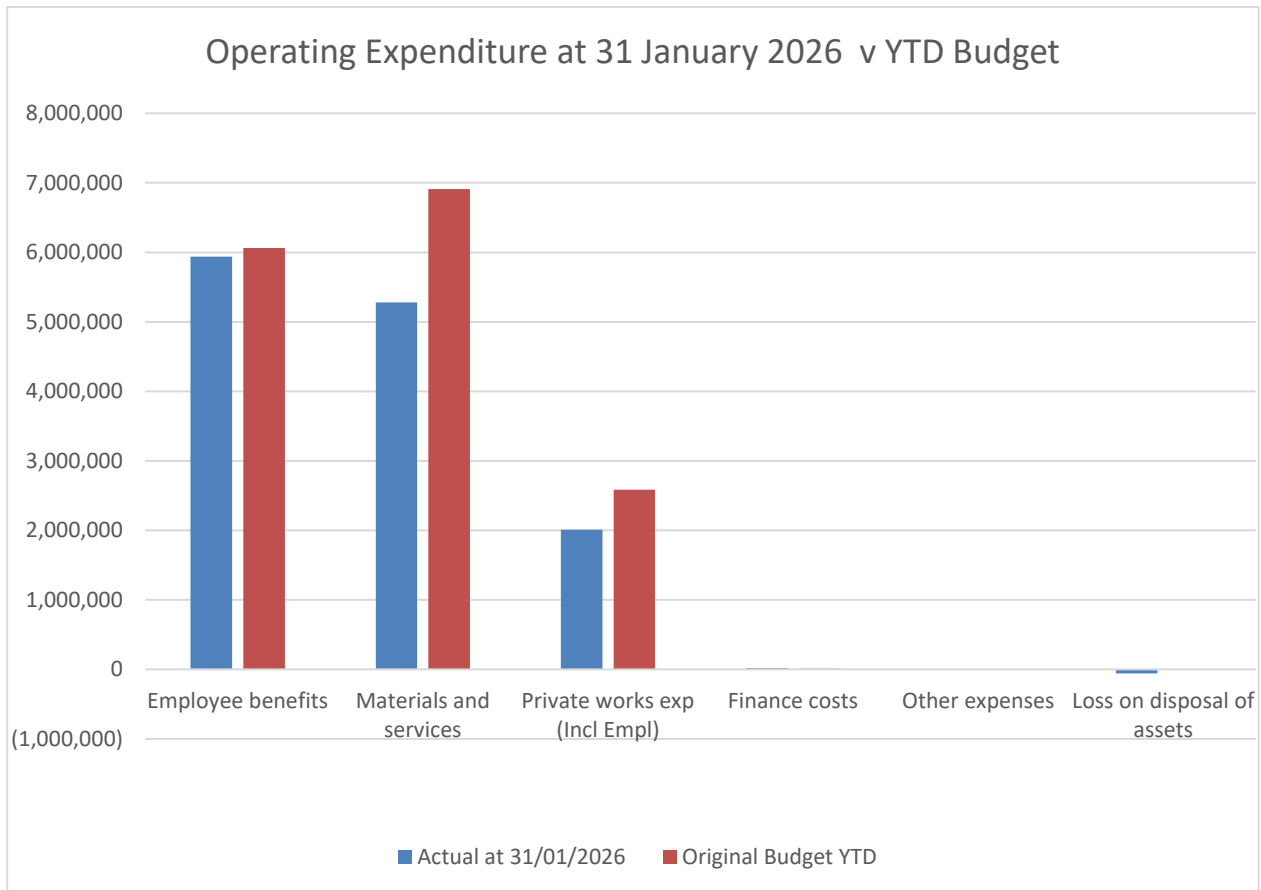
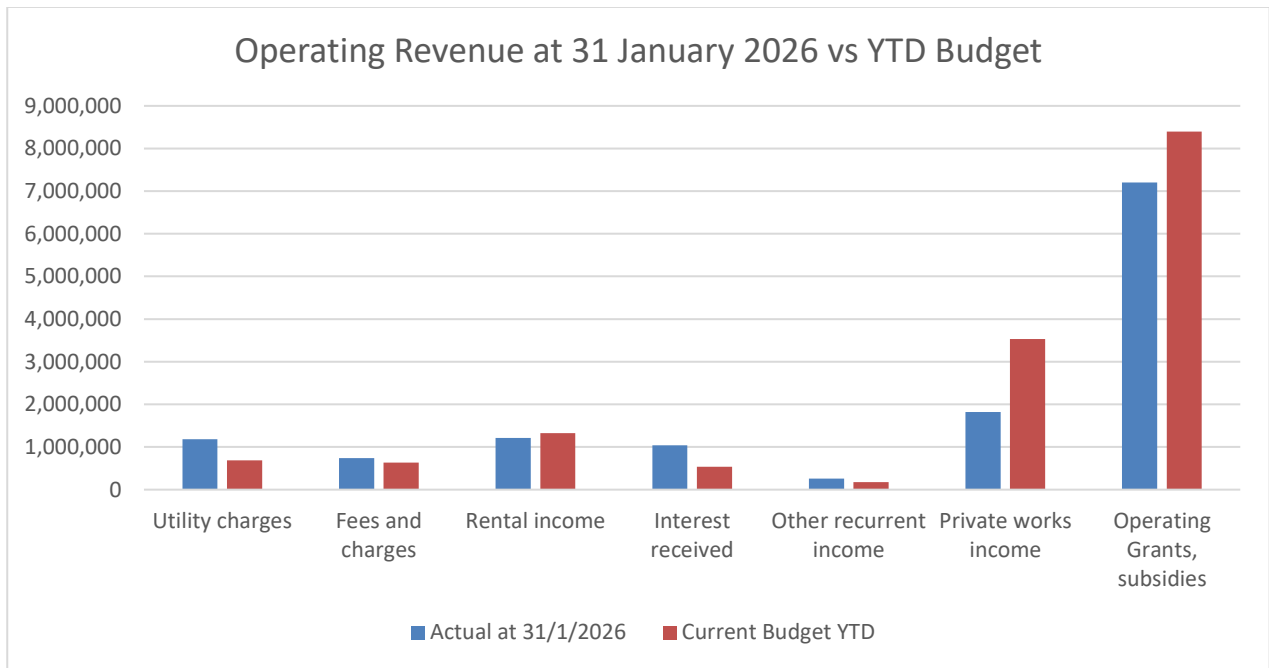
Cash Balances at 31 January 2026	31/1/26	Movement	31/12/26	Note
Bendigo General Bank Account	260,725	(111,693)	372,418	
Bendigo Remote Forward	1,658,556	2,714	1,655,842	
Term Deposits	50,000	0	50,000	
QTC Cash Fund	52,683,343	(665,132)	53,348,475	1
Treasury	160,680	25,320	135,360	
Cash Floats	93,750	3,700	90,050	2
Total Cash on Hand	54,907,054	(745,091)	55,652,145	
Add: Current Liquid Assets				
Trade Debtors - net	973,663	37,757	935,906	3
GST Receivable	451,876	91,778	360,098	
Store Supplies	989,298	8,911	980,387	
Contract Receivables	1,327,484	(181,680)	1,506,164	
Total Liquid Assets	3,742,321	(43,234)	3,785,555	
Less: Liabilities and Commitments				
GST Payable	(367,643)	(110,562)	(257,081)	
Trade and Other Creditors	(885,950)	(130,367)	(755,583)	
Employee Provisions	(798,134)	152,766	(950,900)	
Loan - Wuungkam Lodge	(426,168)	10,529	(436,697)	
Tied Grant Funds	(42,007,340)	(4,324,333)	(37,683,007)	4
Total Liabilities and Commitments	(44,485,235)	(4,401,967)	(40,083,268)	
Total Uncommitted Funds on Hand	14,164,140	(5,190,292)	19,354,432	

1 - Cash received – Ind councils \$3.9 Mil, FAGs \$1,164k, QBuild \$1.8M, Remote Cap \$6M, QRA \$834
2 – Floats - prepaid Cr Card bal \$64k plus floats Petty cash and ATM \$30k
3 – Debtors - 90 days Ch Care \$58k, Avdata \$13k, QBuild \$79k, CHC \$68k
4 – Tied Grant funds – Fwd Rem 1.7M, Res Act \$23.4M, Rem Cap \$6M, FAGs \$1.9M, SGFA \$2.0M

Investments at 31 January 2026		
Institution / Bank	QTC Cash Fund	Interest Rates
Cash Fund - Council funds	\$22,617,309	4.09%
Residential Activation Grant	\$23,980,317	4.10%
Remote Capital Housing Grant	\$6,085,717	3.61%
Bendigo Bank - 3 month TD	\$50,000.00	2.75%

Revenue and Expense Summary at 31 January 2026

	Actual at 31/1/2026	Current Budget YTD	Variance	% change
Utility charges	1,182,303	689,493	492,810	71.5%
Fees and charges	739,414	631,813	107,601	17.0%
Rental income	1,212,392	1,323,847	(111,455)	-8.4%
Interest received	1,043,518	533,750	509,768	95.5%
Other recurrent income	259,372	176,456	82,916	47.0%
Private works income	1,817,338	3,531,192	(1,713,854)	-48.5%
Operating Grants, subsidies	7,203,966	8,393,343	(1,189,377)	-14.2%
Operating Income	13,458,303	15,279,894	(1,821,591)	-11.9%
Capital Grants, subsidies	9,144,510	3,081,148	6,063,362	196.8%
Other capital income	0	0	0	0
Capital Income	9,144,510	3,081,148	6,063,362	196.8%
Total Income	22,602,813	18,361,042	4,241,771	23.1%
	Actual at 31/01/2026	Original Budget YTD	Variance	% change
Employee benefits	5,937,722	6,062,658	(124,936)	-2.1%
Materials and services	5,279,017	6,911,023	(1,632,006)	-23.6%
Private works exp (Incl Empl)	2,011,329	2,585,891	(574,562)	-22.2%
Finance costs	19,310	10,668	8,642	81.0%
Other expenses	0	0	0	0.0%
Loss on disposal of assets	(56,284)	0	(56,284)	0.0%
Total Expenditure	13,191,094	15,570,240	(2,379,146)	-15.3%
Net Result before Depreciation	9,411,719	2,790,802	6,620,917	237.2%
Depreciation	4,067,252	4,312,259	(245,007)	-5.7%
Operating Surplus / (Deficit)	5,344,467	(1,521,457)	6,865,924	- 451.3%



Private Works to 31 December 2025	Actual YTD	Budget YTD
Private Works Operations		
Income	5,176	31,199
Expenditure	(14,291)	(20,986)
Surplus (Deficit)	(9,115)	10,213
QBuild BAS Do & Charge		
Income	839,342	1,166,662
Expenditure	(1,034,127)	(898,324)
Surplus (Deficit)	(194,785)	268,338
QBuild BAS Upgrades		
Income	972,820	2,333,331
Expenditure	(962,911)	(1,666,581)
Surplus (Deficit)	9,909	666,750
Grand total	(193,991)	945,301

Financial Position	Actual at 31/1/2026	Movement	Actual at 31/12/2025	Balance at 30/6/2025
Current Assets				
Cash & Investments	54,907,054	(745,091)	55,652,145	46,564,090
Receivables	2,753,023	(52,145)	2,805,168	2,015,523
Inventories	989,298	8,911	980,387	1,080,009
Total Current Assets	58,649,375	(788,325)	59,437,700	49,659,622
Non-Current Assets				
Property Plant & Equip	124,510,754	(569,110)	125,079,864	120,806,544
Work in Progress	4,154,833	197,715	3,957,118	3,434,336
Long Term Lease	27,360,755	0	27,360,755	27,146,718
Total Non-Cur Assets	156,026,342	(371,395)	156,397,737	151,387,598
Total Assets	214,675,717	(1,159,720)	215,835,437	201,047,220
Current Liabilities				
Payables	1,298,641	71,806	1,226,835	1,338,312
Contract Liabilities	27,297,862	0	27,297,862	26,371,484
Loans - current	20,735	1,485	19,250	733
Employee Entitlements	644,312	1	644,311	638,421
Total Current Liabilities	29,261,550	73,292	29,188,258	28,348,950
Non-Current Liabilities				
Employee Entitlements	118,913	0	118,913	160,893
Provisions	1,133,520	0	1,133,520	1,103,420
Loans - current	405,434	0	405,434	442,032
Total Non-Cur Liabilities	1,657,867	0	1,657,867	1,706,345
Total Liabilities	30,919,417	73,292	30,846,125	30,055,295
Net Assets	183,756,300	(1,233,012)	184,989,312	170,991,925
Equity Represented by:				
Accumulated Surplus	38,940,502	(1,233,012)	40,173,514	33,954,684
Asset Reval Reserve	144,815,798	0	144,815,798	137,037,241
Total Equity	183,756,300	(1,233,012)	184,989,312	170,991,925

AURUKUN SHIRE COUNCIL - Monthly Grants Schedule at 31/1/2026				
Funding Body	Program	Grant Approved	Funds Rec'd 2025-26	Funds Spent 2025-26
Federal & State Government	FAGs	2,327,617	1,163,808	1,357,777
Dept of State Development	Indig. Councils Qld	3,942,560	3,942,560	2,299,827
	Untied grants	6,270,177	5,106,368	3,657,604
Dept of Employment	First Start		60,000	
Nat Indigenous Aust Agency	Local Employ 1-Empl	576,611	288,306	50,317
Nat Indigenous Aust Agency	Local Employ 2-Op	277,664	123,874	50,317
LGAQ	Rapid LEO- complete	0		3,804
Dept of Infrastructure	Indig. Vis Arts Op	125,000		51,773
Dept of Infrastructure	Indig. Vis Arts Wkrs	70,000		21,924
Dept of Infrastructure	Indig. Vis Arts Feas	74,880		0
Dept of Infrastructure	Indig. Vis Arts Proj	0		0
Arts Queensland	IRADF 2020-21	25,000		0
Arts Queensland	IRADF 2020-21	45,000	2,250	0
Arts Queensland	Indig. Arts	72,000		16,307
Arts Queensland	St Dev fund	120,000	0	0
Dept of Treaty and ATSI	Emergency Relief	10,000	10,000	0
Dept of Seniors, Disability ATSI	Splash Park	355,000	88,750	168,902
Dept of Tourism, Innovation	Deadly Active	108,965	54,482	89,295
Health and Wellbeing Qld	Disc Comm Planning	0	0	61,670
Western Cape (WCCCA)	Sport & Rec Program	156,000	156,000	47,407
Western Cape (WCCCA)	Xmas Hampers	0	204,545	226,252
Dept of Seniors, Disability ATSI	Local Thriving	50,000		0
State Library of Queensland	IKC	23,000	23,000	13,375
State Library of Queensland	First 5	3,000		0
State Library of Queensland	Ind Languages Wlk			3,000
State Library of Queensland	Growing IKC	16,000	18,280	2,670
Dept Education Qld	EYS Child & Family	146,187	57,445	35,829
Nat Ing Aust Agency	Playgroup	124,176	62,088	93,033
Dept Education Qld	Early Ch'hood	155,000		19,337
Dept Education Qld	Comm Ch Care	555,760	222,300	606,776
Dept of Communities	Comm Transport	36,776	30,668	3,067
Dept Health	Indig Employ	0		0
Dept of Communities	Qld Comm Support	88,938		0
Dept Treaty & ATSI	Service Enhance	0		0
Dept Treaty & ATSI	Sly Grog	300,000		0
Dept Seniors	CCTV	132,000	100,000	26,555
Queensland Health	ATSI public Health	206,096	106,974	24,070
Dept of Infrastructure	LRCI - 4	33,900		4,534
Dept of Environment	Veh Clean Up	0		5,197
Dept of Environment	Illegal Dumping	50,000		362

Funding Body	Program	Grant Approved	Funds Rec'd 2025-26	Funds Spent 2025-26
Dept of Environment	Garb Truck Training	44,175	44,175	30,573
Aust Govt - Community Energy	Solar Panels - Cns/Aur	205,000	61,500	0
Dept of State Dev W4Q 24-27	STP Upgrades	195,000	1,424,000	73,563
Dept of State Dev W4Q 24-27	Iso Valves & Hyd Renew	1,800,000		419,032
Dept of State Dev W4Q 24-27	Aurukun Access Rd Reseal	200,000		0
Dept of State Dev W4Q 24-27	Staff Hsing Op Design	65,000		4,500
Dept of State Dev W4Q 24-27	Foreshore Playground	400,000		0
Dept of State Dev W4Q 24-27	Staff Hsing Build	350,000		0
Dept of State Dev W4Q 24-27	SCADA & PLC Upgrades	550,000		14,258
Dept of State Dev W4Q 24-27	Ngaay Rd Ind Dev			63,000
Dept of Industry, Science	Remote Airstrip	436,600		0
Dept of Health	Play our Way	1,747,046		13,000
Western Cape (WCCCA)	Sports Oval	97,273		0
Western Cape (WCCCA)	Old Cemetery	100,000		0
QRA - DRFA - 0020.2223	DRFA 2022-23 - Op	816,010	244,122	0
QRA - DRFA - 0021.2223	DRFA 2022-23 - Capex	2,320,260	223,947	0
Qld Reconstruction Auth	2023-24 Project Mgt			29,235
Qld Reconstruction Auth	DRFA 2023-24 ASC.023	399,182		
Qld Reconstruction Auth	DRFA 2023-24 - ASC.024	655,982		
Qld Reconstruction Auth	DRFA 2023-24 - ASC.025	178,911		
Qld Reconstruction Auth	DRFA 2023-24 - ASC.026	1,091,707		
QRA - Town St & Access Rd	DRFA 2024-25 - ASC.032	632,214		
QRA - Outstation Rds	DRFA 2024-25 - ASC.033	587,457	176,237	
Qld Reconstruction Auth	DRFA 2023-24 - ASC.029	966,315	0	0
QRA - Back Beach Rd	DRFA 2023-24 - ASC.030	2,295,992		0
Qld Reconstruction Auth	DRFA 2024-25 - Capex	0	189,664	15,000
Qld Reconstruction Auth	DRFA 2024-25 - Op	0		0
Qld Reconstruction Auth	DRFA 2024 Betterment	0		29,007
Qld Reconstruction Auth	Stormwater Resil.	105,884	0	0
Dept of Communities	Forward Remote	6,527,855		39,153
Dept of State Development	Residential Activation	29,272,672		100,211
Dept Housing Qld	Remote Capital	18,178,650	5,453,595	0
	Total Grants	80,426,315	14,532,570	6,113,909
	Total Tied Grants	38,920,060		

10 COMMUNITY SERVICES REPORT

10.1 Adoption of Animal Management Policy suite

Author	General Manager Community Services
Authorising Officer	Chief Executive Officer
Attachments	<ol style="list-style-type: none">1. Animal Management (Cats and Dogs) Master Policy (S026) ↓2. Prohibited Dogs Policy (A026) ↓3. Investigation and Determination (Prohibited Dogs) Procedure ↓

RECOMMENDATION

That Council:

1. Adopts the Master Animal Management (cats and dogs) Policy and Animal Management Policy suite.
2. Approves the staged Policy Implementation Plan, stage 1 includes:
 - a. Prohibited Dog Policy
 - b. Investigation and Determination (Prohibited Dog) Procedure
3. Authorises the Chief Executive Officer to develop and adopt the other remaining staged rollout of supporting Animal Management Policy such as:
 - c. Registration & Microchipping Policy
 - d. Regulated Dog Management Policy
 - e. Cats and Dogs Surrender Policy

EXECUTIVE SUMMARY

Council's current animal management approach is organic, fragmented, causing inconsistent enforcement, unclear community expectations, and increased operational risks.

A comprehensive Animal Management (Cats and Dogs) Policy Suite—comprising a Master Policy supported by subordinate policies and procedures—has been developed to ensure alignment with Queensland legislation and Aurukun Local Laws No.2 Animal Management 2021, modernise practice, improve community safety, and embed culturally appropriate delivery for the Aurukun community.

The proposed suite is aligned to the *Animal Management (Cats and Dogs) Act 2008* (as amended in 2024) and Aurukun *Local Law No. 2 (Animal Management) 2021*, including recent State reforms introducing prohibited breeds and clarifying effective control and destruction order settings. The policy suite is designed for staged adoption, beginning with the highest-risk areas: prohibited breeds, regulated dogs (dangerous/menacing), investigation procedures, and surrender/rehoming order settings risk areas:

BACKGROUND

Council is responsible for administering the *Animal Management (Cats and Dogs) Act 2008 (Qld)*, the *Animal Management (Cats and Dogs) Regulation 2019 (Qld)*, and Aurukun's *Local Law No. 2 (Animal Management)* and its subordinate Local Law.

Recent state reforms, effective 31 July and 28 August 2024, increased penalties for serious dog attacks, reinforced public control requirements, and banned ownership and certain dealings with five specific breeds (Dogo Argentino, Fila Brasileiro, Japanese Tosa, American Pit Bull Terrier/Pit Bull Terrier, Perro de Presa Canario/Preso Canario). Local policies and procedures must be clear to ensure compliance and sound decision-making.]

Council staff have identified the need for a cohesive Policy framework to strengthen legislative compliance, provide consistent officer guidance, and improve community safety and animal welfare outcomes. The proposed Master Policy with subordinate policies covering prohibited dogs, regulated dogs, surrender/rehoming, microchipping/registration, nuisance/wandering, breeding (BIN), and other operational areas—implemented in stages for orderly adoption.

To address these issues, a full Policy suite has been developed to:

- Align with state legislation.
- support consistent enforcement.
- improve community safety and amenities.
- strengthen animal welfare outcomes.
- reflect the needs of remote Indigenous communities.
- provide clear expectations for owners and officers.

Local law context: This policy suite puts Aurukun's Local Law No. 2 (Animal Management) 2021 and its related rules into action by guiding things like impounding animals, controlling them in public places, and setting basic care standards. If State laws are stricter, these policies clearly say that State law takes priority.

Adoption will enhance community awareness, animal welfare, operational consistency, and legal compliance in Queensland. This leads to stronger controls on high-risk dogs, clearer complaint processes, and a rehoming-first approach for suitable animals—improving safety, amenity, and welfare outcomes for Aurukun.

CONSULTATION

Department of Primary Industries –regarding environmental amenities and animal management interfaces.

Local service providers and stakeholders (informal) – including animal welfare partners for surrender/rehoming pathways and culturally informed engagement.

Note: Further community engagement will be formalised post-adoption for education roll-out and implementation refinements.

POLICY IMPLICATIONS

The Policy suite help enable Council meets its obligations under:

- *Animal Management (Cats and Dogs) Act 2008*
- Local Law No. 2 (Animal Management)
- Subordinate Local Law No. 2

FINANCIAL/RESOURCE IMPLICATIONS

Nil - implementation can be delivered within existing approved budgetary resources.

LINK TO CORPORATE PLAN

Governance — Strengthen governance through clear Policy instruments and defensible enforcement, underpinning internal controls and statutory compliance.

LINK TO OPERATIONAL PLAN

Community Safety / Resilience — Implement inclusive and consistent animal management initiatives designed to reduce harm caused by dogs and enhance overall community amenity.

Sustainability & Assets — Implement cost-effective, high-impact compliance and educational initiatives while ensuring that pound operations, signage, and enclosure standards are consistently maintained.

Heritage & Cultural Practice — Culturally appropriate engagement (co-design, accessible messaging) supporting local ownership of responsible pet practices.

RISK MANAGEMENT IMPLICATIONS

By adopting this policy, the Council will:

- Ensure statutory alignment — Council will be compliant with the 2024 State reforms (including prohibited breeds, effective control, and destruction orders), reducing the risk of adverse events and strengthening the Council's legal position.
- Enhance operational effectiveness — The policy enables consistent enforcement, provide clear officer thresholds, and support quicker, more defensible decisions.
- Lift community trust — Adoption will demonstrate Council's capability to manage high-risk dogs and rehoming pathways effectively, building community confidence in responsible animal management.
- Increase efficiency — The policy reduces inefficiencies and complaint escalations, freeing officer time and minimising litigation risk by ensuring decisions are grounded in clear policy.

COMMENTS

[Type here](#)



Animal Management (Cats and Dogs) Master Policy

1. Legislative Authority

This Master Policy is made under the following instruments:

- *Animal Management (Cats and Dogs) Act 2008 (Qld) (the Act),*
- *Animal Management (Cats and Dogs) Regulation 2019 (Qld), (the Regulation)*
- *Local Law No. 2 (Animal Management), 2021 (Local Law no. 2)*
- *Subordinate Local Law No. 2 (Animal Management) 2021 (Subordinate Local Law No.2)*

These instruments provide council with the authority to regulate the keeping, control, welfare, identification, and management of cats and dogs within the local government area. The ***Animal Management (Cats and Dogs) Act 2008 (Qld)*** is referred to throughout as the Act.

The Master Policy supports lawful, consistent, and proportionate decision-making but does not override or restrict powers under the Act or other laws. It operates in addition to existing legislation and does not alter statutory obligations or create new rights or expectations. Where inconsistencies exist, relevant legislation takes precedence over this Policy and its procedures.

2. Purpose

This Master Policy outlines Council's framework for managing cats and dogs responsibly. It sets the strategic direction, principles, and governance for all related animal management policies and procedures, ensuring they work together effectively.

This Policy does not prescribe enforcement action in individual cases but provides the overarching framework within which such decisions are made.

3. Policy Statement

In achieving the objects of the Act, and in exercising Council's powers under applicable local laws and other legislation, Council is committed to promoting responsible pet ownership, protecting community safety, supporting animal welfare, and ensuring compliance with relevant legislation.

Council will implement a coordinated suite of policies to regulate the keeping, identification, behaviour, welfare, and management of cats and dogs. All subordinate policies must align with this Master Policy and be read in conjunction with it.

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4. Legislative Framework

This Policy is guided by, and must be read in conjunction with:

- **The Act** – Including Chapter 5 - Investigation, monitoring, and enforcement.
- **The Regulation** - assists in the effective administration of, and help achieve the purposes of, the Act.
- **Local Government Act 2009 (Qld)** – (s9 general powers).
- **Local Law No. 2 (Animal Management), 2021**
- **Subordinate Local Law No. 2 (Animal Management) 2021.**
- **Local Law No. 1 Administration 2014**

Other relevant legislation that may apply to animal management activities includes:

- **Public Health Act 2005 (Qld)**
- **Environmental Protection Act 1994 (Qld)**
- **Human Rights Act 2019 (Qld)** – (lawful and proportionate decision-making that is compatible with human rights).

5. Principles

Council's management of cats and dogs is guided by the following principles:

1. Community safety and wellbeing are primary considerations in all decisions relating to cats and dogs.
2. Education and engagement are vital for community safety and compliance. Council will focus on informing cat and dog owners about requirements and risks, but may enforce regulations immediately when necessary to prevent unacceptable risks.
3. If an individual dog owner's interests conflict with community safety, Council may prioritize community safety, considering the Act's objectives, risk severity, and specific case circumstances.
4. All actions undertaken by Council must be lawful and in accordance with legislative requirements.
5. Decisions are intended to be lawful, proportionate, evidence-based, consistent with procedural fairness and natural justice, and compatible with human rights.
6. Council officers will act transparently by explaining how decisions are made and by providing reasons for any action taken when exercising delegated powers, subject to legislative, privacy, and confidentiality requirements.
7. Council will engage with the community in a culturally respectful manner.
8. Council will maintain accurate records of cats and dog matters in accordance with section 12 (Privacy, Confidentiality, and Information Management) of this Policy.

Council officers must act lawfully, consider each case individually, and comply with the Act. This Policy offers guidance but does not restrict statutory decisions.

6. Scope

This Policy applies to:

- All cats and dogs kept within the local government area

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- All owners and keepers of cats and dogs
- All Council officers authorised under the Act and local laws
- All subordinate animal management policies and procedures
- Current and future animal management activities.

Scope Clarification – Local Law No. 2 (Animal Management) 2021 Provisions

This Policy applies only to the provisions of Local Law No. 2 and Subordinate Local Law No. 2 that relate to the management of cats and dogs.

Local Law No. 2 and Subordinate Local Law No. 2 also regulates other animals (including livestock, poultry, and other animals). These matters are outside the scope of this Policy Suite.

This Policy does not apply to: Livestock; Wildlife; Animals regulated under other specific legislation

7. Definitions

Terms used in this Policy are to be given their ordinary meaning unless otherwise defined and do not displace or add to statutory decision-making requirements under the Act or Local Laws.

Act – Animal Management (Cats and Dogs) Act 2008 (Qld).

Authorised Person – A person appointed under the Act or local laws to exercise enforcement powers.

Compliance Strategy - A document that supports the implementation of a Policy by providing operational guidance on compliance and enforcement approaches. A Compliance Strategy may outline staged compliance measures, education and engagement activities, and practical enforcement pathways where appropriate. A Compliance Strategy does not replace or override the relevant Policy or legislation, is not subordinate legislation, and does not fetter the exercise of statutory powers or discretions by Council or authorised persons.

Local Laws – Local Law No. 2 (Animal Management) and Subordinate Local Law No. 2 (Animal Management).

Owner – A person who keeps, controls, or is responsible for an animal.

Policy Suite – The collection of subordinate policies that fall under this Master Policy.

Subordinate Policy – A Policy under this Master Policy and referenced in this Master Policy

Operational Procedure - as a Policy states the *rules and intent*, the procedure explains *how to comply with them in practice*. This is the practical, step-by-step method for carrying out what a **Policy** requires and should reference the delegations used. Operational procedures are administrative in nature and are not subordinate legislation.

8. Responsibilities

Council

- Ensure compliance with legislation and local laws
- Provide community education on responsible pet ownership.
- Apply fair and consistent enforcement
- Maintain accurate records and registration systems.

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Officers involved in investigations and decisions must disclose and manage any real, potential, or perceived conflicts of interest. Contested matters should, where practicable, separate investigative, decision-making, and review functions.

Authorised Persons

- Enforce the Act and local laws
- Conduct investigations and compliance activities
- Provide advice to the community
- Implement operational procedures.

Authorised persons must act under a current instrument of appointment/authorisation. Decision records and notices must identify the legislative head of power and the specific delegation or authorisation relied upon, including instrument title and date.

Owners

- Comply with all relevant legislation, local laws, and policies
- Ensure animals are identified, contained, and cared for
- Prevent nuisance behaviour
- Cooperate with council officers.

9. Policy Suite Details

9.1 Policy Suite Structure

This Master Policy sits at the apex of the Animal Management (Cats and Dogs) Policy Suite and provides the overarching framework within which all subordinate Policies and Compliance Strategies operate.

Nothing in this Master Policy, or in the Animal Management (Cats and Dogs) Policy Suite established under it, is intended to regulate animals or activities that are regulated wholly under other Acts, unless expressly stated in a specific subordinate Policy.

The following Policies form the Animal Management (Cats and Dogs) Policy Suite and must be read in conjunction with the Master Policy:

- 1. Prohibited Dog Policy**
- 2. Registration & Microchipping Policy**
- 3. Regulated Dog Management Policy**
- Cats and Dogs Surrender Policy
- Dog Health Policy (Part 1) and Compliance Strategy (Part 2)
- Wandering at Large Policy (Part 1) and Compliance Strategy (Part 2)
- No. of Dogs per Household Policy (Part 1) and Compliance Strategy (Part 2)
- Cat Management Policy (Part 1) and Compliance Strategy (Part 2)
- Cats and Dogs Noise Nuisance Policy (Part 1) and Compliance Strategy (Part 2)
- Animal Welfare & Duty of Care Policy
- Breeder / Supply Number (BIN) Compliance Policy

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- 12. Pound & Rehoming Policy
- 13. Animal Complaints & Enforcement Pathway Policy.

Some Policies may also be supported by a Compliance Strategy in accordance with section 9.5 of this Master Policy.

The Suite is structured as focused subordinate policies to ensure clarity, legal accuracy and effective implementation. Each Policy addresses a specific area of animal management and aligns with the Act and/or *Local Law No. 2*. This structure enables risk-based responses, avoids duplication, supports staged implementation and education, and allows targeted amendment over time. Each subordinate Policy will specify whether it is supported by a Compliance Strategy and/or operational procedures.

9.2 Consistency of Subordinate Policies

All subordinate policies must:

- align with the principles of this Master Policy
- comply with relevant legislation
- avoid duplication
- maintain clear and consistent structure
- be reviewed regularly for accuracy and relevance.

9.3 Operational Procedures

Operational procedures may be developed to support implementation. Procedures must not conflict with this Master Policy or any subordinate Policy.

9.4 Subordinate Policy Review.

Subordinate policies may be reviewed independently of this Master Policy and of each other, as specified in each subordinate Policy.

9.5 Subordinate Policy and Compliance Strategy Structure

Some Subordinate Policies may be supported by a separate Compliance Strategy (Part 2). A Compliance Strategy provides operational guidance to support implementation, including staged compliance approaches, community education measures, and practical enforcement pathways where appropriate. A Compliance Strategy does not replace or override the Policy, is not subordinate legislation, and does not fetter the exercise of statutory powers. High-risk policies, such as the Prohibited Dog Policy and Regulated Dog Management Policy, will **not** include a Compliance Strategy due to strict legislative requirements and risk profile.

Compliance and Enforcement

Enforcement action will be guided by evidentiary sufficiency and the public interest, applying proportionate responses to risk and harm. Where appropriate, Council will prefer education and rectification; however, Council may take immediate enforcement action to protect community safety. Prosecution decisions will be made by appropriately delegated officers having regard to evidentiary sufficiency and public interest factors. Council will administer infringement notices and debt recovery through the applicable statutory scheme.

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Where permitted by law, Council may take immediate action without prior notice where delay would pose an unacceptable risk to public safety or animal welfare. Authorised persons will follow WHS procedures, use PPE, and conduct dynamic risk assessments before and during field operations.

11. Decision Making and Review

All decisions must follow the correct laws. Unless urgent action is needed, Council will give people a fair chance to have their say before making negative decisions. Decision letters will explain the reasons, legal authority, evidence, and review rights. Internal reviews will be done by a senior officer who was not part of the original decision. If the law allows, letters will also mention rights to external or tribunal review and the time limits to apply.

Council will keep up-to-date records of inspections, interactions, evidence (including metadata), and preserve chain of custody for seized animals or items. Files must include proof of service, a decision timeline, and a system to track statutory deadlines. Retention will comply with or exceed legal minimums and appeal periods.

12. Privacy, Confidentiality and Information Management

Personal information collected, used, or disclosed under this Policy will be managed in accordance with the *Information Privacy Act 2009 (Qld)* and Council's Information Privacy Policy. Records created in administering this Policy (including investigations, notices, and review outcomes) will be managed in line with Council's Records Management Policy and Information Privacy Policy. Access is limited to authorised persons with a legitimate business need.

Decision records for adverse action must include a brief human-rights compatibility analysis, identifying the legitimate purpose, whether any right is limited, and why the measure is reasonable and demonstrably justified, including consideration of less restrictive means.

13. Future Policy Development

Council acknowledges that the current Policy Suite focuses exclusively on the management of cats and dogs, consistent with the Act and *Local Law No.2* as these animals represent the primary risks and issues within the community.

As identified in Section 6 (Scope), Local Law No. 2 regulates other animals, including livestock, poultry, and other animals that are outside the scope of this Policy Suite.

As community needs, infrastructure, operational capacity, and risk profiles evolve, Council may develop separate and distinct policies to address the management of those animals and related matters. Future policies may include, but are not limited to:

- Off-Leash Areas Policy
- Animal management minimum Standards Policy
- Pig keeping Compliance and Enforcement Policy
- Nuisance Management (other animal (non-cats and dogs) Policy
- Animal Keeping Requirements Policy (Excluding Cats and Dogs)

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- Rooster Keeping Standards and Management Policy.

14. Policy Review

This Policy will be reviewed every **2 years**, or sooner if legislation or circumstances change.

15. Associated Documents

list of associated Documents will be found in the individual subordinate policies.



Prohibited Dogs Policy

1. Head of Power

This Policy is made under the **Animal Management (Cats and Dogs) Act 2008 (Qld)**, which is the enabling legislation for this Policy and is referred to throughout as the Act.

This Policy provides guidance to support lawful consistent and proportionate decision-making and does not replace, limit, or fetter the exercise of powers or discretions conferred by the Act.

Where there is any inconsistency between this Policy and the Act or other applicable legislation, the legislation prevails to the extent of the inconsistency.

2. Purpose

This purpose of this Policy is to set out how Council prevents, identifies, investigates and enforces prohibitions relating to prohibited dogs under the Act, to support community safety and wellbeing. This Policy aims to reduce risks to community safety and wellbeing, promote consistent, lawful and transparent decision-making, support proportionate, "evidence-based" enforcement and ensure decision making is compatible with human rights and procedural fairness.

3. Policy Statements

The ownership, keeping, breeding, sale, transfer, supply, bringing or importation of dogs that meets the statutory definition of a prohibited dog under Chapter 4A of the Act is unlawful. Where a dog is determined to be prohibited dog under the Act, Council will take lawful, proportionate, and "evidence-based" compliance and enforcement action consistent with this Policy and the Act.

4. Legislative Framework

This Policy is guided by, and must be read in conjunction with:

The Act – Particularly Chapter 4A, Prohibited Dogs and Chapter 5, Investigation, monitoring, and enforcement.

- **Local Government Act 2009 (Qld)** - s9 provides Council with general powers.
- **Human Rights Act 2019 (Qld)** - lawful and proportionate decision-making that is compatible with human rights.

5. Principles

Council's management of prohibited dog breeds is guided by the following principles:

1. Community safety and wellbeing is a primary consideration in all decisions relating to prohibited dogs.
2. Education and engagement play a significant role in promoting community safety and legislative compliance. Where appropriate, Council will prioritise education and guidance to assist dog owners to understand requirements relating to prohibited dogs and the risks associated with prohibited breeds. Council retains the ability to take immediate

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enforcement action where necessary to protect community safety, including where delay would pose an unacceptable risk.

3. Where there is a conflict between the interests of an individual dog owner and the need to protect community safety, Council may lawfully give greater weight to community safety, having regard to the objects of the Act, the seriousness of the risk, and the circumstances of the individual case.
4. All actions taken by Council officers under this Policy must be lawful and comply with applicable legislative requirements.
5. Decisions are intended to be lawful, proportionate, evidence-based, consistent with procedural fairness and natural justice, and compatible with human rights.
6. Council officers aim to act transparently about how decisions are made and the reasons for any action taken when exercising delegated powers.
7. Council will engage with the community in a culturally respectful manner.
8. Council will maintain accurate records of prohibited dog matters in accordance with Council's Privacy, Confidentiality, and Information Management obligations.

Council officers must exercise their powers lawfully, on the merits of each case, and in accordance with the Act. This Policy provides guidance only and does not fetter statutory decision-making.

6. Scope

This Policy applies to all persons, dogs, and land within the Aurukun Shire area, including residents, visitors, and outstations/homelands, and to all dogs brought into or kept within the area. This includes dogs present in the Aurukun Shire area on a temporary, short-term or visiting basis.

7. Definition

Act - *Animal Management (Cats and Dogs) Act 2008* (Qld).

Council – Aurukun Shire Council

Prohibited dogs - means a dog of a breed prohibited from importation under the *Customs Act 1901*, as defined in Chapter 4A, section 103A (1) of the Act. For clarity, section 103A (2), of the Act provides that the term "breed" does not include a crossbreed. Accordingly, crossbreed dogs are not classified as prohibited dogs under Queensland State law.

The prohibited dog breeds are those listed in Schedule 1, item 26 of the *Customs (Prohibited Imports) Regulations 1956 (Cwlth)* being the American Pit Bull Terrier, Dogo Argentino, Fila Brasileiro, Japanese Tosa, and Perro de Presa Canario and under section 3(1) the importation of goods specified in Schedule 1 is prohibited.

Authorised person - A person appointed by Council under section 104(2) of the Act with powers stated in their instrument of appointment to exercise functions including investigation, seizure, and enforcement.

Owner - A person who owns, keeps, or is responsible for a dog.

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Reasonably suspects - For the purposes of this Policy, references to an authorised person reasonably suspecting a matter have the same meaning and effect as under the Act, including Chapter 5 (Investigation, monitoring and enforcement).

An authorised person reasonably suspecting that a dog may be a prohibited dog permits preliminary inquiries and investigation only under the Act and does not authorise the dog to be treated as a prohibited dog.

Without limiting the Act, an authorised person reasonably suspects a matter where there are specific, objective facts capable of supporting the suspicion in the circumstances. Appearance, behaviour, or speculation alone is insufficient unless supported by corroborating, reliable information.

Whether an authorised person reasonably suspects a matter must be assessed objectively and consistently, having regard to, but not bound by, Council procedures and prior determinations in comparable circumstances.

8. Responsibilities

Dog Owners

Dog owners must comply with registration and microchipping requirements under Queensland legislation. These requirements apply to all dogs lawfully kept under the Act and support Council's ability to identify dogs, their ownership and declared breed type. When registering a dog, owners must provide accurate information about the dog's breed to the best of their knowledge and allow inspection of dogs by Council-authorised persons where lawfully required.

Community Members

Residents and community members must not bring prohibited dog breeds into the Aurukun Shire area or allow them to be kept within the Shire.

Council

Council is responsible for administering this Policy and supporting compliance with the Act. Council officers may provide education, receive and assess information, conduct preliminary inquiries, create records, and take other administrative actions consistent with their role and delegations.

Authorised Persons

Only persons appointed by Council as authorised persons under the Act may exercise statutory powers of investigation, entry, seizure and enforcement in relation to prohibited dogs. Authorised persons must exercise those powers lawfully, proportionately, in accordance with the Act, and having regard to the principles set out in section 4 of this Policy.

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9. Identification and Determination of Prohibited Dogs

Where an authorised person “reasonably suspects” that a dog may be a prohibited dog, Council may make preliminary inquiries and commence an investigation in accordance with the Act and Council procedures. This does not authorise the dog to be treated as a prohibited dog.

Where, an investigation is undertaken to assess whether the statutory definition of a prohibited dog is met. A dog may be determined to be a prohibited dog only where the evidence establishes that it is of a breed prohibited from importation under the *Customs (Prohibited Imports) Regulations 1956*. In making any determination, Council must have regard to section 103A (2) of the Act, which provides that the term “breed” does not include a crossbreed. Appearance, behaviour, or speculation alone is insufficient to establish that a dog is a prohibited dog.

Evidence may include, but is not limited to, breed documentation, veterinary or expert opinion, importation records, statutory declarations, and other probative material relevant to the statutory definition of a prohibited dog. Detailed investigative steps and documentation requirements are set out in Council procedures. The investigation file must record the facts giving rise to the authorised person reasonably suspecting that the dog may be a prohibited dog, and the evidence relied upon for any determination, including consideration of the statutory exclusion of crossbreeds.

10. Compliance and Enforcement of Prohibited Dogs

This section outlines the compliance and enforcement actions available to Council where a dog is determined to be a prohibited dog under this Policy and the Act.

Where a dog is determined to be a prohibited dog, Council will take appropriate statutory compliance and enforcement action under the Act. This may include voluntary surrender of the dog where appropriate, having regard to community safety, the requirements of the Act, and the circumstances of the individual case. Where voluntary surrender is considered, Council will act in accordance with its Cats and Dogs Surrender Policy. Any voluntary surrender must be informed, documented, and genuinely voluntary, and must not be obtained through coercion or misrepresentation. Where necessary, Council may proceed to seizure, prosecution, and disposal of the dog in accordance with the Act.

Enforcement action will be lawful, proportionate and “evidence-based”. For the purposes of this Policy, evidence-based decision-making means that Council decisions are informed by relevant, reliable and probative information reasonably available at the time, documented contemporaneously and assessed having regard to the circumstances of the individual case. This does not require proof beyond that required by law.

Authorised persons may exercise investigation, entry, seizure, and enforcement powers in accordance with the Act.

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Where a prohibited dog is involved in a dog attack, Council may investigate and take enforcement action under both the prohibited dog provisions (Chapter 4A) and the dog attack provisions of the Act. Prohibited dogs are distinct from regulated dogs (dangerous or menacing) under the Act; however, behaviour-based enforcement, including dog attack offences, applies irrespective of breed or type and is administered in accordance with Council's Regulated Dog Management Policy and the Act

Where an offence under the Act is alleged, Council may commence a prosecution when it has gathered evidence supporting the alleged contravention. In any prosecution, the court applies the criminal standard of proof, and Council must prove each element of the offence, including (where relevant) that the dog is a prohibited dog.

11. Reviews and Appeal Rights

The Act does not provide a standalone right to seek internal review of a determination that a dog is a prohibited dog under section 103A. A conclusion that a dog meets the definition of a prohibited dog under Chapter 4A is a factual finding that may inform subsequent enforcement action, but is not, of itself, a reviewable decision.

Review rights arise only where Council makes a separate reviewable decision under the Act (for example, a destruction order or another decision for which the Act expressly provides review rights). In those circumstances, any internal review must be conducted by a delegated officer who was not involved in the original decision-making process and must be undertaken in accordance with the review provisions applicable to that decision.

Where review occurs, consideration may include whether the dog meets the statutory definition of a prohibited dog under section 103A, noting that section 103A (2) provides that the term "breed" does not include a crossbreed.

Nothing in this Policy limits, excludes or modifies any right to external review by the Queensland Civil and Administrative Tribunal (QCAT) where the Act provides for external review of a reviewable decision (for example, a destruction order). Where such a review right exists, Council will include the required QCAT review and stay information in the information notice or review notice given under the Act

12. Privacy, Confidentiality and Information Management

Personal information collected, used or disclosed under this Policy will be managed in accordance with the *Information Privacy Act 2009 (Qld)* and Council's Information Privacy Policy. Records created in administering this Policy (including investigations, notices and review outcomes) will be managed in line with Council's Records Management Policy and the Council's Information Privacy Policy. Access is limited to authorised persons with a legitimate business need.

13. Policy Review

This Policy will be reviewed every **2 years**, or sooner if legislation or circumstances change.

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14. Associated Documents

- Council's – Investigation and determination Prohibited Dog Procedure
- Council's - Operational Procedure – Dog Attack Investigations.
- Council's - Animal Management (Cats and Dogs) Procedure.
- Council's - Regulated Dog Management Policy.
- Council's - Information Privacy Policy.
- Councils - Work Health and Safety Policy.
- Councils - Records Management Policy

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Policy No. A026

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Investigation and Determination (Prohibited Dogs) Procedure

Investigation and Determination (Prohibited Dogs) Procedure

Owner: Community Services

Responsible Officer: Environmental Health Manager

Applies to: All investigations in Aurukun Shire relating to **prohibited dogs** under **Chapter 4A** of the *Animal Management (Cats and Dogs) Act 2008 (Qld)*

1. Head of Power

This Procedure is made under the *Animal Management (Cats and Dogs) Act 2008 (Qld)*, which is the enabling legislation for this Procedure and is referred to throughout as the Act.

This Procedure provides guidance to support lawful consistent and proportionate decision-making and does not replace, limit or fetter the exercise of powers or discretions conferred by the Act.

Where there is any inconsistency between this Procedure and the Act or other applicable legislation, the legislation prevails to the extent of the inconsistency.

This Procedure is made to give effect to Council's Prohibited Dog Policy. In the event of any inconsistency, the Act prevails, followed by the Policy, then this Procedure.

2. Purpose

This procedure sets out how Council officers investigate and determine whether a dog is a prohibited dog under Chapter 4A of the Act. To ensure consistent, lawful, and defensible handling of **prohibited dog** matters—from assessment through to enforcement, notices, reviews, and animal welfare—under the Act

3. Scope

Applies to prohibited-dog investigations. Does not apply to regulated dogs or nuisance dogs

4. Legislative Framework

This Policy is guided by, and must be read in conjunction with:

- **The Act** – Particularly Chapter 4A, Prohibited Dogs and Chapter 5, Investigation, monitoring, and enforcement.
- **Local Government Act 2009 (Qld)** - s9 provides Council with general powers.
- **Human Rights Act 2019 (Qld)** - lawful and proportionate decision-making that is compatible with human rights.

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- **Information Privacy Act 2009 (Qld)** – handling of personal information

5. Legislative basis what this Procedure relies on

- **Enforcement toolkit:** Investigation, entry, requirements/directions, seizure and post-seizure powers are in **Chapter 5** (see the Chapter 5 structure and “Seizure powers for dogs” and “Seized dogs” parts, which include destruction order provisions).
- **Destruction order (post-seizure):** When issued, the order must be served and must include or be accompanied by an information notice about the decision under section 127AA(4)(b). **Timing of destruction** and the effect of internal and external review are governed by **s 127AA (5)– (8)**.
- **Immediate destruction (limited cases):** An authorised person may destroy the dog immediately, without prior notice, if they reasonably believe the dog is dangerous and cannot be controlled, or if the owner asks for the dog to be destroyed (s 127(2))
- **Seizure receipt: As soon as practicable** after seizure (s 128), give a written receipt describing the dog and describing the dogs condition
- **Internal review decision notice:** For internal review outcomes, give a review notice within 10 days (187(2)). The review notice must include or be accompanied by a notice under s 187(3)), complying with the QCAT Act section 157(2).
- **QCAT pathway:** QCAT confirms internal review first, with the ability to seek a **stay** under section 184 of the Act and external review of the *decision* under section 185. (not a review of a bare “prohibited dog” characterisation itself).
- **Recent operational guidance:** Queensland Government guidance for councils on dog management was updated in 2024 and notes the prohibition of specific breeds and clarified destruction order settings. (Use this for operational context only; it does not create notice rights beyond the Act.)
- **Supporting statutory context:** Investigation and monitoring powers are under Chapter 5 of the Act. Prohibited-dog status is determined under Chapter 4A by breed, with crossbreeds excluded (s 103A (2)).

Important: The Act does not create a stand-alone right to review a mere finding that a dog is a prohibited dog. Review rights attach to reviewable decisions (e.g., a destruction order) and to internal review decisions, not to the factual characterisation on its own

5. Guiding principles

This Procedure is to be administered by authorised persons in a manner that is:

- lawful and authorised, having regard to the powers and limitations in the Act
- evidence-based and case-specific, with decisions made on the totality of relevant, reliable, and probative information.
- proportionate, so that investigative and enforcement actions are appropriate to the risks identified and the statutory purpose.
- procedurally fair, including providing affected persons with natural justice as required by law.

- compatible with human rights, in accordance with the *Human Rights Act 2019 (Qld)*; and
- culturally respectful, considering the local community context and Council policies.

These principles are consistent with the intent of Council's Prohibited Dog Policy and support its implementation. Nothing in that policy is intended to replace, limit, or fetter the exercise of statutory powers or discretions, which must be exercised in accordance with this procedure and the Act.

6. Definitions

1. **Prohibited dog:** Under chapter 4A, section 103A (1) of the Act A "prohibited dog" is a dog of a breed prohibited from importation under the *Customs Act 1901 (Cth)*. For Clarity a "breed" does not include a crossbreed under section 103A (2) and a crossbreed is not a prohibited dog. A prohibited dog is a breed prohibited from **importation** under the *Customs (Prohibited Imports) Regulations 1956*, Schedule 1, item 26: American Pit Bull Terrier, Dogo Argentino, Fila Brasileiro, Japanese Tosa, Perro de Presa Canario.
2. **Offence (core):** under section 103B of the Act, a person must not own or be responsible for a prohibited dog unless a statutory excuse applies (for example, the dog is an assistance animal).
3. **Enforcement action:** action taken by authorised persons under Chapter 4A and Chapter 5 of the Act in response to a suspected or established offence.
4. **Review rights:** the rights of internal and external review available under the Act.
5. **Information notice:** The notice that must accompany a destruction order under s 127AA(4)(b) (this Procedure does **not** create an information notice for a bare prohibited-dog finding).

Note: Nothing in this Procedure is intended to define, limit, or alter the elements of any offence under the Act.

7. Roles & Accountability

- **Authorised person** appointed under the Act, and conducts assessment, collects evidence, exercises Chapter 5 powers (entry, requirements/directions, seizure), issues destruction orders where criteria are met, serves the required notices, and maintains welfare/records. Documents the investigation, uses Ch 5 powers lawfully and proportionately. Usually but not always the original decision maker.
- **Team Leader / EHM** quality-checks evidence before determination and before any seizure/prosecution steps.
- **Delegated reviewer (not the original decision-maker):** conducts internal reviews of reviewable decisions (e.g. a destruction order relating to a prohibited dog), makes an internal review decision within 20 days, and issues a review notice within 10 days of that decision; if adverse, the notice must include QCAT review rights information (Act ss 186–187).

- **Records Officer** ensures secure storage consistent with Councils Information Privacy Policy and Records Management Policy.

8. Process overview from awareness to closure

Stage 1 — Receipt & triage

1. **Note source of information:** complaint, field observation, inter-agency referral, or registration data.
2. **Triage for risk:** if there's an imminent risk (e.g., attack unfolding), prioritise safety; use urgent powers as lawfully available under the Act Ch 5 to manage risk while next steps occur. If seizing: issue a **seizure receipt as soon as practicable** (s 128) and arrange kennel placement.
3. **Open case file** and assign a unique matter number.

Record at Receipt: date/time, reporter details (if provided), dog location, description, photographs offered, any admissions.

Stage 2 — “Reasonably suspects” threshold check

Reasonably suspects permit preliminary inquiries under Chapter 5 of the Act. It does not, of itself, authorise treating a dog as a prohibited dog or taking final enforcement action. The assessment of whether an authorised person reasonably suspects must be undertaken consistently with Council's Prohibited Dog Policy and the Act.

Objective indicators: to support whether an authorised person reasonably suspects (examples only):

- Credible information identifying the dog as a listed prohibited breed (e.g. breeder or importation documents naming the breed; a third-party expert who has sighted the dog).
- Owner statements suggesting the dog is of a listed prohibited breed.
- Veterinary, kennel club, or registration records naming the dog a listed prohibited breed.
- Clear, corroborated images showing distinctive characteristics of a listed prohibited breed, supported by other reliable information.

Reasonably suspects cannot be formed on visual appearance alone — see the determination stage.

Document the specific, objective facts relied upon to form reasonably suspects.

- **If Reasonably suspects threshold is met → open investigation.**
- **If threshold is not met, record outcome and close.**

Stage 3 — Investigation to establish “prohibited dog” on evidence

Objective: To establish, on the totality of probative evidence, whether the dog is of a listed prohibited breed under the *Customs (Prohibited Imports) Regulations 1956* (Cwlth), noting that crossbreeds are excluded.

Evidence gathering and assessment:

Use of powers: Where necessary and lawful, use Chapter 5 powers for entry, inspection/s for obtaining further information to support the dog is of a prohibited dog breed. Use neutral, factual language when communicating.

1. Primary documents:

- **Breed registration and/or pedigree** (national/international registries, where available).
- **Importation documents** (if any).
- **Microchip registry records** and Council registration declaring breed.

2. Owner evidence:

- **Statutory declaration** addressing breed (and, where relevant, crossbreed parentage).
- Purchase contract or advertisements identifying the dog's breed.

3. Expert opinion:

- Written opinion from a veterinarian or breed specialist, confined to listed prohibited breeds, including explanation of diagnostic features, limitations of assessment, and explicit consideration of the crossbreed exclusion under s 103A (2).

4. Photographs/video:

- Images from multiple angles, with scale reference, dentition, body measurements, and distinguishing features; capture context and location metadata.

5. Admissions:

- Verbatim quotes and/or statements where an owner identifies the dog as a listed prohibited breed (and not a crossbreed).

Caution: Visual appearance alone is insufficient to prove "breed" for the purposes of Chapter 4A. Ensure experts evidence expressly addresses how crossbreeds were excluded (s 103A (2)).

Collect all document breed evidence (photos, expert assessment, any prior records) to the associated case file.

Use seizure (where statutory thresholds are met), applying proportionality and human-rights compatibility.

Stage 4 — Determination & decision record

1. Test to apply:

- On the totality of evidence, does the dog's "breed" match one of the listed Prohibited breeds, and is the dog not a crossbreed (per s 103A (2))?

2. Decision maker:

- Delegated officer who was not involved in contentious investigative steps, where practicable, to support procedural fairness.
- 3. Decision record must include:
 - The facts relied upon to form **reasonably suspects**, and how the investigation was lawfully conducted under **Chapter 5**.
 - An evidence table identifying each item, its source, and an assessment of reliability.
 - Analysis of any expert opinion, including explicit consideration of the crossbreed exclusion.
- 4. The Determination outcome: Prohibited dog (breed specified) or not prohibited.
 - Where determined, record why the dog is considered a **prohibited dog** – the reasons for decision, tied to the relevant **statutory elements**, with citations made to **s 103A**. Also address why it is not a crossbreed under s 103A (2).
 - Where not determined to be a prohibited breed provide outcome to owner in writing and close the prohibited dog file (consider any **behaviour-based** actions under the Act if relevant and action separate from breed status).

Note: This is a **factual finding**, not a reviewable decision. **Do not** label any preliminary letter as a statutory information notice.

Stage 5 — Post-determination actions for a determined Prohibited Dogs

1. **Inform the owner** with a “Notice of Council Assessment – Prohibited Dog Letter” setting out the decision, reasons for the decision and the evidence relied upon to make the decision. If issuing this preliminary letter (transparency), state clearly that it is **not** a statutory “information notice”
2. Attach the relevant statutory notice(s) only if the corresponding **decision** has been made (e.g., destruction order information notice; seizure receipt).as seen below
3. **Consider immediate risk controls:** Interim containment directions (lawful basis under Ch 5) while next steps occur

Stage 6 Pathway selection (document the choice):

Select the most appropriate, lawful pathway and document your reasons:

1. **Voluntary surrender** (preferred, where suitable) - ensure consent is **informed and uncoerced**; use Council surrender form and provide surrender receipt (*Policy step—no statutory notice triggered.*)
2. **Seizure** (if necessary) — only if thresholds met; issue required notices; maintain chain-of-custody and welfare; proceed per Act. Give **seizure receipt** after seizure (s 128).
3. **Welfare & kennel management:** When a seized dog is in Council custody, ensure appropriate housing, veterinary assessment, and daily care logs; discharge the general duty of care in accordance with the *Animal Care and Protection Act 2001 (Qld)*.

4. **Immediate destruction** (no notice) — exceptional cases only May occur without prior notice if the authorised person reasonably believes the dog is dangerous and cannot be controlled, or at the owner’s request (s127)
5. **Destruction order (not an immediate destruction decision)**
 - Where the statutory criteria in section 127AA are met, an authorised person may make a destruction order following seizure.
 - The order must be served on the relevant person and must include **or be accompanied by an information notice** about the decision to make the destruction order (s 127AA(4)(b)).
 - Serve the order and attach/include the information notice stating the recipient may seek internal review and apply to QCAT for a stay pending review.
 - The information notice must state the person’s right to apply for internal review under Chapter 8, Part 1. The decision continues to have effect unless a stay is granted; the person may apply to QCAT for a stay of the decision under the QCAT Act.
6. **Timing/effects:** in accordance with the Act s127AA (5), If no internal review is lodged, the dog may be destroyed not earlier than **14 days after service**. Different timing applies if internal/external review is filed (see s 127AA (6)– (8)).
7. **Prosecution** (in addition to destruction). When evidence supports an offence under Ch 4A - ownership of prohibited dog without lawful excuse and consistent with Council’s Animal Management enforcement document and (*Cite the enforcement decision to the offence section in the current reprint of the Act when preparing briefs.*)

Stage 7. Internal review & external review for prohibited dogs

Review rights

Internal review is available under Chapter 8, Part 1 of the Act, with a right to seek external review by QCAT. The decision continues to have effect unless QCAT grants a stay; a stay may be sought from QCAT, including during internal review.

1. Internal review

Right to apply

On application made within the statutory period, an internal review of a **destruction-order decision** is undertaken under Chapter 8, Part 1 of the Act. Review rights attach to the *decision* to make the destruction order, **not** to the factual characterisation of a dog as a prohibited dog.

Reviewer independence

The internal review must be conducted by a different delegated officer, who was not the original decision-maker and is not a person in a less-senior office, in accordance with section 186(2) of the Act.

Scope of review

The reviewer must reconsider all relevant evidence and the law, including the s 103A (2) cross-breed exclusion, while maintaining separation from the original decision.

Internal review decision & notice

Once the internal review decision is made, a review notice must be given within 10 days under s 187, and where adverse must include QCAT review information compliant with QCAT Act s 157(2).

2. External review (QCAT)

Right to apply to QCAT

If dissatisfied with the internal review decision, the owner may apply to QCAT for external review of that decision.

Effect of review / stays

Lodging internal or external review does not stay the decision. The decision continues to operate unless QCAT grants a stay. A stay application may be made to QCAT, including during internal review, in accordance with the QCAT Act and QCAT animal-matter practice directions.

Clarification

The Act does not create a stand-alone right to review a bare finding that a dog is a “prohibited dog” under s 103A. Review rights attach only to reviewable decisions (for example, a destruction order) and to **internal review decisions** arising from those decisions.

9. Evidence standards & documentation controls

- **Standard:** “Relevant, reliable and probative” information sufficient for the statutory decision (administrative standard), noting different standards apply if later prosecuted (criminal standard).
- **Chain-of-custody:** log for all seized items and animals.
- **Expert evidence:** require CV, methodology, photographs relied upon, and a **statement on crossbreeds**.
- **Forms/Templates (minimum):**
 - Intake & Reasonably suspects assessment sheet
 - Authority & powers checklist (Ch 5)

- Evidence inventory & chain-of-custody register
- Expert instruction letter (with crossbreed prompt)
- Determination report template (with statutory citations)
- Seizure receipt (Act s 128) —
- Destruction order + information notice (Act s 127AA)
- Internal Review Act s 187) application form (with QCAT guidance)

10. Use of powers (Chapter 5 quick guide)

- **Entry/inspection/require information** as authorised by the Act; ensure lawful basis is recorded (consent/warrant/other ground), and actions are **proportionate**
- **Seizure**: only when legal criteria are met; give required **seizure notices**; safeguard animal welfare
- **Records requests**: PPID/microchip, registration, veterinary records where lawful to obtain

11. Privacy, human rights, cultural respect

- Handle personal information per Information Privacy Act 2009 (Qld) and Council policies; restrict access to case staff.
- Ensure decisions are compatible with human rights and procedural fairness; record how this was considered.
- Engage with community members in a culturally respectful manner consistent with Council policy and local context.

12. Records management

- Store all case materials (notes, photos, expert reports, notices, kennel logs) electronically against the case matter number.
- Retention per Council Records Management Policy; mark QCAT/IR holds where applicable
- Version-control all determinations and Internal Review outcomes.
- Maintain a full evidence log (who/what/when/where/how obtained).
- Store photos, reports, notices, receipts, and service proofs in ECM.
- Keep kennel daily logs and vet notes with the seizure file.

13. Quality assurance & review triggers

- **Pre-decision QA**: ACO/EHM checks the **evidence matrix vs statutory elements** and the **crossbreed analysis**.
- **After any QCAT matter**: conduct a debrief and update procedure/templates if needed.
- **Biennial review** or sooner if legislative changes

14. Appendices (operational)

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- **A. RS indicators checklist** (with examples and exclusions)
- **B. Expert instruction template** (explicit s 103A (2) prompt)
- **C. Determination report template** (element-by-element)
- **D. Owner information notice template & IR form** (with QCAT link)
- **E. Seizure & kennel welfare checklist** (Ch 5 compliance)

Notes for trainers / legal sign-off

This Procedure intentionally avoids regulated-dog terminology and frames prohibited dogs as pure enforcement matters (Act-consistent and aligned to Council's policy stance).

Legal anchors: **s 103A, Chapter 5, s 127, s 127A** (only if used), **s 128, s 187**, and QCAT's animal-matter guidance on **stays and internal review sequencing**.

15. Related Documents

- ASC Prohibited Dog Policy.
- Animal Management (Cats and Dogs) Procedure.
- Enforcement Guideline – AMCD (Qld).

11 INFRASTRUCTURE SERVICES REPORT

Nil

12 CONFIDENTIAL BUSINESS (INCLUDING TRUSTEE BUSINESS)

Nil

13 ELECTED MEMBERS PORTFOLIO REPORTS

14 GENERAL BUSINESS

Nil

15 CLOSURE OF MEETING