

Subordinate Local Law No. 2 (Animal Management) 2012

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2012*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2012*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
 - (c) the control of animals in public places; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2012* (the **authorising local law**).

4 Definitions

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

Part 2 Keeping of animals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Koala conservation—Authorising local law, s 15

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

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

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

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

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

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

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

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

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

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

Part 5 Appeals against destruction orders

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

Part 6 Miscellaneous

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

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

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

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

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

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

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

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

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

Schedule 1 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(a) More than—</p> <p>(i) 5 dogs over the age of 3 months on land in the Charleville dog regulation area; or</p> <p>(ii) subject to subparagraph (i), 3 dogs over the age of 3 months on land in a designated town area.</p> <p>(b) More than 1 dog over the age of 3 months on multi-residential premises.</p> <p>(c) Any of the following breeds anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario.</p> <p>(d) A dog in a caravan park.</p>
2	Horse or donkey	<p>An animal to which this item 2 applies on premises in a designated town area unless—</p> <p>(a) the animal was kept on the premises before the commencement of the authorising local law under a permit; and</p> <p>(b) the permit has not been suspended or cancelled; and</p> <p>(c) the permit has not been transferred.</p>
3	Poultry (other than a rooster)	More than 10 birds to which this item 3 applies in a designated town area on an allotment with an area less than 1012m ² .
4	Sheep, goat, alpaca, llama, cow, bull, pig, deer, duck, goose, ostrich or emu	An animal to which this item 4 applies on premises in a designated town area.
5	Rooster, cockatoo or galah	A bird to which this item 5 applies in a designated town area on an allotment with an area less than 1012m ² .

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

- (a) the animal or animals were kept on the premises before the commencement of the authorising local law; and

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

Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	(a) 3, 4 or 5 dogs over the age of 3 months on land in the Charleville dog regulation area. (b) Subject to paragraph (a), 3 dogs over the age of 3 months on land in a designated town area.
2	Rooster, cockatoo or galah	A bird to which this item 2 applies on premises in a designated town area.

¹ See *Local Law No.1 (Administration) 2012* and *Subordinate Local Law No.1.5 (Administration) 2012* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
	No species or breed of animal mentioned.		

Schedule 4 **Minimum standards for keeping animals generally**

Section 8(1)

- (1) A person who keeps an animal on premises must —
 - (a) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
 - (b) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and
 - (c) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and
 - (d) ensure that any enclosure in which the animal is kept is properly maintained in—
 - (i) a clean and sanitary condition; and
 - (ii) an aesthetically acceptable condition; and
 - (e) take all reasonable steps to prevent the animal from making—
 - (i) an animal noise nuisance; or
 - (ii) a disturbance that causes a nuisance or disturbance to the occupiers of—
 - (A) adjoining premises; or
 - (B) premises in the vicinity of the land on which the animal is ordinarily kept; and
 - (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept.
- (2) For the purposes of section 1(e), an animal causes an animal noise nuisance if—
 - (a) the animal is a domestic animal; and
 - (b) the animal makes a noise which is a nuisance—
 - (i) for more than a total of 6 minutes in any hour from 7:00 a.m. to 10:00 p.m. on any day; or
 - (ii) for more than a total of 3 minutes in any 30 minute period on any day after 10:00 p.m. or before 7:00 a.m.

Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Greyhound	Each owner of, and responsible person for, a greyhound must ensure that the dog is kept— <ul style="list-style-type: none"> (a) without nuisance; and (b) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice.
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, pig and other animals of a similar size	Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> (a) a residence on adjoining premises; or (b) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
3	Budgerigar, canary and other birds of a similar size and cockatiel and other birds of a similar size and cockatoo, galah and other birds of a similar size	Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that— <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government—the bird is kept in accordance with the requirements of the code of practice.

4	Pigeons	<p>Each owner of, and responsible person for, pigeons which are kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the pigeons are kept without nuisance; and (b) the pigeons contained within an enclosed cage or aviary; and (c) the pigeon’s food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the pigeons are kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) if a code of practice for the keeping of pigeons has been approved by the local government—the pigeons are kept in accordance with the requirements of the code of practice.
5	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bees are kept without nuisance; and (b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of— <ul style="list-style-type: none"> (i) a residence on adjoining premises; or (ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner’s name, address and telephone number are readily ascertainable; and (d) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of practice.
6	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich, emu and poultry	<p>Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird’s food is kept in a properly sealed, vermin proof container; and

		<p>(d) the enclosure in which the bird is kept is—</p> <ul style="list-style-type: none">(i) thoroughly cleaned at least once each week; and(ii) located at the rear of, and behind, any residence situated on the premises; and <p>(e) the enclosure in which the bird is kept is not located within a radius of 10m of—</p> <ul style="list-style-type: none">(i) a residence on adjoining premises; or(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and <p>(f) the enclosure in which the bird is kept is not located less than 1 m from the side or rear boundaries of the premises.</p>
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Schedule 6 Prohibition of animals in public places

Section 10

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

Schedule 7 Dog off-leash areas

Section 11

No dog off-leash area designated.

Schedule 8 Requirements for proper enclosures for animals

Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	<p>(1) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(2) The area must be suitably fenced—</p> <p>(a) appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) so as to effectively enclose the animal on the land on which it is kept at all times.</p> <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <p>(a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</p> <p>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</p> <p>(c) where the animal has the ability to dig — which includes a barrier installed directly below the fence to prevent the animal digging its way out; and</p> <p>(d) where the animal has the ability to climb — designed and constructed in such a way as to prevent the animal from climbing over the fence; and</p> <p>(e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.</p>
2	Horse	<p>(1) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 —</p> <p>(a) effectively enclose the horse so that the horse can not reach over or through the fence to adjoining land or any public place; and</p> <p>(b) where the animal is a stallion—the enclosure must be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the stallion is kept to a standard approved by an authorised person.</p>

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

Section 14(1)

No requirements prescribed.

Schedule 10 Koala areas²

Section 14(2)

No area designated.

² “Koala areas” under section 15(4) of the authorising local law comprise the areas designated in this schedule plus “koala habitat areas” designated by a State planning instrument or a conservation plan made under the *Nature Conservation Act 1992*.

Schedule 11 Criteria for declared dangerous animals

Section 15

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

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

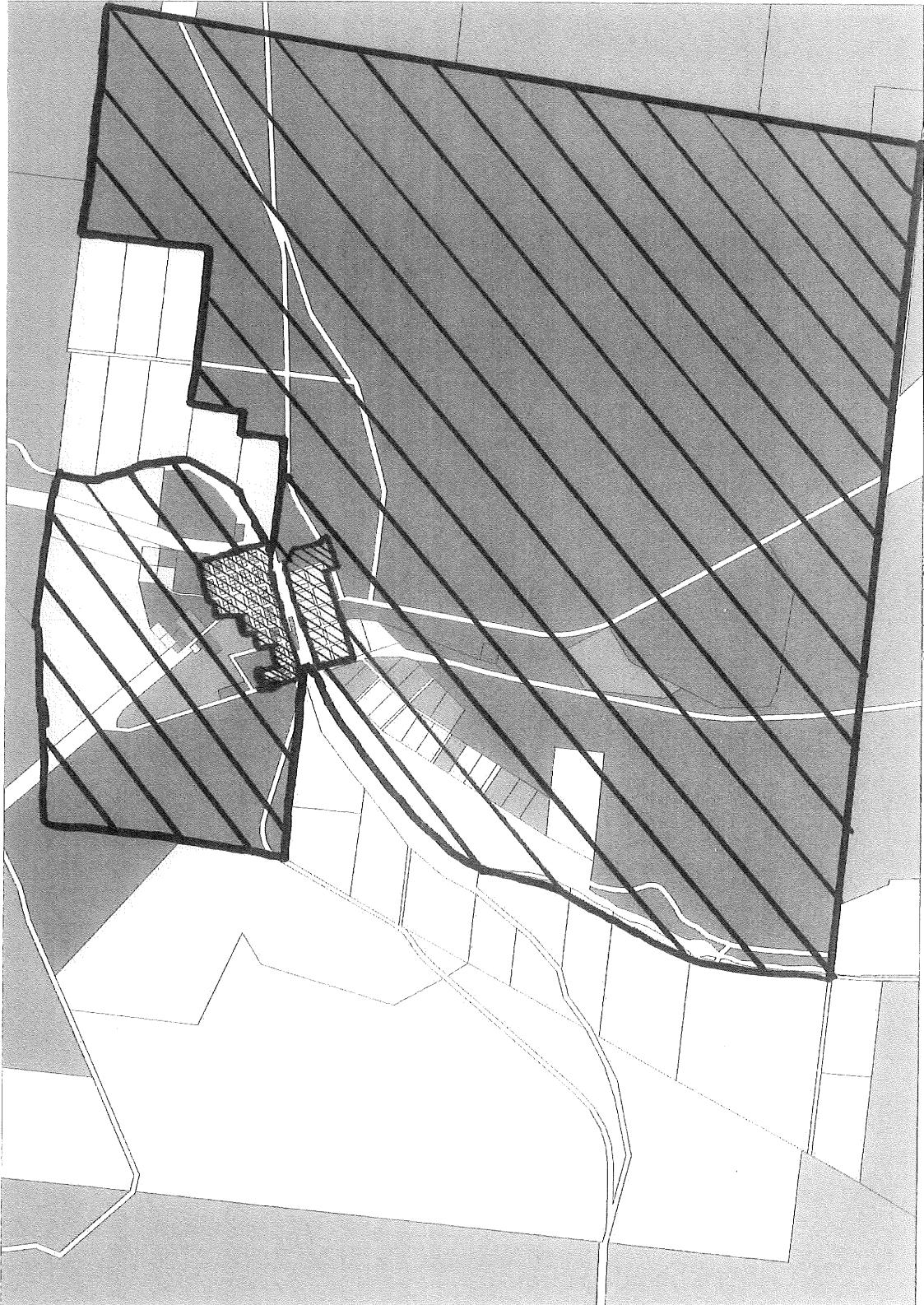
Schedule 12 Conditions for sale of animals

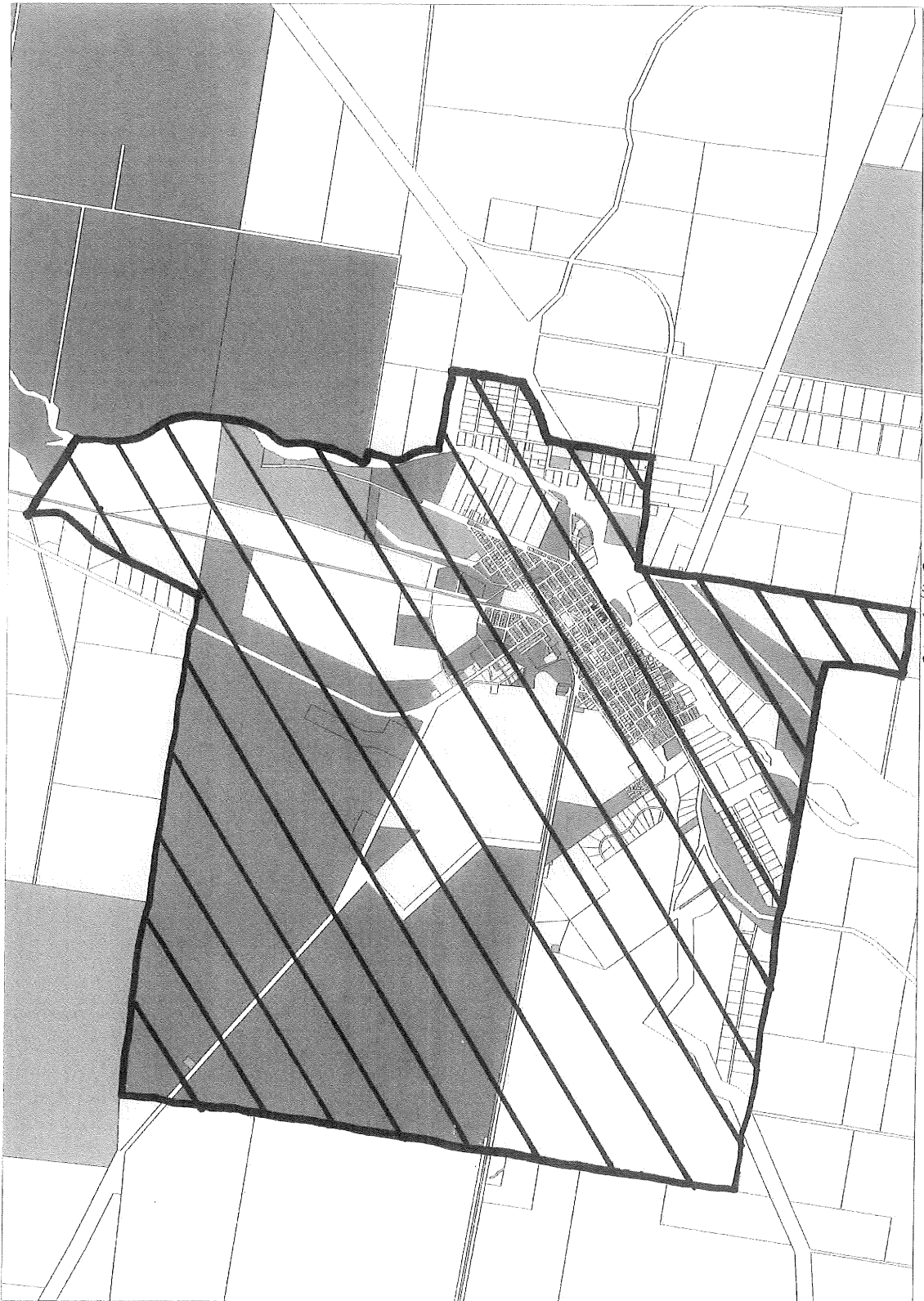
Section 19

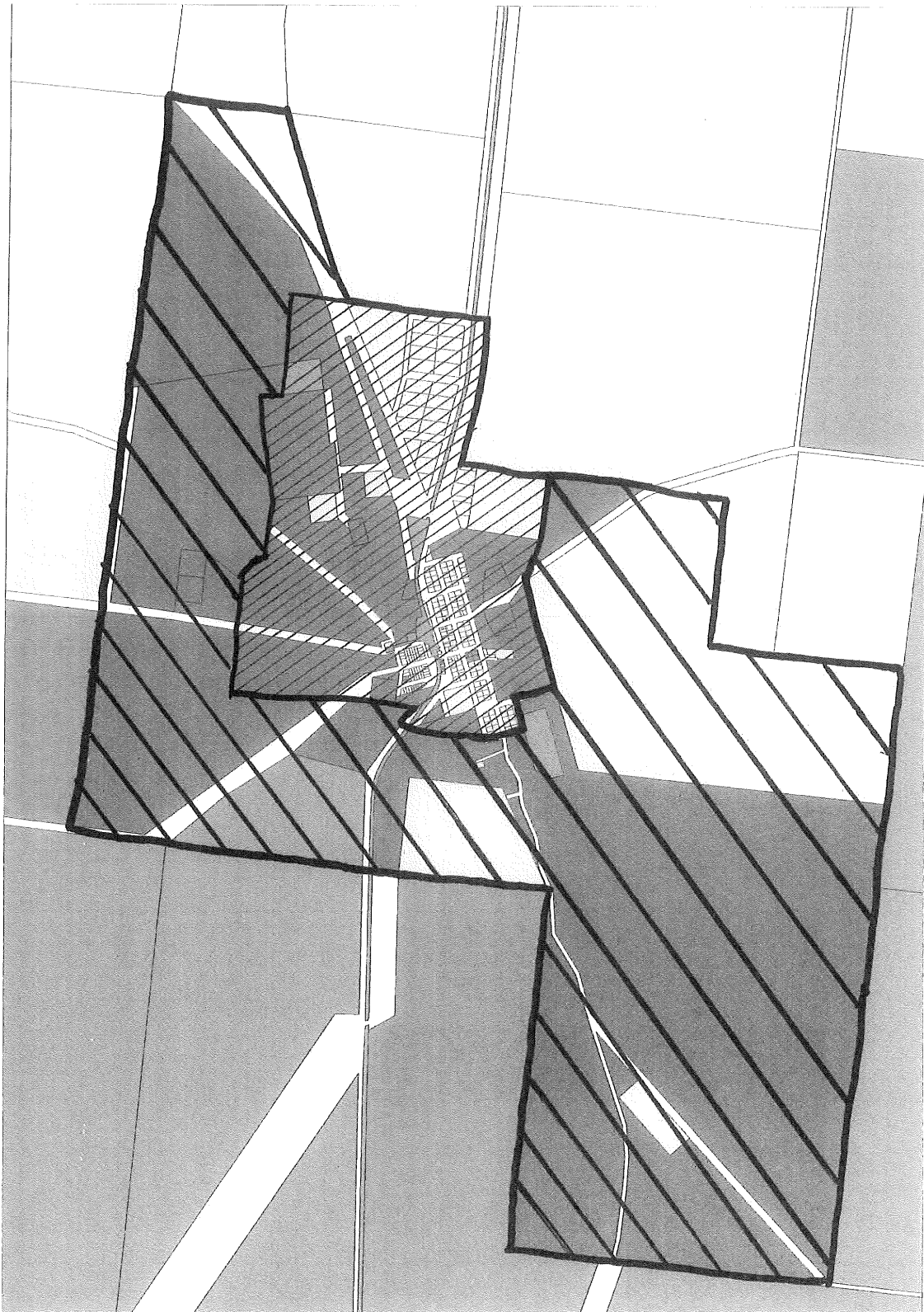
	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
	No species or breed of animal mentioned.	No conditions set out.

Schedule 13 Designated Town Area

Section 4







Schedule 14 Dictionary

Section 4

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

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

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

animal noise nuisance see section 8(1) and schedule 4, section 2.

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

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

cat—

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

Charleville dog regulation area means the area indicated by hatching in black on the map in schedule 14.

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

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

dog—

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

domestic purposes means the purposes of—

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

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

horse includes a pony and a miniature horse.

identifiable animal means an animal—

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

keep (an animal)—

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —

- (i) feeds and cares for the animal on the land; and
- (ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

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

multi-residential premises means —

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

Examples of multi-residential premises —

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

non-residential premises means premises other than residential premises.

occupier, of premises—

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

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

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

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

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

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

stallion means an uncastrated adult male horse.

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

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



This and the preceding 26 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2012* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Murweh Shire Council by resolution dated the _____ day of _____ 2018.

.....
Chief Executive Officer