

# **Subordinate Local Law No. 2 (Animal Management) 2014**

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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) 2014*.

### 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) 2010*, 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 animals, 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) 2010* (the *authorising local law*).

### 4 Definitions

- (1) The dictionary in Schedule 1 defines particular words used in this subordinate local law.
- (2) Particular words used in this subordinate local law have the same meaning as provided for in the authorising 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 2 is prohibited in the circumstances described in column 2 of schedule 2.

- (a) Schedule 2 - Prohibition on keeping animals - does not apply to —
  - (i) guide, hearing or assistance dogs, or
  - (ii) government entity dogs, and working dogs; or
  - (iii) animals maintained for the purpose of primary production; or
  - (iv) an animal carer; or
  - (v) a special event where an animal may be kept at a location other than its place of residence for an extended period of time.

*Example for (viii) –*

- a. Rodeo*
- b. Dog or cat show*
- c. Agricultural show*

(b) For schedule 2, an animal that is not weaned is not included in the total number of animals on an allotment.

### 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 3 requires approval in the circumstances described in column 2 of schedule 3.

### 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 4 must be desexed once it reaches the age specified in column 2 of schedule 4 except in the circumstances described in column 3 of schedule 4.

### 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 5.

(2) For section 8(1) of the authorising local law, column 2 of schedule 6 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 6.

## **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 an animal that is at a place other than the address stated in the registration for the animal is—

- (a) for a cat or dog that is required under the *Animal Management (Cats and Dogs) Act 2008* to be implanted with a permanent identification device—the permanent identification device; or
- (b) for another cat or dog—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 7 are prohibited in the public places described in column 1 of schedule 7.

### **11 Animal faeces in public places—Authorising local law, s 13**

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—

- (a) dogs;
- (b) cats;
- (c) horses;
- (d) cattle;
- (e) goats
- (f) donkeys;
- (g) camels;
- (h) sheep; and
- (i) any other animal faeces that an authorised person directs to have removed.

## **12 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.

## **13 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 9.

## **Part 4**

## **Seizure, impounding or destruction of animals**

### **14 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;
- (b) cats;
- (c) horses;
- (d) cattle;
- (e) poultry;
- (f) birds;
- (g) goats;
- (h) pigs; and
- (i) sheep.

### **15 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 public offices.

## **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.*

## 16 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 10 must comply with the conditions set out in column 2 of schedule 10.

## 17 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, the following species of animal are excluded from the application of the authorising local law—

- (a) a guide dog; or
- (b) an assistance dog (other than a guide dog) provided the dog —
  - (i) is under effective control; and
  - (ii) is not a regulated dog; and
  - (iii) is not a dog that is on heat; and
  - (iv) is wearing a jacket and tag identifying it as an assistance dog; or

Examples of evidence that may be required to establish that a dog is an assistance dog (other than a guide dog) —

- (i) the person has a disability and the nature of that disability; and
- (ii) the dog provides assistance to the person to alleviate the effect of that disability and the nature of that assistance; and
- (iii) the dog has been trained to assist the person to alleviate the effect of that disability; and
- (iv) that training includes training to comply with the standards of hygiene and behaviour comparable to those apply to guide dogs.

(c) a security dog owned by the Queensland Police Service or an employee, contractor or agent of the Queensland Police Service, under the control of a competent handler and used in the course of official police business.

## 18 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, an animal of the following species is a declared dangerous animal—

(a) an animal that —

- (i) has attacked a person or an animal; or
- (ii) has caused a person to believe that the person or an animal will be attacked or worried; or
- (iii) is likely, in the opinion of an authorised person, to cause a person to believe that the person or an animal will be attacked or worried; or
- (iv) has been trained to attack for the purpose of guarding either persons or property; or
- (iv) has been declared a dangerous dog by another local government; or
- (v) the animal has been declared dangerous by another local government.
- (vi) With reference to the community consultation and agreed animal control protocol council resolution **(date) as in force**.

## **19 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 registered with the local government, 5 days; or
- (b) if the animal is not registered with the local government, 3 days;

commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

## Schedule 1      Dictionary

***noisy bird*** means a bird that is noisy in the opinion of an authorised person and includes a cacophonous bird of the galah, cockatoo, magpie, peacock or currawong variety, excludes roosters.

***special birds*** - includes emus and ostriches.

***birds*** means all birds other than noisy birds, ratites, poultry and roosters.

***Poultry*** - includes any species of chickens (including bantam chickens), geese, ducks, guinea fowls, turkeys, pheasants or quails and excludes roosters.

## Schedule 2 Prohibition on keeping animals

### Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	<i>Special Birds</i>	<ul style="list-style-type: none"> <li>• On any allotment.</li> </ul>
2	<i>Noisy Birds</i>	<ul style="list-style-type: none"> <li>• On an allotment less than 800m<sup>2</sup>.</li> </ul> <p>More than one (1) noisy bird on an allotment 800m<sup>2</sup> to 10,000m<sup>2</sup>.</p>
3	<i>Poultry</i>	<ul style="list-style-type: none"> <li>• On any allotment less than 800 m<sup>2</sup></li> </ul>
4	<i>Goats and sheep</i>	<ul style="list-style-type: none"> <li>• On any allotment less than 10,000m<sup>2</sup>.</li> <li>•</li> </ul>
5	<i>Pig</i>	<ul style="list-style-type: none"> <li>• On any allotment less than 10,000m<sup>2</sup></li> </ul>
6	<i>Bees</i>	<ul style="list-style-type: none"> <li>• A hive on an allotment less than 10,000 m<sup>2</sup> (see Code of Practice for Urban Bee Keeping in Queensland 1998)</li> </ul>
7	<i>Rams</i>	<ul style="list-style-type: none"> <li>• On any allotment less than 10,000m<sup>2</sup>.</li> </ul>
8	<i>Bulls, Horses, Donkeys, cows, / and other animals of similar size</i>	<ul style="list-style-type: none"> <li>• On any allotment with an area less than 10,000m<sup>2</sup>.</li> </ul>
9	<i>Stallion</i>	<ul style="list-style-type: none"> <li>• On any allotment with an area less than 10,000m<sup>2</sup>.</li> </ul>
10	<i>Crocodiles</i>	<ul style="list-style-type: none"> <li>• For non-commercial purposes.</li> </ul>
11	<i>Snake</i>	<ul style="list-style-type: none"> <li>• On any allotment</li> </ul>
12	<i>Rat</i>	<ul style="list-style-type: none"> <li>• On any allotment</li> </ul>

## Schedule 3 Requirement for approval to keep animal

Schedule 3 is to be read in conjunction with Schedule 2 of this subordinate local law.

### Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval <sup>1</sup>
1	<i>Dog</i>	<ul style="list-style-type: none"> <li>More than 3 dogs over the age of three months on any allotment.</li> </ul>
2	<i>Cat</i>	<ul style="list-style-type: none"> <li>More than 2 cats over the age of three months on any allotment.</li> </ul>
3	<i>Goats</i>	<ul style="list-style-type: none"> <li>More than two (2) goats on allotments 10,000m<sup>2</sup>.</li> </ul>
4	<i>Noisy birds</i>	<ul style="list-style-type: none"> <li>More than one (1) noisy bird on an allotment 800m<sup>2</sup> to 10,000m<sup>2</sup>.</li> </ul>
5	<i>Poultry</i>	<ul style="list-style-type: none"> <li>More than six (6) poultry on any allotment 800 m<sup>2</sup> to 1200 m<sup>2</sup>.</li> <li>More than nine (9) poultry on an allotment 1200 m<sup>2</sup> to 2,000m<sup>2</sup></li> </ul>
6	<i>sheep</i>	<ul style="list-style-type: none"> <li>More than two (2) sheep on allotments 10,000m<sup>2</sup>.</li> </ul>
7	<i>Pig</i>	<ul style="list-style-type: none"> <li>More than four (4) pigs on an allotment more than 10,000m<sup>2</sup>.</li> </ul>
8	<i>Bees</i>	<ul style="list-style-type: none"> <li>More than 2 hives on an allotment of more than 10,000 m<sup>2</sup> and less than 15,000 m<sup>2</sup>. (see Code of Practice for Urban Bee Keeping in Queensland 1998)</li> </ul>
9	<i>Rams</i>	<ul style="list-style-type: none"> <li>More than two (2) rams on allotments 10,000m<sup>2</sup>.</li> </ul>
10	<i>Bulls, Horses, Donkeys, cows, and other animals of similar size</i>	<ul style="list-style-type: none"> <li>More than one (1) on an allotment more than 10,000m<sup>2</sup>.</li> </ul>
11	<i>Stallion</i>	<ul style="list-style-type: none"> <li>More than one on any allotment above 10,000 m<sup>2</sup>.</li> </ul>
12	<i>Breeding of Any Animal</i>	<ul style="list-style-type: none"> <li>Cat - On any allotment.</li> <li>Dog - On any allotment.</li> <li>Horses - On any allotment.</li> </ul>

<sup>1</sup> See Local Law No.1 (Administration) 2010 and Subordinate Local Law No.1 (Administration) 2014 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).

		<ul style="list-style-type: none"><li>• Birds - On any allotment.</li><li>• Poultry - On any allotment.</li><li>• Sheep - On any allotment.</li><li>• Goats - On any allotment.</li></ul>
13	<i>Crocodile</i>	<ul style="list-style-type: none"><li>• For commercial purposes.</li></ul>
14	<i>Roosters</i>	<ul style="list-style-type: none"><li>• 1 or more on any allotment</li></ul>

## Schedule 4      Requirement to desex animal

### Section 7

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Age at which animal must be desexed</b>	<b>Column 3 Exemptions to the requirement for desexing</b>
1	All breeds of dog	As per RSPCA guidelines	If you have an approved permit for breeding under schedule 3
2	All breeds of cat	As per RSPCA guidelines	If you have an approved permit for breeding under schedule 3

## **Schedule 5      Minimum standards for keeping animals generally**

Section 8(1)

### **1. All animals —**

- (a) any land, enclosure or building in which an animal is kept must be maintained so as not to cause a public health risk as defined by the *Public Health Act 2005*; and
- (b) any land adjoining a road and on which an animal is kept must be adequately fenced to the satisfaction of an authorised person so as to prevent animals escaping from the land onto the road; and
- (c) an enclosure in which an animal is kept must be maintained to the satisfaction of an authorised person in a clean and sanitary condition, in good repair and appearance, and free from flies, rats, other vermin and nuisance odours; and
- (d) an enclosure in which an animal is kept must be built and maintained to the satisfaction of an authorised person in such a way as to prevent the animal from escaping; and
- (e) the keeper of the animal must thoroughly clean the enclosure regularly of faeces, uneaten food and any offensive matter produced by the animals kept on the premises. Such faeces, uneaten food and other offensive matter must be stored in a manner that prevents access to flies and vermin and does not allow the emission of nuisance odours; and
- (f) all receptacles, used for the storage of faeces, uneaten food and any offensive matter produced by any animals, are to be covered at all times and their contents must be removed at least weekly or more often if directed by an authorised person and then disposed of in such a manner so as not to be a nuisance or injurious or prejudicial to health; and
- (g) the keeper of an animal must provide the animal with and ensure the animal has access to adequate shelter from sun, wind and rain to the satisfaction of an authorised person; and
- (h) the keeper of an animal must provide the animal with, in the opinion of an authorised person, an appropriate quantity and quality of food and an appropriate quantity of clean drinking water to maintain an animal in good health; and

### **2. Nuisance**

- (a) An animal must be kept so that it does not in the opinion of an authorised person cause a nuisance or is injurious or prejudicial to health, including a nuisance from a dog or any animal that creates a noise which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or social well-being of a reasonable person.

## Schedule 6 Minimum standards for keeping particular animals

Section 8(2)

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Minimum standards for keeping animals</b>
1	<i>Horse, cattle, donkey, sheep, goat and other animals of a similar size</i>	<p>(1) If a stable is constructed;</p> <p>(a) a covered receptacle for manure or other offensive matter must be kept in the stable; and</p> <p>(b) the inside face of all external walls and all faces of interior walls of a stable must be lime washed or painted at least once in every year; and</p> <p>(c) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and</p> <p>(d) any part of a stable (except a stable used exclusively for milk cows) must not be within a distance of 130 metres of a dairy produce premises or milking shed; and</p> <p>(e) the stable must be constructed in accordance with provisions of the <i>Building Act 1975</i> and any applicable codes as defined by that Act; and.</p> <p>(f) any part of a stable must not be situated;</p> <p>(i) 10m from an adjoining boundary; and</p> <p>(ii) 15m from any dwelling; and</p> <p>(iii) 15m from any structure which food for human consumption is processed or stored; and</p> <p>(iv) 6m from a roadway.</p> <p>(2) The keeper must not deposit manure in any way that may pollute or be likely to pollute water which is used or is likely to be used for human consumption or for dairy purposes.</p>
2	<i>Poultry</i>	<p>(1) Fowl houses, fowl pens and runs are not to be situated;</p> <p>(a) within 10m of a dwelling or place where food is kept processed or stored; and</p> <p>(b) within 5m on any property boundary or a road.</p> <p>(2) poultry food must be stored in a vermin proof receptacle.</p>
3	<i>Pig</i>	<p>(1) The interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray.</p> <p>(2) any part of a sty or other enclosure in which a pig is kept must not be situated;</p> <p>(i) 10m from an adjoining boundary; and</p>

		(ii) 15m from any dwelling; and (iii) 15m from any structure which food for human consumption is stored; and (iv) 6m from a roadway; and (v) 20m from any watercourse, well or bore
4	<i>Cats and Dogs</i>	Must be micro chipped at the age of being desexed.

## **Schedule 7      Prohibition of animals in public places**

Section 10

*Not Applicable*

## **Schedule 8 Requirements for proper enclosures for animals**

### **Section 12**

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Requirements for proper enclosures</b>
1	<i>All Animals</i>	<p>(a) the keeper of an animal must maintain in the opinion of an authorised person at all times a proper enclosure to keep the animal on the subject land and prevent the animal from wandering or escaping from the land; and</p> <p>(b) the keeper of an animal construct and maintain in the opinion of an authorised person, a fence of a suitable height and construction method and materials to prevent an animal from escaping over, through or under the fence.</p>

## **Schedule 9 Criteria for declared dangerous animals**

### **Section 18**

The following criteria are the criteria an authorised person must consider in declaring an animal other than a dog as a declared dangerous animal—

- (a) Whether the animal has attacked a person or an animal;
- (b) Whether in the opinion of an authorised person the animal is likely to attack or worry a person or an animal;
- (c) Whether the animal has been trained or is used to attack for the purpose of guarding either persons or property; and
- (d) Whether the animal has been declared as a declared dangerous animal by another local government.
- (e) With reference to the community consultation and agreed animal control protocol council resolution **(date) as in force**.

## Schedule 10 Conditions for sale of animals

Section 16

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Conditions that must be complied with when offering animal for sale</b>
1	All animals	<p>(a) A person may only offer an animal for sale if the animal is;</p> <p>(i) in good health and free from disease; and</p> <p>(ii) vaccinated and have received worm treatment; and</p> <p>(iii) held in an area that is clean and sanitary and free of vermin harbourage to the satisfaction of an authorised person; and</p> <p>(iv) not held for sale on a road or land under the control of local government; and</p> <p>(v) restrained by enclosures, fences or be tendered so as to effectively prevent the animal from straying off the premises; and</p> <p>(vi) not kept in display cases or in a confined area overnight, except for an enclosure approved by an authorised person.</p>