

# 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.

**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, the following animals are prescribed as an animal whose faeces must be removed from a public place in an urban area and disposed of in a sanitary way—

- (a) an alpaca;
- (b) a buffalo;
- (c) a camel;
- (d) a cat;
- (e) a cow or bull;
- (f) a donkey;
- (g) an emu;
- (h) a goat;
- (i) a horse;
- (j) a llama;
- (k) an ostrich;
- (l) a sheep.

**13 Requirements for proper enclosure 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 a proper enclosure 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 or a contractor of 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) a buffalo; and
- (b) a camel; and
- (c) a cat; and
- (d) a cow or bull; and
- (e) a dog; and
- (f) a donkey; and
- (g) a goat; and
- (h) a horse; and
- (i) a sheep; and
- (j) other small domestic animals; and
- (k) poultry, including any species of fowl, duck, goose, pigeon, turkey, peafowl or guineafowl.

**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 —

- (a) if the place of care for animals has a public office — the public office; or
- (b) if the place of care for animals does not have a public office — the public office of the local government.

**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 4 dogs over the age of 3 months on an allotment with an area less than 4,000m<sup>2</sup>.</p> <p>(b) More than 2 dogs over the age of 3 months on multi-residential premises.</p> <p>(c) More than 2 dogs over the age of 3 months on an allotment with an area less than 400m<sup>2</sup>.</p> <p>(d) 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>
2	Cat	<p>(a) More than 4 cats over the age of 3 months on an allotment with an area less than 4,000m<sup>2</sup>.</p> <p>(b) More than 2 cats over the age of 3 months on multi-residential premises.</p> <p>(c) More than 2 cats over the age of 3 months on an allotment with an area less than 400m<sup>2</sup>.</p>
3	Horse (including a racehorse), mule, ass, donkey, cow, bull, buffalo or camel	An animal to which this item 3 applies on an allotment with an area less than 2,000m <sup>2</sup> .
4	Sheep, goat, alpaca, llama, ostrich or emu	An animal to which this item 4 applies on an allotment with an area less than 2,000m <sup>2</sup> .
5	Pig	<p>(a) A pig on an allotment with an area less than 4,000m<sup>2</sup>.</p> <p>(b) More than 2 pigs on an allotment with an area between 4,001m<sup>2</sup> and 10,000m<sup>2</sup>.</p>

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 approval <sup>1</sup>
1	Dog	(a) 3 or 4 dogs over the age of 3 months on an allotment with an area less than 4,000m <sup>2</sup> . (b) 1 or 2 dogs over the age of 3 months on multi-residential premises. (c) 1 or 2 dogs over the age of 3 months on an allotment with an area less than 400m <sup>2</sup> .
2	Cat	(a) 3 or 4 cats over the age of 3 months on an allotment with an area less than 4,000m <sup>2</sup> . (b) 1 or 2 cats over the age of 3 months on multi-residential premises. (c) 1 or 2 cats over the age of 3 months on an allotment with an area less than 400m <sup>2</sup> .
3	Horse (including a racehorse), mule, ass, donkey, cow, bull, buffalo or camel	(a) 1 animal to which this item 3 applies on an allotment with an area between 2,001m <sup>2</sup> and 4,000m <sup>2</sup> . (b) More than 2 animals to which this item 3 applies on an allotment with an area between 4,001m <sup>2</sup> and 10,000m <sup>2</sup> .
4	Sheep, goat, alpaca, llama, ostrich or emu	(a) More than 4 animals to which this item 4 applies on an allotment with an area between 2,001m <sup>2</sup> and 4,000m <sup>2</sup> . (b) More than 6 animals to which this item 4 applies on an allotment with an area between 4,001m <sup>2</sup> and 6,000m <sup>2</sup> .
5	Rooster	A rooster on an allotment with an area less than 4,000m <sup>2</sup> .
6	Poultry (other than a rooster) duck or goose	(a) More than 6 birds to which this item 6 applies on an allotment with an area less than 1,000m <sup>2</sup> . (b) More than 12 birds to which this item 6 applies on an allotment with an area between 1,001m <sup>2</sup> and 4,000m <sup>2</sup> .
7	Cockatoo, galah or other bird of a similar size, peahen or peacock	1 bird to which this item 7 applies on an allotment with an area less than 4,000m <sup>2</sup> .

<sup>1</sup> 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).

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8	Budgerigar, canary or other bird of a similar size or racing pigeons	More than 20 birds to which this item 8 applies on an allotment with an area less than 4,000m <sup>2</sup> .
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**Schedule 3      Requirement to desex animal**

Section 7

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

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

### **Section 8(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 a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
  - (i) adjoining premises; or
  - (ii) 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; and
- (g) ensure that the animal is provided with, and has access to, adequate shelter, drinking water and appropriate food; and
- (h) ensure that any enclosure in which the animal is kept is not located within 10m of a place used for the preparation of food other than a place used for the preparation of food by the owner of, or the responsible person for, the animal; and
- (i) ensure that the animal does not make a noise that is excessive in all the circumstances, that is—
  - (i) noise that is made for more than a total of 6 minutes in any hour from 7a.m. to 10p.m. on any day; or
  - (ii) noise that is made for more than a total of 3 minutes in any 30 minute period on any day after 10p.m. or before 7a.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	Dog (other than a greyhound)	<p>Each owner of, and responsible person for, 2 dogs kept on premises must ensure that—</p> <ul style="list-style-type: none"> <li>(a) each kennel, run and exercise yard on the premises is— <ul style="list-style-type: none"> <li>(i) set back a minimum of 2m from each boundary of the premises; and</li> <li>(ii) located not less than 10m from a residence, other than a residence on the premises; and</li> </ul> </li> <li>(b) all dog accommodation and enclosure areas are thoroughly cleansed and disinfected on a regular basis to the satisfaction of an authorised person.</li> </ul>
2	Greyhound	<ul style="list-style-type: none"> <li>(a) Each owner of, and responsible person for, a greyhound must, when the dog is outside the premises on which the dog is normally kept, be— <ul style="list-style-type: none"> <li>(i) under the effective control of a person aged 16 or over who has control of not more than 2 greyhounds at any 1 time; and</li> <li>(ii) kept muzzled so as to prevent the dog from biting unless it is a decommissioned greyhound.</li> </ul> </li> <li>(b) Each owner of, and responsible person for, a greyhound must ensure that the dog is kept— <ul style="list-style-type: none"> <li>(i) without nuisance; and</li> <li>(ii) 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.</li> </ul> </li> </ul>
3	Horse (including a racehorse), donkey, ass, mule, cow, bull, camel, buffalo and other domesticated animals of a similar size and sheep, goat,	<p>Each owner of, and responsible person for, an animal specified in column 1, item 3 which is kept at a stable on premises must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the stable is not located within a 10m radius of— <ul style="list-style-type: none"> <li>(i) a residence on adjoining premises; or</li> <li>(ii) a place used for the manufacture, preparation or</li> </ul> </li> </ul>

	alpaca, llama and other animals of a similar size	<p>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</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(b) the stable is set back a minimum of 2m from each boundary of the premises; and</p> <p>(c) the stable is located a minimum of 20m from any watercourse, well or bore; and</p> <p>(d) the stable has a floor which is covered with an absorbent soft floor material which is changed at least once in every 6 week period; and</p> <p>(e) the interior of the stable and any associated open yard are cleaned of manure and other unhygienic matter daily; and</p> <p>(f) the construction of the stable complies with the requirements of any applicable approval or code; and</p> <p>(g) the stable is maintained in good condition and repair.</p> <p>Each owner of, and responsible person for, an animal specified in column 1, item 3 which is kept free range or in a paddock on premises must ensure that shelter of a clean, dry and shady nature is provided together with a minimum space per animal as prescribed in the Model Code of Practice for the Welfare of Animals published from time to time by the Commonwealth Scientific and Industrial Research Organisation.</p>
4	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.	<p>Each owner of, and responsible person for, a bird specified in column 1, item 4 must ensure that—</p> <p>(a) the bird is kept without nuisance; and</p> <p>(b) the bird is contained within an enclosed cage or aviary; and</p> <p>(c) the bird's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and</p> <p>(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; and</p> <p>(f) the fence surrounding the premises on which the bird is kept does not form part of the cage or aviary in which the bird is kept; and</p> <p>(g) the enclosure in which the bird is kept is set back a</p>

		minimum of 2m from each boundary of the premises.
5	Poultry including duck, drake, goose, turkey, and rooster.	<p>Each owner of, and responsible person for, a bird specified in column 1 item 5 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the bird is kept without nuisance; and</li> <li>(b) the bird is contained within an enclosure; and</li> <li>(c) the bird's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> <li>(i) thoroughly cleaned at least once each week; and</li> <li>(ii) located at the rear of, and behind, any residence situated on the premises; and</li> </ul> </li> <li>(e) the enclosure in which the bird is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> <li>(i) a residence on adjoining premises; or</li> <li>(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</li> <li>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</li> </ul> </li> <li>(f) the enclosure in which the bird is kept is set back a minimum of 2 m from each boundary of the premises; and</li> <li>(g) a rooster kept on the premises does not create a noise nuisance; and</li> <li>(h) the enclosure in which the bird is kept is constructed so as to prevent the bird from wandering off, or flying away from, the premises.</li> </ul>
6	Pig	<p>Each owner of, and responsible person for, a pig which is kept on premises must ensure that the enclosure in which the pig is kept is not located within—</p> <ul style="list-style-type: none"> <li>(a) 15 m of a residence on adjoining premises; or</li> <li>(b) 5 m of 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 pig; or</li> <li>(c) 5 m of a place used for the storage of food (other than food kept in hermetically sealed packages).</li> </ul>



7	Cat	<p>Each owner of, and responsible person for, 2 cats kept on premises must ensure that —</p> <ul style="list-style-type: none"> <li>(a) each enclosure, run and exercise yard on the premises is— <ul style="list-style-type: none"> <li>(i) set back a minimum of 2m from each boundary of the premises; and</li> <li>(ii) located not less than 10m from a residence other than a residence on the premises; and</li> </ul> </li> <li>(b) all cat accommodation and enclosure areas are thoroughly cleansed and disinfected on a regular basis to the satisfaction of an authorised person; and</li> <li>(c) any external cat enclosure on the premises is set back a minimum of 2m from each boundary of the premises.</li> </ul>
8	Any animal, if the animal is kept on premises used for the purposes of the operation of a pet shop	<p>Each owner of, and responsible person for, an animal kept on premises used for the purposes of the operation of a pet shop must, if a code of practice for the keeping of animals at a pet shop has been approved by the local government — ensure that the animal is kept in accordance with the requirements of the code of practice.</p>
9	Dogs, if the dogs are kept on premises used for the purposes of the operation of a kennel, and cats, if the cats are kept on premises used for the purposes of the operation of a cattery	<p>Each owner of, and responsible person for, a animal kept on premises in the circumstances specified in column 1 item 9 must ensure that —</p> <ul style="list-style-type: none"> <li>(a) the keeping of the animals on the premises <ul style="list-style-type: none"> <li>(i) does not detrimentally affect the amenity of neighbouring premises; and</li> <li>(ii) does not involve the storage in the open of goods, materials or activities associated with the keeping of the animals; and</li> <li>(iii) does not fly breeding or vermin infestation; and</li> </ul> </li> <li>(b) the premises are suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions; and</li> <li>(c) only rain water from uncontaminated areas may drain directly into the storm water system; and</li> <li>(d) all spillages of wastes, contaminants and other materials are cleaned up immediately and are not cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials to any storm water system or waters; and</li> <li>(e) the premises are kept free of vermin and conditions offering harbourage for vermin; and</li> </ul>

		<p>(f) all fixtures, fittings, equipment and facilities at the premises are maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(g) waste waters from the washing down of floors, surfaces, enclosures and other areas is collected, and drained to, an approved pre-treatment device before discharge to the sewerage system; and</p> <p>(h) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are provided; and</p> <p>(i) all waste containers are regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(j) the premises, including all buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the keeping of the animals is maintained at all times—</p> <p style="padding-left: 20px;">(i) in good working order and condition; and</p> <p style="padding-left: 20px;">(ii) in a clean and sanitary condition; and</p> <p>(k) all enclosures which form part of the operation of the premises are provided and maintained in a manner so as to—</p> <p style="padding-left: 20px;">(i) be clean and in a sanitary condition; and</p> <p style="padding-left: 20px;">(ii) prevent the escape of any animal kept in the enclosure; and</p> <p style="padding-left: 20px;">(iii) protect the safety of staff and the public; and</p> <p style="padding-left: 20px;">(iv) be in a state of good order and repair; and</p> <p style="padding-left: 20px;">(v) avoid injury to any animal kept in the enclosure; and</p> <p style="padding-left: 20px;">(vi) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and</p> <p style="padding-left: 20px;">(vii) be impervious and able to be effectively cleaned and sanitised; and</p> <p style="padding-left: 20px;">(viii) ensure the comfort of any animal kept in the enclosure and prevent the spread of disease; and</p> <p>(l) animal feed is stored in insect and vermin proof containers; and</p> <p>(m) if a code of practice for the operation of a cattery or a kennel has been approved by the local government—the cattery or kennel is operated in accordance with the requirements of the code of practice.</p>
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## Schedule 6      Prohibition of animals in public places

### Section 10

	<b>Column 1</b> <b>Public place</b>	<b>Column 2</b> <b>Species or breed of animals prohibited</b>
1	All areas of bathing reserve within the local government area.	All species and breeds of animal.
2	The Tyto wetlands reserve, more particularly described as lot 125 on plan CWL3109, lot 97 on plan CWL3190 and part of lot 542 on plan CWL2837, County of Cardwell Parish of Cordelia as indicated by signage.	All species and breeds of animal.
3	<p>(a) A designated playground area which forms part, or the whole, of a local government controlled area.</p> <p>(b) Any area where equipment has been provided by the local government in a local government controlled area for use by the public for the purpose of physical exercise.</p>	<p>All species and breeds of animal.</p> <p>All species and breeds of animal.</p>

## **Schedule 7      Dog off-leash areas**

### **Section 11**

No dog off-leash area designated.

## Schedule 8 Requirements for adequate enclosure for keeping animals

### Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for adequate enclosure
1	All animals regardless of species or breed	<p>(1) An adequate 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> <ul style="list-style-type: none"> <li>(a) appropriate to the species and breed of the animal to be enclosed; and</li> <li>(b) so as to effectively enclose the animal on the land on which it is kept at all times.</li> </ul> <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> <li>(a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</li> <li>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</li> <li>(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</li> <li>(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</li> <li>(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.</li> </ul> <p>(4) An adequate enclosure must include a weather proof area appropriate to the species or breed of animal to be enclosed.</p> <p>(5) If the animal is poultry, the enclosure must be constructed so as to prevent the poultry from wandering off, or flying away from, the land on which the poultry is kept.</p>

2	Horse	<p>(1) An adequate 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>
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**Schedule 9      Requirements for keeping a dog in a koala  
area**

Section 14(1)

No requirements prescribed.

## **Schedule 10 Koala areas<sup>2</sup>**

Section 14(2)

No area designated.

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<sup>2</sup> “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

	<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>
	No species or breed of animal mentioned.	No conditions set out.

## Schedule 13 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*.

**bathing reserve** means a part of the seashore and adjacent land and sea placed under the control of the local government as a bathing reserve under section 26 of the *Local Government (Operations) Regulation 2010*.

**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.

**cattery** has the meaning given in the planning scheme of the local government.

**designated playground area** means an area which is—

- (a) physically defined; and
- (b) constructed by the local government for recreational use by minors; and
- (c) provided with 1 or more items of playground apparatus.

*Example*—

A designated playground area may be an area which is—

- (a) enclosed by a fence or some other barrier; and
- (b) covered by bark chips or similar material; and
- (c) equipped with a swing, see-saw or similar playground apparatus.

**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.

**horse** includes a pony and a miniature horse.

**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.

**kennel** has the meaning given in the planning scheme of the local government.

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

**local government public health risk** has the meaning given in the *Public Health Act 2005*.

**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* <sup>3/4</sup>

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.

**pet shop** has the meaning given in the planning scheme of the local government.

**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.

**sewerage system** has the meaning given in the *Plumbing and Drainage Act 2002*.

**stallion** means an uncastrated adult male horse.

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

**urban area** has the meaning given in *Subordinate Local Law No. 3 (Community and Environmental Management) 2012*.

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

**vermin** means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
  - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
  - (ii) a local government public health risk.

**waste** has the meaning given in the *Environmental Protection Act 1994*.

This and the preceding 28 pages bearing my initials is a certified copy of *Subordinate Local Law No. 2 (Animal Management) 2012* made in accordance with the provisions of the *Local Government Act 2009* by Hinchinbrook Shire Council by resolution dated the 14<sup>th</sup> day of June 2012.

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RW Clark  
Chief Executive Officer