

# Subordinate Local Law No. 2 (Animal Management) 2010

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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) 2010*.

### 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) [insert year]*, 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) [insert year]* (the **authorising local law**).

### 4 Definitions

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 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**

### *Option 1:*

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*.

### *Option 2:*

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*.

### *Option 3:*

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 *[insert an alternative form of required identification to be borne by the animals (i.e. other than the permanent identification device or the registration device provided for in the Animal Management (Cats and Dogs) Act 2008 – for example, a tattoo complying with specific requirements about size, placement and information]*

## **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 animals whose faeces must be removed from a public place and disposed of in a sanitary way—

- (a) ...
- (b) ...

*[Insert names of species or breeds of animals e.g. horses]*

### **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 *[insert name of organisation (e.g. RSPCA, veterinary surgeon, dog kennels etc) or other local government that will operate the animal pound. Note: this section is only necessary if the local government will not be operating the animal pound itself or wishes to use other facilities in addition to its own pound]*.

### **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) ...
- (b) ...

*[Insert species or breed of animal (e.g. dogs, cats) or class of animal (e.g. 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 *[insert place (e.g. the local government's public office). Note that this provision is only necessary if the place of care for animals does not have a 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.

## Dictionary

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

- (a) ...
- (b) ...

*[Insert species of animal]*

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

- (a) ...
- (b) ...

*[Insert species of 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 *[insert period]*.

## Schedule 1 Prohibition on keeping animals

### Section 5

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
1	<i>[Insert animal:] Dog</i>	<p><i>[Insert description of circumstances in which keeping animal or animals is prohibited with reference to 1 or more of the factors specified in s.5(2) of the authorising local law. In relation to locations, it is important for the local government to be specific to enable certainty in enforcement. For example, town areas need to be defined, perhaps by reference to designations in the planning scheme or a map included in another schedule. Examples of prescribed circumstances might be –</i></p> <ul style="list-style-type: none"> <li>• <i>More than 3 dogs over the age of 3 months on an allotment in a designated town area</i></li> <li>• <i>More than 2 dogs over the age of 3 months in a residential flat or unit</i></li> <li>• <i>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) ]</i></li> </ul>
2	<i>Cat</i>	<ul style="list-style-type: none"> <li>• <i>More than 3 cats over the age of 3 months on an allotment in a designated town area</i></li> </ul>
3	<i>Horse or donkey</i>	<ul style="list-style-type: none"> <li>• <i>A horse or donkey in a designated town area on an allotment less than 4000 m<sup>2</sup></i></li> <li>• <i>A density of animals that is greater than one animal per 4000 m<sup>2</sup></i></li> </ul>
4	<i>Cow or bull</i>	<ul style="list-style-type: none"> <li>• <i>A cow or bull in a designated town area except where the cow or bull is kept within a ‘town commons’ designated by the local government for grazing cattle under ‘common rights’</i></li> </ul>
5	<i>Sheep, goat, alpaca or llama</i>	<ul style="list-style-type: none"> <li>• <i>A density of animals that is greater than one animal per 1000 m<sup>2</sup></i></li> </ul>
6	<i>Poultry</i>	<ul style="list-style-type: none"> <li>• <i>A rooster in a designated town area</i></li> <li>• <i>20 or more poultry on an allotment in a designated town area</i></li> </ul>



7	<i>Deer</i>	<ul style="list-style-type: none"> <li>• <i>A density of animals that is greater than one animal per 1000 m<sup>2</sup></i></li> </ul>
8	<i>Pig</i>	<ul style="list-style-type: none"> <li>• <i>A pig in a designated town area</i></li> </ul>
9	<i>Duck or goose</i>	
10	<i>Ostrich or emu</i>	
11	<i>Bees</i>	<ul style="list-style-type: none"> <li>• <i>A hive on an allotment less than 400 m<sup>2</sup> (see Code of Practice for Urban Bee Keeping in Queensland 1998)</i></li> </ul>
12	<i>Cockatoo, galah or other bird of a similar size</i>	
13	<i>Budgerigar, canary or other bird of a similar size</i>	
14	<i>Racing pigeons</i>	<ul style="list-style-type: none"> <li>• <i>More than a defined number of racing pigeons on an allotment in a designated town area</i></li> </ul>
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## Schedule 2 Requirement for approval to keep animal

### Section 6

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Circumstances in which keeping of animal or animals requires approval<sup>1</sup></b>
1	<i>Dog</i>	<i>[Insert description of circumstances in which keeping an animal or animals requires approval with reference to 1 or more of the factors specified in s.5(2) of the authorising local law. For example –</i> <ul style="list-style-type: none"> <li>• <i>3 dogs over the age of 3 months on an allotment in a designated town area]</i></li> </ul>
2	<i>Cat</i>	<ul style="list-style-type: none"> <li>• <i>3 cats over the age of 3 months on an allotment in a designated town area</i></li> </ul>
3	<i>Horse or donkey</i>	<ul style="list-style-type: none"> <li>• <i>More than 1 horse or donkey on an allotment in a designated town area</i></li> </ul>
4	<i>Cow or bull</i>	
5	<i>Sheep, goat, alpaca or llama</i>	
6	<i>Poultry</i>	<ul style="list-style-type: none"> <li>• <i>More than 5 and less than 20 poultry on an allotment in a designated town area</i></li> </ul>
7	<i>Deer</i>	
8	<i>Pig</i>	
9	<i>Duck or goose</i>	
10	<i>Ostrich or emu</i>	
11	<i>Bees</i>	<ul style="list-style-type: none"> <li>• <i>More than 2 hives on an allotment of more than 400 m<sup>2</sup> and less than 1000 m<sup>2</sup></i></li> <li>• <i>More than 5 hives on an allotment of more than 1000 m<sup>2</sup> and less than 2000 m<sup>2</sup> (see Code of Practice for Urban Bee Keeping in Queensland 1998)</i></li> </ul>
12	<i>Cockatoo, galah or other bird of a similar size</i>	

<sup>1</sup> See *Local Law No.1 (Administration) [insert year]* and *Subordinate Local Law No.1 (Administration) [insert year]* 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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13	<i>Budgerigar, canary or other bird of a similar size</i>	
14	<i>Racing pigeons</i>	
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**Schedule 3 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	<i>[Insert animal]</i>	<i>[Insert age]</i>	<i>[Describe any exemptions e.g. an animal owned by a member of a recognised breeders' association for the purposes of breeding or showing]</i>
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## **Schedule 4      Minimum standards for keeping animals generally**

Section 8(1)

*[Insert minimum standards for keeping of animals generally. Topics covered might include:*

- *identification of animals' owner and address where kept;*
- *general requirements about enclosures (note that schedule 8 deals with the specific requirements for proper enclosures for particular animals);*
- *requirements about the times when the animal should be kept in its enclosure;*
- *disposal of waste from enclosures;*
- *frequency of cleaning;*
- *reasonable steps to prevent noise/disturbance;*
- *storage of animal food;*
- *distance of animal enclosure to any premises used for manufacture, preparation, storage of food for human consumption excluding domestic premises where animal kept]*

## Schedule 5 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>[Insert animal]</i>	<p><i>[Insert minimum standards for keeping a particular animal in addition to general minimum standards mentioned in Schedule 4. These might include issues such as:</i></p> <ul style="list-style-type: none"> <li><i>• requirements about keeping the animal in its proper enclosure;</i></li> <li><i>• minimum area for each animal;</i></li> <li><i>• proximity of enclosures to buildings, property boundaries and watercourses;</i></li> <li><i>• storage of food for the animal;</i></li> <li><i>• compliance with relevant animal-keeping code of practice]</i></li> </ul>
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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	<p><i>[Insert description of public place or public places with sufficient certainty to enable boundary to be identified— for example:</i></p> <ul style="list-style-type: none"> <li>• <i>All foreshore areas within the local government area</i></li> <li>• <i>All parks and reserves within the local government area</i></li> </ul>	<p><i>[Indicate “all animals” or insert specific species or breeds of animals e.g. “dogs”, or “horses, donkeys and cattle”]</i></p>
2	<ul style="list-style-type: none"> <li>• <i>Real property description of land (lot and plan number)</i></li> <li>• <i>Reserve description</i></li> <li>• <i>Physical description of land (e.g. using physical features such as watercourses, buildings etc)</i></li> <li>• <i>Reference to an area of land marked on a map included in the subordinate local law (e.g. ‘portion X marked on the map included in schedule Y’)]</i></li> </ul>	
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## **Schedule 7      Dog off-leash areas**

### **Section 11**

*[Insert description of dog off-leash areas with sufficient certainty to enable boundary to be identified– for example:*

- *The foreshore area between Woody Point and the northern boundary of the Beach Rd car park*
- *The fenced area at the western end of Lions Park, Margaret Street, Edenvale*
- *Reference to an area of land marked on a map included in the subordinate local law (e.g. ‘the areas marked “dog off-leash area” on the map below’)]*



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

Section 13

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Requirements for proper enclosures</b>
1	<i>[Insert animal]</i>	<i>[Insert requirements and specifications for a proper enclosure for the particular animal]</i>
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## **Schedule 9      Requirements for keeping a dog in a koala area**

Section 14(1)

*[Insert requirements for keeping dogs in a koala area. Section 15(2) of the local law states that these requirements may relate to:*

- (a) the enclosure in which the dog must be kept between sunset and sunrise; or*
- (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or*
- (c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land; or*
- (d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise ]*

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

Section 14(2)

*[Insert description of koala areas with sufficient certainty to enable boundary to be identified– for example:*

- *Real property description of land (lot and plan number)*
- *Reserve description*
- *Physical description of land (e.g. using physical features such as watercourses, buildings etc)*
- *Reference to an area of land marked on a map included in the subordinate local law (e.g. ‘portion X marked on the map below’)*
- *Description of a road (e.g. ‘all properties on Smith St’ or ‘all properties on Jones Rd between Acacia Dve and Hibiscus Ave’)]*

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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

*[Insert criteria to guide authorised persons in declaring an animal as a declared dangerous animal. For example:*

*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;*

- *The authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies;*
- *A high level of concern about the danger posed by the animal has been expressed by neighbours or other persons who have come into contact with the animal]*

## 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>
1	<i>[Insert “all animals” or specific species or breed of animal where different conditions will apply to the sale of different animals]</i>	<i>[Insert conditions that must be complied with e.g. “the animal must be free from disease”]</i>
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