

Wujal Wujal Aboriginal Shire Council 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) 2013*.

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) 2011*, 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 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) 2011*.

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in Schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

domestic animal means a cat, dog, household pet or livestock animal that is fed and kept by someone.

domestic purposes means the keeping of an animal in or within the curtilage of a dwelling for the private enjoyment of a person residing therein.

foreshore means a foreshore that has been placed under the local government's control pursuant to the *Local Government Regulation 2013*, section 61.

guard dog means a dog which is released on commercial premises without a handler for the purpose or apparent purpose of acting as a deterrent to intruders.

lot has the meaning given in the *Sustainable Planning Act 2009*, section 10.

primary producer means a person whose main business is agriculture or animal husbandry.

property means—

- (a) a lot; or
- (b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the lots owned by the person;

regulated dog has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*, section 60.

rural area means an area that is not a town area.

town area means the area within the town boundaries indicated on the Wujal Wujal Planning Scheme, prepared and held by the local government and available for viewing on the local government's website.

working dog means a dog, other than a regulated dog, that is kept—

- (a) on rural land; and
- (b) by a primary producer or a person engaged or employed by a primary producer; and
- (c) primarily for the purpose of droving, protecting, tending, or working stock.

Part 2 Keeping of animals

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

- (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.
- (2) However, subsection (1) does not apply in the following circumstances—

- (a) the keeping of the animal was permitted by the local law in force immediately before the commencement of this subordinate local law; and
 - (b) within 3 months of the commencement of this subordinate local law, the keeper of the animal has provided the local government with details identifying the animal.
- (3) The exemption in subsection (2) applies only in respect of the particular animal identified to the local government.

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 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

- (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*.

Part 3 Control of animals

10 Public places where animals are prohibited or restricted—Authorising local law, s 10(1)

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

- (2) However, subsection (1) does not apply to—
- (a) an animal that is specifically authorised to be in a particular place pursuant to a condition of an approval issued by the local government under *Local Law No.1 (Administration) 2011*; or
 - (b) an animal in a cemetery that has been authorised in writing to be in the cemetery by an authorised person.

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) dogs;
- (b) cats;
- (c) livestock including horses, goats, sheep and cattle;
- (d) any other animal faeces that an authorised person directs to have removed.

13 Requirements for 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 enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

14 Koala conservation—Authorising local law, s 15

This section has been left intentionally blank.

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 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, all animals may be sold by private agreement, destroyed or disposed of in some other way.

17 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 Wujal Wujal Aboriginal Shire Council, Technical Services Compound, Kotzur Street, Wujal Wujal, Queensland, 4895.

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

18 Conditions regarding supply of animals—Authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who supply 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.

19 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—

This section has been intentionally left blank.

20 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—

This section has been intentionally left blank.

21 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) for horses, cattle and cats and dogs that are registered or implanted with a permanent identification device under the *Animal Management (Cats and Dogs) Act 2008*—5 working days; or
- (b) for all other animals—4 working days.

Schedule 1 Prohibition on keeping animals

section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited¹
1	dog	1 keeping more than one dog is prohibited on a property that is less than 450 square metres or within a residential complex without an approval 2 keeping more than two dogs is prohibited on a property within the town area without an approval
2	cat	1 keeping more than one cat is prohibited on a property that is less than 450 square metres or within a residential complex without an approval 2 keeping more than two cats is prohibited on a property within the town area without an approval
3	poultry	keeping poultry is prohibited on a property that is less than 450 square metres or within a residential complex
4	rooster	keeping a rooster is prohibited on a property that is less than 4 000 square metres or within the town area
5	cockatoo, galah or other bird of a similar type	1 keeping a bird of this kind is prohibited on a property that is less than 450 square metres or within a residential complex 2 keeping more than two birds of this kind is prohibited on a property within the town area
6	caged birds	1 keeping more than 10 cages birds is prohibited on a property that is less than 450 square metres or within a residential complex 2 keeping more than 60 caged birds is prohibited on a property within the town area
7	stock which includes horse, donkey, camel, alpaca, llama, deer, sheep, goat,	keeping any stock is prohibited on a property that is less than 4 000 square metres

¹ See section 5(2) and (3) regarding the exemption for keeping existing animals that are not permitted to be kept by the local law in force immediately prior to the commencement of this subordinate local law.

	cow or other animals of similar size	
8	bees	keeping bees is prohibited on a property that is less than 4000 square metres or within the town area
9	pig	keeping of a pig is prohibited on a property less than 4000 square metres within the town area
10	large birds including ostrich, emu or peacock	keeping of a large bird is prohibited on a property less than 4 000 square metres or within the town area

Schedule 2 Requirement for approval to keep animal²

section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval³
1	any animal	<p>an approval to keep an animal is required where the owner or responsible person for the animal has committed more than two offences against the authorising local law in any 12 month period in relation to the same type of animal</p> <p><i>Example—</i></p> <p style="padding-left: 40px;">The owner of a dog commits 2 roaming dog offences in a 12 month period</p>
2	dog	<p>1 in the case of a dog that is not a guard dog, working dog or greyhound registered with Racing Queensland, an approval is required to keep more than 2 dogs over the age of 3 months on any property within the town area</p> <p>2 an approval is required to keep a guard dog on a property</p> <p>3 an approval is required to keep one dog on a property less than 450 square metres</p>
3	cat	an approval is required to keep more than 2 cats over the age of 2 months on any property within the town area
4	cat or dog	<p>1 an approval (an animal breeder approval) is required to keep animals in the following circumstances—</p> <p>(a) if a person keeps on land—</p> <p style="padding-left: 40px;">(i) one or more entire dogs (each a breeding dog); or</p> <p style="padding-left: 40px;">(ii) one or more entire cats (each a breeding cat); or</p> <p style="padding-left: 40px;">(iii) a combination of one or more breeding dogs and one or more breeding cats; and</p> <p>(b) the person intends to, allows or encourages—</p>

² Under section 6(3) of the authorising local law, an approval is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the *Sustainable Planning Act 2009*.

³ See *Local Law No.1 (Administration) 2013* and *Subordinate Local Law No.1 (Administration) 2013* 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"> (i) a breeding dog to breed with another entire dog; or (ii) a breeding cat to breed with another entire cat; and (c) the person intends to or supplies one or more progeny of the breeding dog or breeding cat. <p>2 The requirement for an animal breeder approval does not apply to:</p> <ul style="list-style-type: none"> (a) the keeping of a declared dangerous dog or a restricted dog;⁴ (b) the keeping of cats and dogs in a pound or shelter; (c) the keeping of working dogs where the progeny are sold or disposed of as a working dog; or (d) the keeping of government entity dogs by a government entity.
5	caged birds	<p>an approval is required to keep –</p> <ul style="list-style-type: none"> (a) more than 10 birds on a property less than 800 square metres; or (b) more than 30 birds on a property less than 4 000 square metres.
6	rooster	<p>an approval is required to keep a rooster on a property greater than 4 000 squares metres within the town area or on a property less than 10 000 square metres</p>
7	poultry	<p>an approval is required to keep—</p> <ul style="list-style-type: none"> (a) any poultry on a property less than 600 square metres within the town area; or (b) more than 6 poultry on a property between 600 square metres and 2 000 square metres within the town area; or (c) more than 12 poultry on a property greater than 2000 square metres within the town area

⁴ This is regulated under section 69 (Prohibition on Breeding) of the *Animal Management Cats and Dogs Act 2008*.

Schedule 3 Requirement to desex animal

section 7

This schedule has been left intentionally blank.

Schedule 4 **Minimum standards for keeping animals generally⁵**

section 8(1)

- 1 The owner or responsible person must ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land or as otherwise directed by an authorised person.
- 2 The owner or responsible person must ensure that excreta, food scraps and other material that is, or is likely to become, offensive or is likely to, or does, attract vermin, is collected at least daily and, if not immediately removed from the premises, is kept in a fly proof container.
- 3 The owner or responsible person must ensure that any enclosure in which the animal is kept is in a clean and sanitary condition.
- 4 The owner or responsible person must ensure that any enclosure in which the animal is kept is properly maintained in an aesthetically acceptable condition.
- 5 Parts of a building or structure which does not have openings through which an animal can escape may form part of the enclosure in lieu of fencing.
- 6 Where gates form part of the enclosure, they must be kept closed and latched except when in actual immediate use.
- 7 The owner or responsible person must ensure that the animal does not—
 - (a) cause a nuisance; or
 - (b) create a reasonable apprehension in the minds of other persons of a significant risk to the health and safety of persons or animals.
- 8 Animal noise is a nuisance if it—
 - (a) is made by a domestic animal; and
 - (b) occurs more than once; and
 - (c) unreasonably disrupts or inhibits an activity ordinarily carried out on a premise.

Example for paragraph (c)—

The barking of a dog, which disrupts a person—

 - (i) *holding a conversation; or*
 - (ii) *watching television; or*
 - (iii) *listening to a radio or recorded material; or*
 - (iv) *sleeping.*

⁵ Note that the *Environmental Protection Act 1994* also imposes duties on individuals and creates offences in relation to activities that may cause environmental nuisance, which might include noise, odours or dust caused by the keeping of animals.

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 stock including horse, donkey, camel, alpaca, llama, deer, sheep or goat or other similar size animal	<p>1 the owner or responsible person for the animal must provide the local government with the following information—</p> <ul style="list-style-type: none"> (a) the person’s name, address and telephone number, including mobile phone number; and (b) contact details for an alternative contact person; and (c) details of where the animal is kept <p>2 if a stable is constructed—</p> <ul style="list-style-type: none"> (a) a covered receptacle for manure and other offensive material must be kept in the stable; and (b) the interior of the stable must be sprayed at least once every three months with a germicidal spray; and (c) the stable must be constructed in accordance with the provisions of the <i>Building Act 1975</i> and any applicable codes as defined by that Act; and (d) the stable must not be constructed within 10 metres of an adjoining boundary or one metre from any dwelling or 15 metres from any structure where food is prepared for human consumption or within six metres of a roadway; and (e) all manure must be deposited in a way that does not pollute or is likely to pollute water which is used for human consumption.
2 cattle	<p>the owner or responsible person for the animal must provide the local government with the following information—</p> <ul style="list-style-type: none"> (a) the person’s name, address and telephone number, including mobile phone number; and (b) contact details for an alternative contact person; and (c) details of where the animal is kept; and (d) a description of the animal, including any brand or identification mark on the animal

3	poultry	<ol style="list-style-type: none"> 1 poultry food must be contained within a properly sealed and vermin proof container 2 enclosures, cages, chicken houses and pens must not be situated within 10 metres of a dwelling or a place where food is processed or stored for human consumption
4	pigs	<ol style="list-style-type: none"> 1 all enclosures where pigs are contained must be sprayed at least once every three months with a germicidal spray 2 any enclosure containing pigs must not be contained within 10 metres of an adjoining property boundary or 15 metres from any dwelling or within 50 metres of any structure where food is prepared for human consumption or within six metres of a roadway or within 20 metres of any watercourse
5	caged birds	<ol style="list-style-type: none"> 1 all seed and other food for the birds must be contained within a properly sealed and vermin proof container 2 enclosures, cages and aviaries to be thoroughly cleaned once per week
5	greyhounds	where greyhounds are kept on premises they must be kept in accordance with Racing Queensland – Local Rules of Racing
6	cats and dogs	the owner of the cat or dog must ensure that at all times the animal is wearing a registration device mentioned in section 12(3) of the <i>Animal Management (Cats and Dogs) Act 2008</i>

Schedule 6 Prohibition of animals in public places⁶

section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	in any playground, or within 5 metres of any playground, in a park or reserve where animals are otherwise permitted	all domestic animals
2	all parks, reserves and foreshores	all domestic animals other than cats and dogs
3	an animal exclusion zone designated in the conditions of an approval for an activity in a local government controlled area or road issued under <i>Local Law No.1 (Administration) 2011</i>	all domestic animals

⁶ The *Guide, Hearing and Assistance Dogs Act 2009*, section 8(1) provides that: “Despite any other Act, a person with a disability who relies on a guide, hearing or assistance dog to reduce the person’s need for support may be accompanied by the guide, hearing or assistance dog in a public place or public passenger vehicle.”

Schedule 7 Dog off-leash areas

section 11

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Schedule 8 Requirements for enclosures for animals

section 13

<p>Column 1 Species or breed of animal</p>	<p>Column 2 Requirements for enclosures⁷</p>
<p>1 all animals</p>	<p>1 the enclosure—</p> <ul style="list-style-type: none"> (a) must be suitably fenced; and (b) must be of a size appropriate to the species and breed of the animal to be enclosed; and (c) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and (d) must contain adequate shelter <p>2 the enclosure's gates must be closed and latched except when in actual immediate use</p> <p>3 <i>suitably fenced</i> means a fence constructed of strong materials and designed in such a way to the prevent the animal from—</p> <ul style="list-style-type: none"> (a) escaping over, under, through or around the fence; and (b) protruding over, under, through or around the fence; and (c) threatening to attack a person or animal over, under, through or around the fence; and (d) attacking a person or animal over, under, through or around the fence <p>4 keeping an animal on a leash does not constitute a proper enclosure</p>

⁷ See section 11(2) and (3) regarding the exemption for certain current enclosures that are sited closer than 2 metres from the property boundaries.

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

section 14

This schedule has been left intentionally blank.

Schedule 10 Koala areas⁸

section 14

This schedule has been left intentionally blank.

⁸ “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

The following criteria will be considered prior to the declaration of an animal, other than a dog, being declared dangerous—

- (a) whether the animal has attacked a person;
- (b) whether the animal has attacked another animal;
- (c) whether the animal has caused fear of attack in a person;
- (d) whether the animal has exhibited behaviour that, in the opinion of an authorised person, gives rise to concern that it is likely to either attack a person or animal or cause fear to a person.

Schedule 12 Conditions for sale and supply of animals

section 18

Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when supplying animals
1 all animals	1 a person must not operate a pet shop, cattery or kennel unless with an approval issued by Wujal Wujal Aboriginal Shire Council 2 the holder of a permit issued by Council must ensure that any animals offered for sale or supply are— (a) in good health and free from disease; (b) vaccinated and have received worm treatment; (c) the area where the animal is held for sale or supply must be clean, sanitary and free from vermin; (d) not held for sale or supply on a road or land held under the control of the local government; (e) restrained by enclosures, fences appropriate to the size and breed of the animal. 3 the supplier must lodge a Wujal Wujal Aboriginal Shire Council Animal Change of Ownership Form within 14 days of supply where an animal is registered on the Wujal Wujal Aboriginal Shire Council owner register
2 cats and dogs (under 18 months of age)	1 the supplier must be a breeder licensed under the relevant state legislation applying to breeding of cats and dogs or licensed with a relevant breeding association and have an approval issued by Council 2 the supplier must provide the person who is obtaining the animal with documented evidence ⁹ that the animal has received all core vaccines in accordance with the recommendations in the Australian Veterinary Association's policy on vaccination of dogs and cats.
3 Cats	1 The supplier must ensure the cat is desexed unless the circumstances in paragraph (2) apply. 2 The circumstances for the purpose of paragraph (1) are— (f) the supplier holds a signed veterinary surgeon's certificate for the cat stating that desexing is likely to be a serious risk to the health of the cat; or

⁹ Documented evidence for the purpose of section 1(a) is a vaccination certificate from a Veterinary Practice.

	<ul style="list-style-type: none">(g) the cat is under 16 weeks of age and the supplier provides the purchaser with a veterinary surgeon voucher of a local government desexing voucher to the equivalent monetary value of the full cost of desexing the cat; or(h) the supplier is a member of a registered show association and the supply is for the purpose of showing or exhibiting the cat; or(i) the cat is to reside with a person who does not reside within the local government area.
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