



Hope Vale Aboriginal Shire Council Subordinate Local Law No. 2 (Animal Management) 2013

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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) 2013*, 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) 2013* (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*.

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) Dogs
- (b) Horses
- (c) Any other animal faeces than an authorised person directs to have removed

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

Intentionally left 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 Place of care for impounded animals—Authorising local law, s 24**

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

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

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

- (a) Dogs
- (b) Cats

- (c) Other small domestic animals
- (d) Horses
- (e) Any other animal as directed by an authorised person

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 with the Manager Environmental Health.

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) 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) dogs owned by the Queensland Police Service or an employee, contractor or agent of the Queensland Police Service and under the control of a competent handler; or
 - (d) a security dog under the control of a competent handler and being used in connection with the business or an organization approved by the local government to carry out security services; or
 - (e) any animals that are regulated or managed under other state legislation.

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—

1. Crocodile

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) For a registered animal: 5 days or
- (b) For an unregistered animal: 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 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<ul style="list-style-type: none"> • More than 3 dogs over the age of 3 months on a single allotment • More than 2 dogs over the age of 3 months in a residential flat or unit
2	Cat	More than 2 cats over the age of 3 months on a single allotment
3	Horse, donkey, cow, bull, goat	A density of animals that is greater than one animal per 4000 m ²
4	Poultry (Chicken, duck, goose etc)	<ul style="list-style-type: none"> • A rooster in a designated town area • 10 or more poultry on an allotment in a designated town area
5	Pig	A pig in a designated town area
6	Bees	A hive on an allotment less than 400 m ² (see Code of Practice for Urban Bee Keeping in Queensland 1998)
7	Cockatoo, galah or other bird of a similar size	Unregulated
8	Budgerigar, canary or other bird of a similar size	Unregulated
9	Racing pigeons	Unregulated
10	Fish	<p>All fish that are prescribed by Department of Employment, Economic Development and Innovation as being prohibited from time to time including but not limited to:</p> <ol style="list-style-type: none"> a. Tiliapia b. Mosquito fish c. Largemouth bass d. European carp

Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	More than 2 dogs over the age of 3 months on a single allotment
2	Cat	3 cats over the age of 3 months on an allotment in a designated town area
3	Horse, donkey, cow, bull, pig, goat, poultry	One or more animals on a single allotment
4	Bees	Prohibited
5	Cockatoo, galah or other bird of a similar size	Unregulated
6	Budgerigar, canary or other bird of a similar size	Unregulated
7	Racing pigeons	Unregulated
8	Fish	Unregulated

	Breeding	
1	Dog	On any allotment
2	Cat	On any allotment
3	Horse, donkey, cow, bull, pig, goat	On any allotment less than 10,000m ²
4	Birds and Poultry	On any allotment less than 2,000m ²

¹ 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).

Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
1	Dog	Before age of 6 months	An animal owned by a member of a recognised breeders association for the purposes of breeding or showing, upon application to the local government.
2	Cat	Before age of 6 months	
3	Stallion horses	Before age of 12 months	

Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

1. Compliance with the provisions of the *Animal Management (Cat and Dogs) Act 2008 (Qld)*;
2. That the land is physically suitable for the keeping of the animals;
3. The animals are provided adequate food, water and shelter from weather;
4. That the enclosures in which the animals are to be kept are structurally suitable;
5. That the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
6. That the animals will not have a significant detrimental effect on the amenity of the surrounding area;
7. That the animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage;
8. Require the holder of the approval to care for the animals in accordance with appropriate standards;
9. Require that the animals be kept in enclosures that comply with specified structural requirements;
10. Require the holder of the approval to comply with specified standards of hygiene;
11. Require the holder of the approval to ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008 (Qld)*;
12. Waste waters from enclosures must be drained in a nuisance free manner or as directed by an authorised person;
13. Any excreta, offensive material or food scraps must be collected at least once each day and placed into a fly proof approved type refuse receptacle for disposal; and
14. The keeper must comply with any requests or directions of an authorised person which are considered necessary to keep the enclosures free of nuisance.

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	Horses, cattle or other animals of a similar size	<p>Where horses, cattle or other animals of a similar size are kept:</p> <ol style="list-style-type: none"> 1. they must be adequately identified so that the keepers name, address and telephone number are readily ascertainable. 2. an enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises). 3. an enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages. 4. an enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this subparagraph if the boundary fence is not less than 2 metres high and the occupiers of premises adjoining the boundaries state in writing that they have no objection). 5. In relation to entire horses, the enclosure must receive the approval, and be maintained to the satisfaction, of an authorised person.
2	Pigs, goats or other animals of a similar size	<p>Where pigs, goats or other animals of a similar size are kept:</p> <ol style="list-style-type: none"> 1. they must be adequately identified so that the keepers name, address and telephone number are readily ascertainable. 2. an enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises). 3. an enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the animals) used for the manufacture, preparation or storage of

		<p>food for human consumption, other than food contained in hermetically sealed packages.</p> <p>4. an enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this subparagraph if the boundary fence is not less than 2 metres high and the occupiers of premises adjoining the boundaries state in writing that they have no objection).</p>
3	Budgerigars, Canaries and other birds of a similar size	<p>Where budgerigars, canaries and other birds of a similar size are kept on premises:</p> <ol style="list-style-type: none"> 1. They must be contained within an enclosed cage or aviary; 2. The cage or aviary must not be sited closer than 2 metres from the property boundaries; 3. All seed and other food for the birds must be contained within a properly sealed and vermin proof container; 4. Cages and aviaries are to be thoroughly cleaned once per week.
4	Cockatoos, galahs and other birds of a similar size	<p>Where cockatoos, galahs and other birds of a similar size are kept on premises:</p> <ol style="list-style-type: none"> 1. They must be contained within an enclosed cage or aviary; 2. The cage or aviary must not be sited closer than 2 metres from the property boundaries; 3. All seed and other food for the birds must be contained within a properly sealed and vermin proof container; 4. Cages and aviaries are to be thoroughly cleaned once per week.
5	Poultry	<p>Where geese, ducks, chickens, roosters, turkeys and other poultry are kept on premises:</p> <ol style="list-style-type: none"> 1. They must be contained within an enclosure; 2. The enclosure must not be sited closer than 2 meters from the property boundaries; 3. All seed and other food for the birds must be contained within a properly sealed and vermin proof container; 4. Enclosures are to be thoroughly cleaned once per week; 5. The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises; 6. The enclosure must be constructed to prevent any

		<p>such bird from going within 10 metres of any dwelling (except any dwelling on the premises);</p> <p>7. The enclosure must also be constructed to prevent any such bird from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the birds) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.</p>
6	Pigeons	Where pigeons are kept on premises they must be kept in accordance with any code of practice for the keeping of pigeons, which code of practice has been approved by the local government by resolution.
7	Cats and dogs	The owner of the cat or dog must ensure that at all times the animal is wearing the registration device mentioned in section 12(3) of the <i>Animal Management (Cats and Dogs) Act 2008 (Qld)</i> .

Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	Any public place declared by resolution of the local government (or by another local law or subordinate local law) to be a place where animals are not permitted.	Any public place declared by resolution of the local government (or by another local law or subordinate local law) to be prohibited animal in a declared public place.
2	In any playground, or within 5 metres of any playground, in a park or reserve where animals are otherwise permitted.	All domestic animals
3	All cemetery reserves	All domestic animals
4	All parks, reserves and foreshores	All domestic animals other than cats, dogs and horses

Schedule 7 Dog off-leash areas

Section 11

The following areas are declared to be “Dog off-leash areas”—

1. parks;
2. areas falling outside township areas identified by the local government with reference to the Town Plan;
3. foreshores;
4. any other area declared by the local government by resolution, to be a *Dog off-leash area*

Schedule 8 Requirements for proper enclosures for animals

Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	Horses, cattle or other animals of a similar size	<ol style="list-style-type: none"> 1. an enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises). 2. an enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages. 3. an enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this sub-paragraph if the boundary fence is not less than 2 metres high and the occupiers of premises adjoining the boundaries state in writing that they have no objection). 4. in relation to entire horses, the enclosure must receive the approval, and be maintained to the satisfaction, of an authorised person.
2	Pigs, goats or other animals of a similar size	<ol style="list-style-type: none"> 1. an enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises). 2. an enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages. 3. an enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this sub-paragraph if the boundary fence is not less than 2 metres high and the occupiers of premises 4. adjoining the boundaries state in writing that they have no objection).

3	Budgerigars, Canaries and other birds of a similar size	<ol style="list-style-type: none"> 1. The cage or aviary must not be sited closer than 2 metres from the property boundaries; 2. Cages and aviaries are to be thoroughly cleaned once per week.
4	Cockatoos, galahs and other birds of a similar size	<ol style="list-style-type: none"> 1. The cage or aviary must not be sited closer than 2 metres from the property boundaries; 2. Cages and aviaries are to be thoroughly cleaned once per week.
5	Poultry	<ol style="list-style-type: none"> 1. The enclosure must not be sited closer than 2 meters from the property boundaries; 2. Enclosures are to be thoroughly cleaned once per week; 3. The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises; 4. The enclosure must be constructed to prevent any such bird from going within 10 metres of any dwelling (except any dwelling on the premises); 5. The enclosure must also be constructed to prevent any such bird from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the birds) used for the manufacture, preparation or <ol style="list-style-type: none"> 2. storage of food for human consumption, other than food contained in hermetically sealed packages.
6	Pigeons	Where pigeons are kept on premises they must be kept in accordance with any code of practice for the keeping of pigeons, which code of practice has been approved by the local government by resolution.
7	Cats and dogs	<p>An appropriate enclosure to ensure that when unsupervised by the keeper, the animal does not stray from the premises, whether it be by:-</p> <ol style="list-style-type: none"> a. A fenced yard of appropriate height; or b. A reasonable sized cage to allow the animal to move 360 degrees, with the animal only to be housed for limited hours; or c. Otherwise restrained from escape.

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

Section 14(1)

Intentionally left blank

Schedule 10 Koala areas²

Section 14(2)

Intentionally left blank

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

Schedule 11 Criteria for declared dangerous animals

Section 15

The following criteria will be considered by the local government in declaring an animal as a declared dangerous animal:

1. In the authorised person's opinion, there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account:
 - i. its prior history of attacking or causing fear to persons or animals or damaging property; and
 - ii. the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed; or
2. The authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies;
3. 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

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	All animals	Compliance by the buyer with the Minimum Standards for keeping particular animals in Schedules 4 and 5 of this subordinate local law.
2	Cats and dogs	<ul style="list-style-type: none"> • The cat or dog is micro-chipped (if required); and • Provide the buyer with the microchip certificate and details of the licensed microchip registry company to enable the buyer to change ownership details; and • The cat or dog is desexed (if required).

CERTIFICATION

This and the preceding twenty-one (21) pages bearing my initials is a certified copy of Subordinate Local Law No. 2 (Animal Management) 2013, made in accordance with the provisions of the Local Government Act 2009, by the Hope Vale Aboriginal Shire Council by resolution dated 20 March 2013.

Ross Higgins
 Chief Executive Officer
 Hope Vale Aboriginal Shire Council