

Subordinate Local Law No. 2 (Animal Management) 2011

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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) 2011*.

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, 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) 2011* (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) For part 2A of the authorising local law—
 - (a) a person **breeds** a cat if the cat is born to a female cat that is usually kept by the person, including through an agent, employee or anyone else;
 - (b) however, if the person who usually keeps the female cat is a child, the cat born to the female cat is taken to have been bred by a parent or guardian of the child;
 - (c) for paragraphs (a) and (b), it is irrelevant whether the person or, if the person is a child, a parent or guardian of the person intends to keep the cat or supply it to another person.

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- (3) For part 2A of the authorising local law, *cat breeder approval* means an approval granted in respect of the prescribed activity identified in schedule 2, item 2, column 2, paragraph (b).
- (4) 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.

8A What registration form must state — Authorising local law, s8C

- (1) For section 8C of the authorising local law, a registration form for the registration of a cat must—
 - (a) be in the prescribed form; and
 - (b) state all of the following information about the owner of the cat—
 - (i) name;
 - (ii) residential address;
 - (iii) contact telephone number;

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- (iv) email address, if any; and
- (c) state all of the following information about the cat—
 - (i) age;
 - (ii) breed;
 - (iii) colour;
 - (iv) sex;
 - (v) any other noticeable distinguishing features or marks;
 - (vi) address;
 - (vii) if it is desexed—that it is desexed.
- (2) In this section, the **address** for a cat is the address of the place where the cat is usually kept or proposed to be kept.

8B Local government must give registration notice — Authorising local law, s8E(3)

For section 8E(3) of the authorising local law, a registration notice must—

- (a) be given to the owner within 14 days after the cat is registered by the local government; and
- (b) state—
 - (i) the information, for the owner and the cat, required to be given under sections 8C and 8D(2) of the authorising local law; and
 - (ii) the period of the registration.

8C Local government must give renewal notice — Authorising local law, s8H(3)

For section 8H(3) of the authorising local law, a renewal notice must—

- (a) be given at least 14 days before the period of registration for the cat expires; and
- (b) state—
 - (i) the information, for the owner and the cat, stated in the register of cats maintained by the local government; and
 - (ii) the period of renewal of registration; and
 - (iii) that the owner must, within 7 days, give the local government notice of any change to the information.

9 Identification for dogs in certain circumstances—Authorising local law, s 9

For section 9 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008*.

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Part 2A Regulation of the supply of cats

9A Prescribed persons for cat supply exception — Authorising local law, s9C(a)

For section 9C(a) of the authorising local law, a person does not commit an offence against section 9B of the authorising local law if—

- (a) the person—
 - (i) supplies a cat to another person; and
 - (ii) is the operator of a pound or shelter which is recognised for this section by the local government; or
- (b) the person—
 - (i) supplies a cat to another person; and
 - (ii) when the cat was supplied—produced, in addition to the cat, a signed veterinary surgeon's certificate stating, or other evidence of, either of the following—
 - (A) that the cat had been desexed;
 - (B) that desexing was likely to be a serious risk to the cat's health;or
- (c) the person—
 - (i) supplies a cat to another person and the cat—
 - (A) is 6 months or older; and
 - (B) is not desexed; and
 - (ii) is the registered owner of the cat.

9B Persons prescribed for advertising cat supply exception — Authorising local law, s9F

For section 9F of the authorising local law, a person does not commit an offence against section 9D or 9E of the authorising local law if—

- (a) the person—
 - (i) advertises the cat for supply; and
 - (ii) is the operator of a pound or shelter which is recognised for this section by the local government; or
- (b) the person—
 - (i) advertises the cat for supply; and
 - (ii) when the cat was supplied—produced, in addition to the cat, a signed veterinary surgeon's certificate stating, or other evidence of, either of the following—
 - (A) that the cat has been desexed;
 - (B) that desexing was likely to be a serious risk to the cat's health; or

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- (c) the person—
 - (i) advertises the cat for supply and the cat—
 - (A) is 6 months or older; and
 - (B) is not desexed; and
 - (ii) is the registered owner of the cat.

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, no other species of animal is prescribed as an animal whose faeces must be removed from a public place and disposed of in a sanitary way.

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

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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 at 17 Albert Road, Callemondah, Queensland.

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; and
- (b) cats; and
- (c) other 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 the local government's 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.

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.

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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.

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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 in a designated town area.</p> <p>(b) more than 1 dog over the age of 3 months on premises which are multi-residential premises.</p> <p>(c) any of the following breeds, and a crossbreed of 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	More than 4 cats over the age of 3 months on an allotment in a designated town area.
3	Horse	<p>(a) a horse on an allotment with an area less than 4000 m².</p> <p>(b) more than 1 horse on an allotment with an area between 4000m² and 6000m².</p> <p>(c) more than 2 horses on an allotment with an area between 6001m² and 10000m².</p> <p>(d) more than 4 horses on an allotment with an area between 10001m² and 20000m².</p> <p>(e) more than 6 horses on an allotment with an area between 20001m² and 40000m².</p>
4	Donkey, cow, bull, camel, deer, sheep, goat, llama or pig	<p>(1) This item 4 applies to all of the following—</p> <p>(a) a donkey;</p> <p>(b) a cow;</p> <p>(c) a bull;</p> <p>(d) a camel;</p> <p>(e) a deer;</p> <p>(f) other domesticated animals of a similar size other than a horse;</p> <p>(g) a sheep;</p> <p>(h) a goat;</p> <p>(i) a llama;</p> <p>(j) other domesticated animals of a similar size;</p>

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		<p>(k) a pig.</p> <p>(2) An animal to which this item 4 applies on an allotment with an area less than 10000m².</p> <p>(3) More than 4 animals to which this item 4 applies on an allotment with an area between 10000m² and 20000m².</p> <p>(4) More than 6 animals to which this item 4 applies on an allotment with an area between 20001m² and 40000m².</p>
5	Poultry other than a rooster	<p>(1) More than 6 poultry on an allotment with an area less than 1500m².</p> <p>(2) More than 10 poultry on an allotment with an area less than 4000m².</p>
6	Rooster	A rooster in a designated town area.
7	Duck, goose, turkey or guinea fowl	<p>(1) This item 7 applies to all of the following—</p> <p>(a) a duck or drake;</p> <p>(b) a goose or gander;</p> <p>(c) a turkey hen or turkey cock;</p> <p>(d) a guinea fowl.</p> <p>(2) A bird to which this item 7 applies on an allotment with an area less than 1000m².</p>
8	Peacock, ostrich or emu	<p>(1) This item 8 applies to all of the following—</p> <p>(a) a peacock or peahen;</p> <p>(b) an ostrich;</p> <p>(c) an emu.</p> <p>(2) A bird to which this item 8 applies on an allotment with an area less than 4000m².</p>
9	Bees	<p>Bees, unless each of the owner of, and responsible person for, the bees is—</p> <p>(a) a registered beekeeper under the <i>Apiaries Act 1982</i>; or</p> <p>(b) the holder of a permit to keep bees under the <i>Apiaries Act 1982</i>.</p>
10	Racing pigeons	More than 20 racing pigeons on an allotment in a designated town area.

A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises if—

- the animal or animals were kept on the premises before the commencement of the authorising local law; and
- 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

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law of the local government that was repealed contemporaneously with the making of the authorising local law.

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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 ¹
1	Dog	3 or 4 dogs over the age of 3 months on an allotment in a designated town area unless the area of the allotment is 10,000m ² or more.
2	Cat	<p>(a) 3 or 4 cats over the age of 3 months on an allotment in a designated town area.</p> <p>(b) in addition to the approval requirement specified in paragraph (a), the circumstance where a person keeps 1 or more cats on premises and the person breeds 1 or more of the cats.</p>

¹ See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1.5 (Administration) 2011* 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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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	No species or breed of animal mentioned.		

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Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

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
 - (iii) a vermin free condition; and
 - (e) take all reasonable steps to prevent the animal from making a 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) if the animal is a dog— ensure that the keeping of the dog on the premises does not cause an animal noise nuisance; and
 - (h) if the animal is a dog and the dog is required to be registered by the person in the local government area of the local government—comply with section 46 of the Animal Management Act to register the dog in the local government area as required by section 44 of the Animal Management Act.
2. For the purposes of section 1(g), a dog causes an animal noise nuisance if, in the opinion of an authorised person, it makes a noise which —
 - (a) occurs more than once; and
 - (b) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.

Example for section 2(b) —

The barking of a dog which disrupts a person—

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- (a) holding a conversation; or
- (b) watching television; or
- (c) listening to a radio or recorded material; or
- (d) sleeping.

In order for a nuisance under this section 2 to occur, it is not necessary that the degree of interference from the barking is such as to be continuous, or to make it practicably impossible to—

- (a) hold a conversation; or
- (b) watch television; or
- (c) listen to a radio or recorded material at ordinary volumes; or
- (d) fall or stay asleep.

Any occurrence by which a person is woken from sleep, or by which a person is distracted or annoyed during the course of carrying out some other ordinary activity, in a way which would not occur in the absence of the dog barking, is a disruption to or an inhibition of an activity ordinarily carried out on residential premises. It is not necessary that the barking totally drowns out the sound of the conversation, television, radio or recorded material. It is sufficient if attention is merely diverted from this sound by the barking of the dog. It is not necessary that it be a repeated or ongoing interruption of sleep or that it be the total shattering of sleep.

3. The criteria an authorised person must consider when deciding whether an animal makes a noise which disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises include whether the local government has received 3 complaints of a contravention of section 1(g).

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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	Greyhound	<p>Each owner of, and responsible person for, a greyhound must—</p> <ul style="list-style-type: none"> (a) ensure that the greyhound is kept— <ul style="list-style-type: none"> (i) without nuisance; and (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; and (b) not bring into, or permit the greyhound to be in, a public place unless the greyhound is muzzled so as to prevent the greyhound from biting.
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat and other animals of a similar size other than a pig	<p>Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of—</p> <ul style="list-style-type: none"> (a) a residence on adjoining premises; or (b) 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 animal; or (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
3	Duck, goose, turkey, guinea fowl, poultry, rooster, peacock, ostrich and emu	<p>Each owner of, and responsible person for, a bird identified in column 1 item 3 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and

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		<ul style="list-style-type: none"> (ii) located at the rear of, and behind, any residence situated on the premises; and (e) the enclosure in which the bird is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> (i) a residence on adjoining premises; or (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 (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (f) the enclosure in which the bird is kept is not located less than 1 m from the side or rear boundaries of the premises.
4	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bees are kept without nuisance; and (b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of— <ul style="list-style-type: none"> (i) a residence on adjoining premises; or (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 bees; or (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and (d) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of practice.
5	Budgerigar, canary and other birds of a similar size, cockatiel and other birds of a similar size and cockatoo, galah and other	<p>Each owner of, and responsible person for, a bird specified in column 1, item 5 must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin

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	birds of a similar size	<p>proof container; and</p> <p>(d) the cage or aviary in which the bird is kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) kept free of vermin; 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.</p>
6	Pigeons	<p>Each owner of, and responsible person for, pigeons which are kept on premises must ensure that—</p> <p>(a) the pigeons are kept without nuisance; and</p> <p>(b) the pigeons contained within an enclosed cage or aviary; and</p> <p>(c) the pigeon's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the pigeons are kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) if a code of practice for the keeping of pigeons has been approved by the local government—the pigeons are kept in accordance with the requirements of the code of practice.</p>
7	Pig	<p>Each owner of, and responsible person for, a pig which is kept on premises must ensure that—</p> <p>(a) the pig is kept without nuisance; and</p> <p>(b) this pig is contained within an enclosure; and</p> <p>(c) the enclosure in which the pig is kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located not less than 3m from any boundary of the premises.</p>
8	Dogs, if the dogs are kept on premises at a kennel, or the dogs are kept for the purpose of breeding, and cats, if the cats are kept on premises at a cattery, or the cats are kept for the	<p>Each owner of, and responsible person for, an animal kept on premises in the circumstances specified in column 1, item 8 must ensure that—</p> <p>(a) the keeping of the animals on the premises—</p> <p>(i) does not detrimentally affect the amenity of neighbouring premises; and</p> <p>(ii) does not involve the storage in the open of goods, materials or activities associated with the</p>

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	purpose of breeding	<p>keeping of the animals; and</p> <p>(iii) does not attract fly breeding or vermin infestation; and</p> <p>(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</p> <p>(c) only rain water from uncontaminated areas may drain directly into the storm water system; and</p> <p>(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</p> <p>(e) the premises are kept free of vermin and conditions offering harbourage for vermin; and</p> <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>(i) in good working order and condition; and</p> <p>(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>(i) be clean and in a sanitary condition; and</p> <p>(ii) prevent the escape of any animal kept in the enclosure; and</p> <p>(iii) protect the safety of staff and the public; and</p>
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		<ul style="list-style-type: none">(iv) be in a state of good order and repair; and(v) avoid injury to any animal kept in the enclosure; and(vi) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and(vii) be impervious and able to be effectively cleaned and sanitised; and(viii) ensure the comfort of any animal kept in the enclosure and prevent the spread of disease; and(l) animal feed is stored in insect and vermin proof containers; and(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.
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Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	The areas of bathing reserve and foreshore shown hatched in black on a map which forms part of this schedule 6 and identified as— (i) Agnes Water – Dogs Prohibited Area; (ii) Barney Point – Dogs Prohibited Area; (iii) Tannum Sands – Dogs Prohibited Area, but excluding any formed road through an area hatched in black on a map	All species and breeds of animal prohibited including, for the avoidance of doubt, dogs
2	Barney Point Park, Prince Regent Esplanade, Barney Point, Gladstone described as Lot 400 on Plan CTN801110, Parish of Gladstone	All species and breeds of animal prohibited
3	Friend Park, 2 Friend Street, Barney Point, Gladstone described as Lot 77 on Plan G147	All species and breeds of animal prohibited
4	Anzac Park, 44 Tank Street, Gladstone described as Lot 1 on Plan G14221, Parish of Gladstone	All species and breeds of animal prohibited
5	Tom Jeffrey Park, Jeffrey Court, Agnes Water described as Lot 49 on Plan FD1010, Parish of Uxbridge	All species and breeds of animal other than dogs prohibited
6	Air Sea Rescue Park, Captain Cook Drive, Seventeen Seventy described as Lot 3 on SP160769, Parish of Eurimbula	All species and breeds of animal other than dogs prohibited
7	Endeavour Park, Captain Cook Drive, Seventeen Seventy described as Lot 3 on SP160769, Parish of Eurimbula	All species and breeds of animal other than dogs prohibited
8	The area, including bathing reserve and foreshore shown hatched in black on a map which forms part of	All species and breeds of animal prohibited including, for the avoidance of doubt, dogs

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	this schedule 6 and identified as Millennium Park – Dog Prohibited Area at Tannum Sands	
9	<p>Within 10m of—</p> <p>(a) any playground apparatus which is provided for the use of minors in a local government controlled area; or</p> <p>(b) a designated playground area in a local government controlled area; or</p> <p>(c) a barbecue or other cooking facility in a local government controlled area; or</p> <p>(d) equipment which is provided by the local government in a local government controlled area for use by the public for the purpose of physical exercise.</p>	Dogs
10	<p>Tondoon Botanical Gardens, including —</p> <p>(a) 672 Glenlyon Road, Glen Eden described as Lot 1 on RP614829; and</p> <p>(b) unnamed road described as Lot 1 on SP207327; and</p> <p>(c) Reserve No. 19244 described as Lot 49 on SP207327</p>	All species and breeds of animal prohibited including, for the avoidance of doubt, dogs
11	The areas of bathing reserve and foreshore shown hatched in black on a map which forms part of this schedule 6 and identified as Chinamans Beach – Dogs Prohibited Area	Dogs, but only during the turtle breeding season from November in a year to March in the following year

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Agnes Water - Dogs Prohibited Area



Map Created on:
Thursday, 19
August 2010
Map Created by:

Map Width is 975.9 in m
Map Scale: 1:5,221

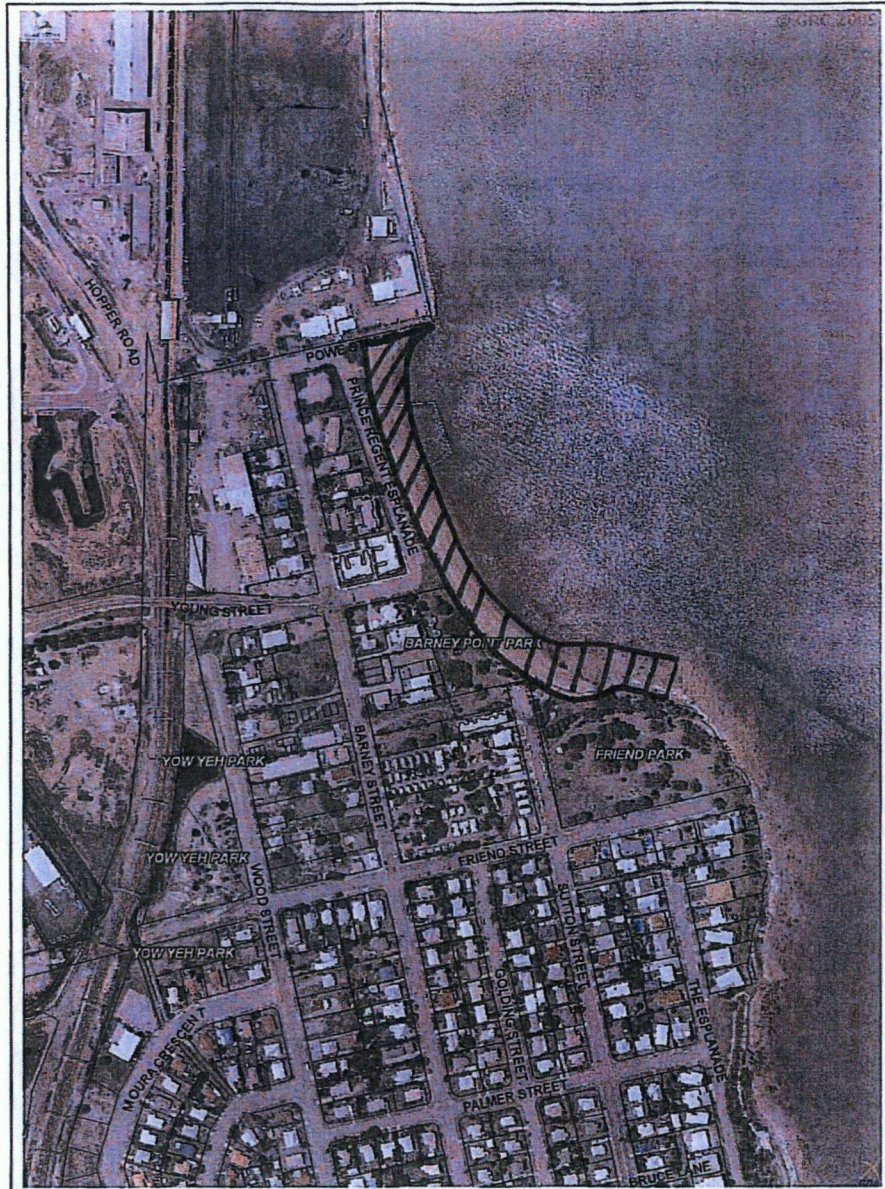


GLADSTONE
REGIONAL COUNCIL

Gladstone Regional Council
PO Box 29
Gladstone QLD 4680

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Barney Point - Dogs Prohibited Area



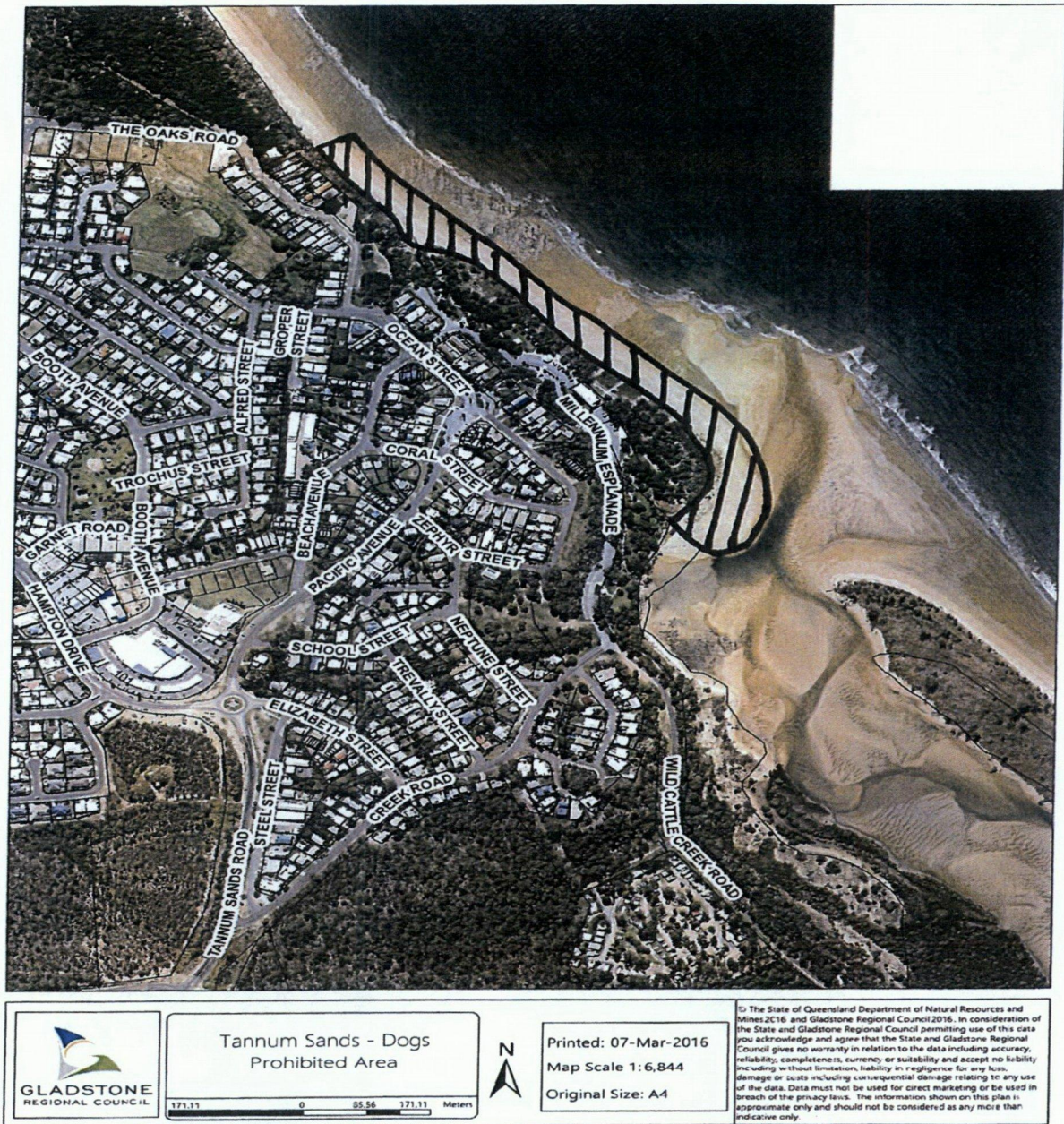
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Thursday, 15
August 2010
Map Created by:

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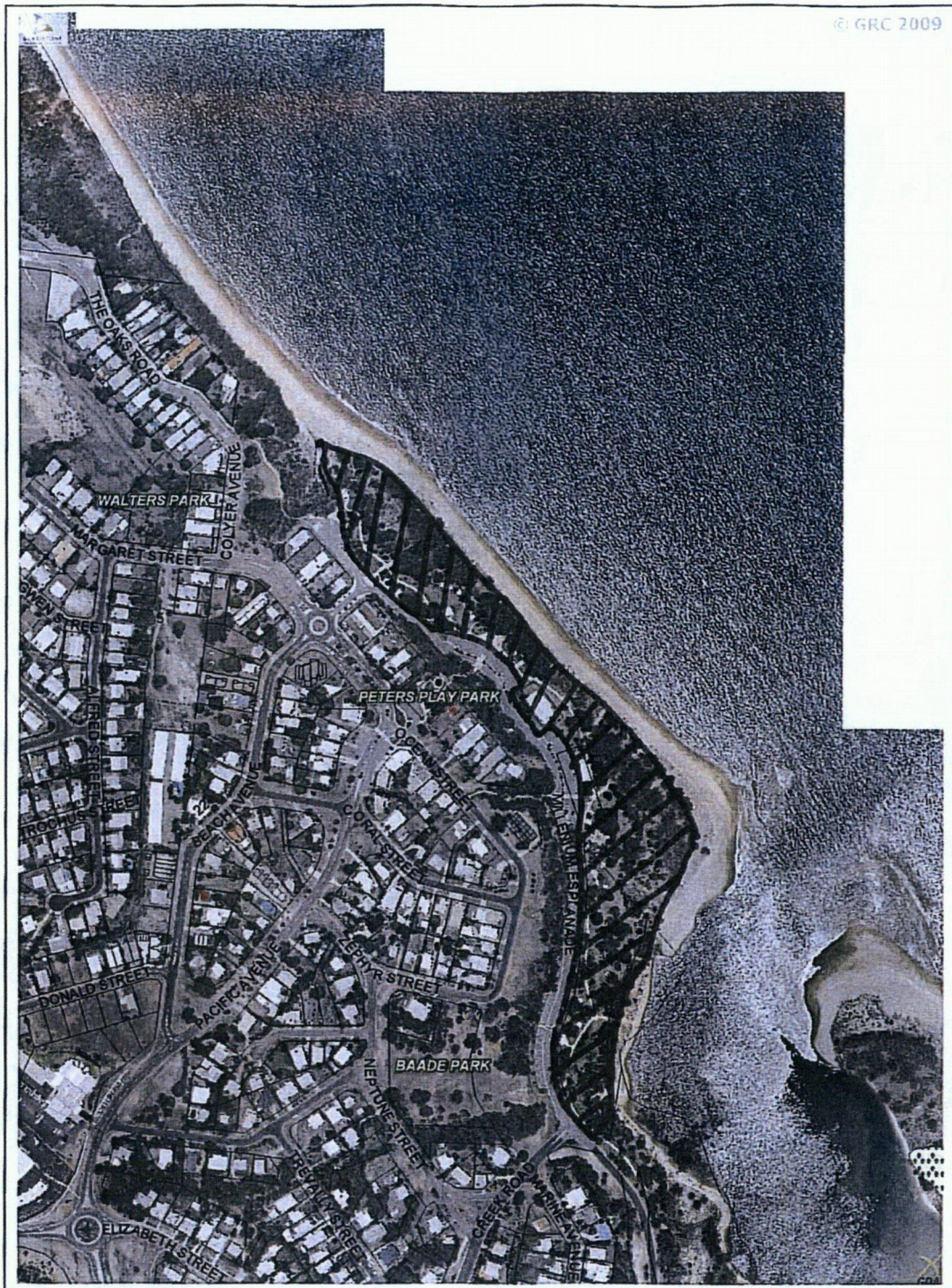


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Millenium Park - Dog Prohibited Area



Map Created on:
Friday, 20 August
2010
Map Created by:

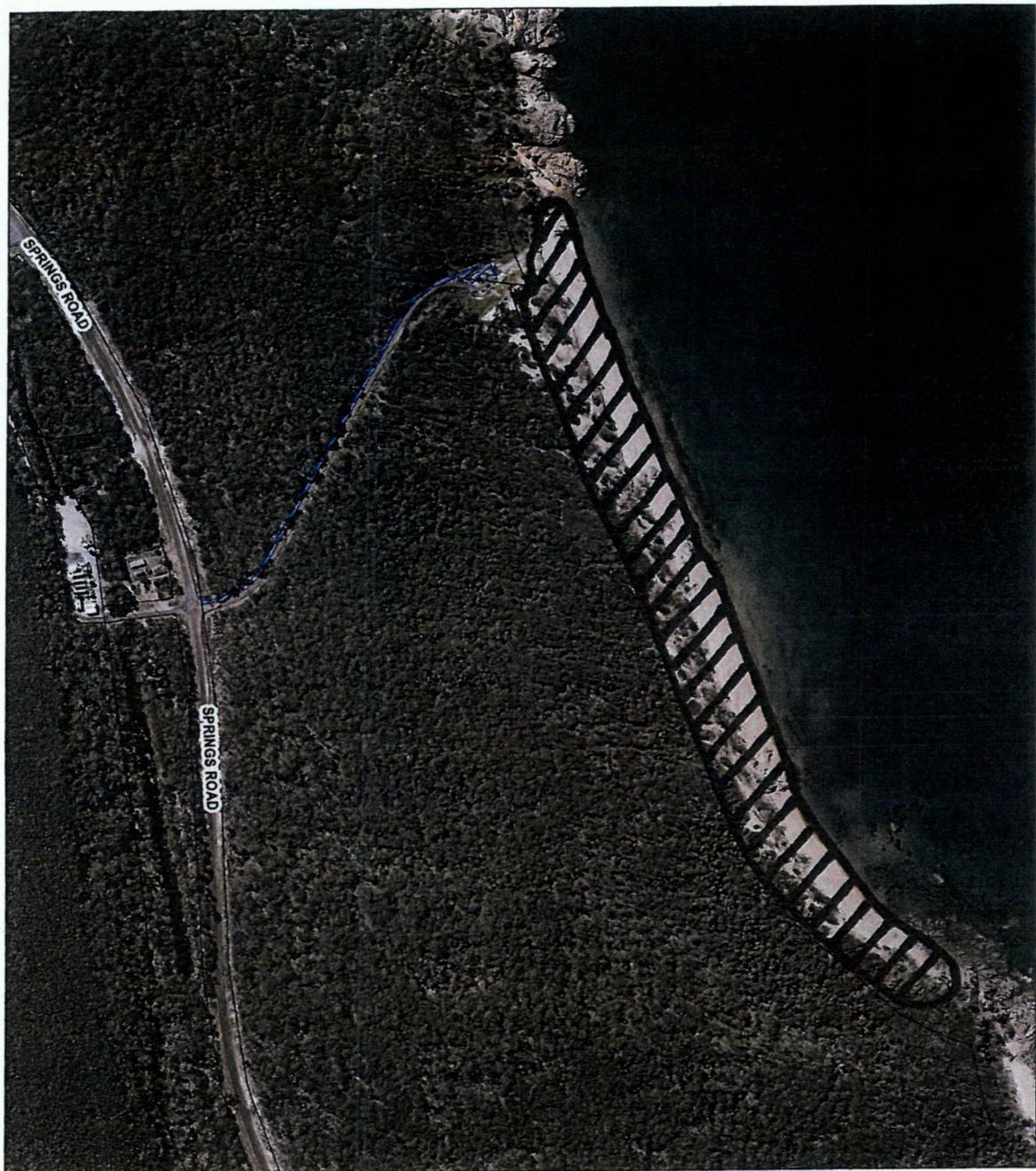
Map Width is 823.7 in m
Map Scale: 1:4,983



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Chinamans Beach - Dogs Prohibited Area

148.45 0 74.22 148.45 Meters



Printed: 30-Aug-2016

Map Scale 1:5,938

Original Size: A4

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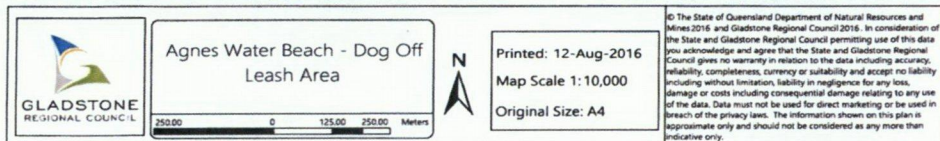
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Schedule 7 Dog off-leash areas

Section 11

1. Webb Park, Palm Drive, Gladstone described as Lot 381 on Plan CP897417.
2. William Miskin Park, 13 Morgan Street, Gladstone described as Lot 225 on Plan CTN1210, Parish of Gladstone.
3. Cashin Park, The Oaks Road, Tannum Sands described as Lot 99 on RP861411.
4. Canoe Point, Canoe Point Road, Tannum Sands described as Lot 41 on Plan CTN 1860, Parish of Iveragh.
5. Sandpiper Park, Parkside Street, Tannum Sands described as Lot 112 on Plan CTN1930.
6. Chapman Park, 3 Taragoola Road, Calliope described as Lot 157 on Plan C1662.
7. SES Grounds, Captain Cook Drive, Seventeen Seventy described as Lot 17 on SP178795.
8. The area of bathing reserve and foreshore shown on the map which forms part of this schedule 7 and is identified as 'Agnes Water Beach – Dog Off Leash Area', but only to the north of the 'Agnes Water Beach Marker – SS1 – Surf Club Avenue' beach access point.

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Schedule 8 Requirements for proper enclosures for animals

Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	<p>(1) A proper 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> <p>(a) appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) so as to effectively enclose the animal on the land on which it is kept at all times.</p> <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <p>(a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</p> <p>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</p> <p>(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</p> <p>(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</p> <p>(e) of which all gates are—</p> <p>(i) self-latching; and</p> <p>(ii) kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.</p>
2	Horse	<p>(1) A proper 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</p>

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		<p>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.

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Schedule 10 Koala areas²

Section 14(2)

No area designated.

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*.

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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.

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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	Dogs and cats	<p>(1) A person who offers an animal of a species specified in column 1 item 1 for sale must keep and maintain a written register detailing —</p> <p>(a) the particulars and description of each animal offered for sale including breed, name, date of birth, identifying tag and any other form of identification; and</p> <p>(b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and</p> <p>(c) if the animal is sold or otherwise disposed of — the name and address of the new owner of the animal and the date of sale or disposal of the animal.</p> <p>(2) If section 44 of the Animal Management Act applies to an animal which is offered for sale by the person — the person must comply with the requirements of the section before the sale of the animal by the person.</p> <p>(3) If section 44 of the Animal Management Act does not apply to the animal offered for sale by the person — the person must supply a register to the local government, at least monthly, giving full details of —</p> <p>(a) all animals sold or otherwise disposed of including the name and address of the new owner of the animal; and</p> <p>(b) a full description of each animal sold or otherwise disposed of; and</p> <p>(c) the date of sale or disposal of each animal.</p> <p>(4) A person must not offer an animal of a species specified in column 1 item 1 for sale unless the animal has received all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.</p>

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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*.

animal noise nuisance see section 8(1) and schedule 4.

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

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*.

breed, for schedule 2, item 2, has the meaning given in section 4(2).

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 —

- (a) has the meaning given in the planning scheme of the local government; but
- (b) includes—
 - (i) animal husbandry as defined in the planning scheme of the local government; and
 - (ii) animal keeping as defined in the standard planning scheme provisions.

childproof means, for an enclosure, that the exterior walls of the enclosure are designed to prevent a dog in the enclosure being able to bite a child outside the enclosure.

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.

designated town area means an area included in a zone in a planning scheme of the local government other than any of the following—

- (a) the rural zone in the planning scheme of Gladstone City Council;

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- (b) the rural zone in the planning scheme of Calliope Shire Council;
- (c) the rural zone in the planning scheme of Miriam Vale Shire Council.

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.

foreshore means foreshore placed under the control of the local government under section 25 of the *Local Government (Operations) Regulation 2010*.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

horse includes a pony and a miniature horse.

identifiable animal means an animal—

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

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 —

- (a) has the meaning given in the planning scheme of the local government; but
- (b) includes—
 - (i) animal husbandry as defined in the planning scheme of the local government; and
 - (ii) animal keeping as defined in the standard planning scheme provisions.

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 —

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- (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 —

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.

planning scheme has the meaning given in the *Sustainable Planning Act 2009*.

premises means any land, building or structure and includes any part thereof.

registered has the meaning given in the authorising local law.

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.

standard planning scheme provisions has the meaning given in the *Sustainable Planning Act 2009*.

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

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) 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; or

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(iii) guinea pigs.

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

This and the preceding 39 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Gladstone Regional Council by resolution dated the 7th day of June 2017.

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Chief Executive Office

SLL2 (Animal Management) 2011 - Consolidated 11.04.17.DOCX