

# 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) The dictionary in schedule 13 defines particular words used in this subordinate local law.

## Part 2 Keeping of animals

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

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

**6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)**

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

**7 Animals that must be desexed—Authorising local law, s 7**

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

**8 Minimum standards for keeping animals—Authorising local law, s 8(1)**

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

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

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

**Part 3 Control of animals****10 Public places where animals are prohibited—Authorising local law, s 10(1)**

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

**11 Dog off-leash areas—Authorising local law, s 11(1)**

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

**12 Animal faeces in public places—Authorising local law, s 13**

For section 13 of the authorising local law, 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**

**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; and
- (b) cats; and
- (c) other domestic animals; and
- (d) stock.

**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.

### 22 Prescribed period for reclaiming animals—Authorising local law, schedule

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is—

- (a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal—3 days.

## Schedule 1 Prohibition on keeping animals

### Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(a) More than 2 dogs over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the dogs on the premises—</p> <ul style="list-style-type: none"> <li>(i) a multiple dog approval; or</li> <li>(ii) a kennel approval; or</li> <li>(iii) a pet shop approval.</li> </ul> <p>(b) However, the prohibition in paragraph (a) does not apply to the keeping of a working dog on premises if the premises are rural land or are in the rural zone in the planning scheme of the local government.</p> <p>(c) Any of the following breeds, and a cross breed of any of the following breeds, anywhere in the local government area—</p> <ul style="list-style-type: none"> <li>(i) American pit bull terrier or pit bull terrier;</li> <li>(ii) dogo Argentino;</li> <li>(iii) fila Brasileiro;</li> <li>(iv) Japanese tosa;</li> <li>(v) Perro de Presa Canario or Presa Canario.</li> </ul>
2	Cat	<p>More than 2 cats over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the cats on the premises—</p> <ul style="list-style-type: none"> <li>(a) a multiple cat approval; or</li> <li>(b) a cattery approval; or</li> <li>(c) a pet shop approval.</li> </ul>
3	Horse or donkey (other than a racehorse or a stallion)	A horse or donkey (other than a racehorse or a stallion) on premises with an area less than 2,000m <sup>2</sup> .
4	Cow	A cow on premises with an area less than 2,000m <sup>2</sup> .
5	Bull	A bull on premises with an area less than 10,000m <sup>2</sup> .

6	Birds	(a) More than 20 birds of the same or different species on premises with an area less than 801m <sup>2</sup> . (b) More than 40 birds of the same or different species on premises with an area between 801m <sup>2</sup> and 2,500m <sup>2</sup> .
7	Pig (including a miniature pig)	A pig (including a miniature pig) on premises with an area less than 8,000m <sup>2</sup> .
8	Ostrich or emu	An ostrich or emu on premises with an area less than 4,000m <sup>2</sup> .
9	Racing pigeons	1 or more racing pigeons on premises with an area less than 800m <sup>2</sup> .
10	Bees (other than native bees)	A hive on premises with an area less than 800m <sup>2</sup> ; (see Code of Practice for Urban Bee Keeping in Queensland 1998).
11	Racing greyhound (including a whippet)	More than 2 racing greyhounds over the age of 12 weeks on premises with an area less than 800m <sup>2</sup> .
12	Racehorse	A racehorse on premises with an area less than 800m <sup>2</sup> .
13	Stallion	(a) A stallion on premises with an area less than 40,000m <sup>2</sup> . (b) More than 1 stallion on a premises with an area less than 60,000m <sup>2</sup> .
14	European rabbit	A European rabbit on premises in the local government area.

- (1) A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals (each an ***exempt animal***) on premises if—
- (a) the animal or animals were kept on the premises before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023*; and
  - (b) the keeping of the animal or animals on the premises immediately before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023* did not contravene any provision of the authorising local law.
- (2) For the avoidance of doubt, if an exempt animal dies or is permanently removed from the premises, subsection (1) does not exempt, from the prohibition prescribed in this schedule, the keeping of any animal which is a replacement for the exempt animal.

## Schedule 2 Requirement for approval to keep animal

### Section 6

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Circumstances in which keeping of animal or animals requires approval<sup>1</sup></b>
1	Dog	<p>(a) 3 or more dogs over the age of 12 weeks (other than a working dog or a racing greyhound) —</p> <p>(i) are kept on premises; and</p> <p>(ii) the keeping of the dogs on the premises satisfies the criteria for the grant of a multiple dog approval.</p> <p>(b) 1 or more dogs on non-residential premises.</p> <p>(c) A guard dog on any premises.</p> <p>(d) A dog kept on residential premises—</p> <p>(i) temporarily; but</p> <p>(ii) for longer than 1 month.</p> <p>(e) 1 or more dogs kept in circumstances which require the grant of a kennel approval.</p> <p>(f) 1 or more dogs kept in circumstances which require the grant of a pet shop approval.</p>
2	Cat	<p>(a) 3 or more cats over the age of 12 weeks —</p> <p>(i) are kept on premises; and</p> <p>(ii) the keeping of the cats on the premises satisfies the criteria for the grant of a multiple cat approval.</p> <p>(b) 1 or more cats kept in circumstances which require the grant of a cattery approval.</p> <p>(a) 1 or more cats kept in circumstances which require the grant of a pet shop approval.</p>
3	Horse or donkey (other than a racehorse or a stallion)	<p>(a) More than 1 animal to which this item 3 applies on premises with an area less than 20,000m<sup>2</sup>.</p>

<sup>1</sup> See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1.5 (Keeping of Animals) 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).

		(b) Subject to paragraph (a), if the density of the animals to which this item 3 applies kept on the premises is greater than 1 animal per 2,000m <sup>2</sup> .
4	Cow	More than 1 cow on premises, but excluding premises within an urban area, unless the density of the cows kept on the premises is less than 1 cow per 2,000m <sup>2</sup> .
5	Bull	More than 1 bull on premises with an area not less than 10,000m <sup>2</sup> .
6	Birds (other than nuisance birds)	<p>(a) More than 10, but not more than 20, birds of the same or different species on premises with an area less than 801m<sup>2</sup>.</p> <p>(b) More than 20, but not than 40, birds of the same or different species on premises with an area between 801m<sup>2</sup> and 2,500m<sup>2</sup>.</p>
7	Nuisance bird	1 or more nuisance birds on premises with an area less than 20,000m <sup>2</sup> .
8	Pig (including a miniature pig)	<p>(a) More than 1 pig on premises with an area less than 20,000m<sup>2</sup> unless—</p> <p>(i) the keeping of the pigs on the premises is authorised by a development approval; or</p> <p>(ii) the premises are situated on rural land and the responsible person for the pigs is a primary producer.</p> <p>(b) Subject to paragraph (a), unless the density of the pigs kept on the premises is less than 1 pig per 4,000m<sup>2</sup>.</p>
9	Sheep, goat, or camelid	<p>(a) More than 1 animal to which this item 9 applies on premises with an area less than 20,000m<sup>2</sup>.</p> <p>(b) Subject to paragraph (a), if the density of the animals to which this item 9 applies kept on the premises is greater than 1 animal per 2,000m<sup>2</sup>.</p>
10	Racing pigeons	1 or more racing pigeons on premises with an area of 800m <sup>2</sup> or more.
11	Bees (other than native bees)	<p>(a) More than 2 hives on premises with an area between 800m<sup>2</sup> and 1,000m<sup>2</sup>.</p> <p>(b) More than 5 hives on premises with an area between 1,001m<sup>2</sup> and 2,000m<sup>2</sup> (see Code of Practice for Urban Bee Keeping in Queensland 1998).</p>
12	Racing greyhound (including a whippet)	(a) 3, 4 or 5 dogs to which this item 12 applies over the age of 12 weeks on premises with an area less than 10,000m <sup>2</sup> .

		<p>(b) 6,7 or 8 dogs to which this item 12 applies over the age of 12 weeks on premises with an area between 10,000m<sup>2</sup> and 100,000m<sup>2</sup>.</p> <p>(c) More than 8 dogs to which this item 12 applies over the age of 12 weeks on premises with an area of more than 100,000m<sup>2</sup>.</p>
13	Racehorse	1 or more racehorses on premises in an urban area.
14	Stallion	More than 1 stallion on premises with an area not less than 60,000m <sup>2</sup> .

## Schedule 3 Requirement to desex animal

### Section 7

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Age at which animal must be desexed</b>	<b>Column 3 Exemptions to the requirement for desexing</b>
1	Dog (other than a menacing dog).	Refer to the exemption in column 3.	<p>The requirement for desexing of dogs does not apply if—</p> <p>(a) more than 2 dogs over the age of 12 weeks are kept on premises; and</p> <p>(b) the keeping of the dogs on the premises complies with the requirements of the authorising local law; and</p> <p>(c) the owner of the dogs is—</p> <p>(i) a recognised breeder; or</p> <p>(ii) a recognised animal carer; or</p> <p>(iii) a recognised show keeper.</p>
2	Menacing dog.	The requirement for desexing applies once the menacing dog reaches 12 weeks of age.	No menacing dog is exempt from the requirement to be desexed.
3	Cat.	Refer to exemption in column 3.	<p>The requirement for desexing of cats does not apply if—</p> <p>(a) more than 2 cats over the age of 12 weeks are kept on premises; and</p> <p>(b) the keeping of the cats on the premises complies with the requirements of the authorising local law; and</p> <p>(c) the owner of the cats is—</p> <p>(i) a recognised breeder; or</p>

			<p>(ii) a recognised animal carer; or</p> <p>(iii) a recognised show keeper.</p>
4	An animal of a species or breed, if the animal is declared to be a dangerous animal under the authorising local law, section 19.	<p>The animal must be desexed by whichever is the later of—</p> <p>(a) the age of 12 weeks; and</p> <p>(b) within 1 month after the animal is declared as a dangerous animal.</p>	<p>The requirement for desexing of the animal does not apply if—</p> <p>(a) desexing is likely to be a serious risk to the health of the animal; and</p> <p>(b) the owner of the animal delivers to the local government, a signed veterinary surgeon's certificate for the animal stating that desexing the animal is likely to be a serious risk to the health of the animal.</p>

## **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
  - (e) Ensure the animal kept on the premises does not persistently make a noise or disturbance that, in the opinion of an authorised person, causes a nuisance to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience to occupiers of 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 cat or a dog and the animal is required to be implanted with a PPID—ensure that the cat or dog is implanted with a PPID as required by section 14 of the Animal Management Act; 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; and
  - (i) if the animal is a dog and section 57 of the Animal Management Act applies to the person—comply with section 57(2) of the Animal Management Act to renew the registration for the dog.
- (2) A person who keeps a dog on premises must, if the dog is on heat, comply with the requirements for a proper enclosure for the dog mentioned in schedule 8, item 1, column 2.

## 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	Racing greyhound (including a whippet)	Each owner of, and responsible person for, a racing greyhound must— (a) ensure that the racing greyhound is kept— (i) without nuisance; and (ii) if a code of practice for the keeping of racing 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 racing greyhound to be in, a public place unless the racing greyhound is muzzled so as to prevent the racing greyhound from biting.
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, camel, pig and other animals of a similar size or type	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— (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	Budgerigar, canary cockatiel, galah and other birds of a similar size or type	Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that— (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 proof container; and (d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local

		<p>government—the bird is kept in accordance with the requirements of the code of practice; and</p> <p>(f) the enclosure in which the bird is kept is not located less than 2m from the side and rear boundaries of the premises.</p>
4	Racing pigeons	<p>Each owner of, and responsible person for, racing pigeons which are kept on premises must ensure that—</p> <p>(a) the racing pigeons are kept without nuisance; and</p> <p>(b) the racing pigeons are contained within an enclosed cage or aviary; and</p> <p>(c) the racing pigeon's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the racing 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 racing pigeons has been approved by the local government—the racing pigeons are kept in accordance with the requirements of the code of practice; and</p> <p>(f) the enclosure in which the racing pigeons are kept is not located less than 2m from the side and rear boundaries of the premises.</p>
5	Bees, including native bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <p>(a) the bees are kept without nuisance; and</p> <p>(b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(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</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(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</p>

		(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.
6	Duck, drake, peahen, a nuisance bird, ostrich, emu, guinea fowl and poultry	<p>Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that—</p> <p>(a) the bird is kept without nuisance; and</p> <p>(b) the bird is contained within an enclosure; and</p> <p>(c) the bird's food is stored in a properly sealed, vermin proof container; and</p> <p>(d) the enclosure in which the bird is kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) if the bird is a domestic chicken, duck, drake, goose or turkey and the bird is kept on premises with an area less than 2,000m<sup>2</sup>—located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) the enclosure in which the bird is kept is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(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</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(f) the enclosure in which the bird is kept is not located less than 2m from the side or rear boundaries of the premises.</p>

## Schedule 6      Prohibition of animals in public places

### Section 10

	<b>Column 1</b> <b>Public place</b>	<b>Column 2</b> <b>Species or breed of animals prohibited</b>
1	<p>Within 5m of—</p> <p>(a) any playground apparatus which is provided for the use of minors in a public place which is a local government controlled area; or</p> <p>(b) a designated playground area in a public place which is a local government controlled area; or</p> <p>(c) a barbecue or other cooking facility in a public place which is a local government controlled area; or</p> <p>(d) a public place which is a botanical garden or a zoo.</p>	Dogs

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

### **Section 11**

The areas shown in the local government's 'Dog Off-leash Area Register', available for public inspection, and are designated pursuant to this subordinate local law as areas where animals are permitted in 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	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> <ul style="list-style-type: none"> <li>(a) appropriate to the species and breed of the animal to be enclosed; and</li> <li>(b) so as to effectively enclose the animal on the land on which it is kept at all times; and</li> <li>(c) so as to effectively enclose the animal on the land so that the animal cannot reach over or through the fence to adjoining land or any public place.</li> </ul> <p>(3) Subsection (2)(c) does not apply to the fence of a proper enclosure on land if—</p> <ul style="list-style-type: none"> <li>(a) the fence abuts a road; and</li> <li>(b) the land is rural land; and</li> <li>(c) the animal is kept by a primary producer on the land for primary production purposes.</li> </ul> <p>(4) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> <li>(a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</li> <li>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</li> <li>(c) where the animal has the ability to dig — which includes a barrier installed directly below the fence to prevent the animal digging its way out; and</li> <li>(d) where the animal has the ability to climb — designed and constructed in such a way as to prevent the animal from climbing over the fence; and</li> <li>(e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.</li> </ul>

		<p>(5) For the purposes of this item 1, and the requirements for a proper enclosure for a dog (other than a dog which is the subject of a regulated dog declaration under the <i>Animal Management (Cats and Dogs) Act 2008</i>, section 89), <b>suitably fenced</b> includes an electric dog fence, but only if the electric dog fence—</p> <ul style="list-style-type: none"> <li>(a) prevents the dog from escaping over, under or through, the electric dog fence; and</li> <li>(b) prevents the dog digging its way out of, or through, the electric dog fence; and</li> <li>(c) effectively encloses the dog on the land on which it is kept at all times; and</li> <li>(d) if a member of the public seeking access to the front entrance of a residence on the land is required to cross an area of the land (the <b>frontage</b>)—is situated so that the dog is prevented from accessing the frontage.</li> </ul>
2	Horse	<p>(1) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 —</p> <ul style="list-style-type: none"> <li>(a) effectively enclose the horse so that the horse can not reach over or through the fence to adjoining land or any public place; and</li> <li>(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.</li> </ul>

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

Section 14(1)

No requirements prescribed.

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

Section 14(2)

No area designated.

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

## **Schedule 11      Criteria for declared dangerous animals**

### **Section 15**

There is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

- (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
- (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.

## Schedule 12 Conditions for sale of animals

### Section 19

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Conditions that must be complied with when offering animal for sale</b>
1	A dog or a cat	<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> <ul style="list-style-type: none"> <li>(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</li> <li>(b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and</li> <li>(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.</li> </ul> <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> <ul style="list-style-type: none"> <li>(a) all animals sold or otherwise disposed of including the name and address of the new owner of the animal; and</li> <li>(b) a full description of each animal sold or otherwise disposed of; and</li> <li>(c) the date of sale or disposal of each animal.</li> </ul> <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>

## Schedule 13 Dictionary

### Section 4

**Animal Management Act** see *Animal Management (Cats and Dogs) Act 2008*.

**animal welfare agency** means—

- (a) the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated; and
- (b) the Animal Welfare League of Queensland Incorporated.

**bees** means a stinging winged insect which collects nectar and pollen, produces wax and honey, and lives in large communities, excluding native bees.

**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) means premises used for boarding, breeding or training cats; but
- (b) does not include the keeping of cats as domestic pets.

**cattery approval** means an approval required to operate a cattery on premises.

**decommissioned greyhound** has the meaning given in the Animal Management Act.

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

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

**Example**—

A designated playground area may be an area which is—

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

**destroy**, an animal, includes causing it to be destroyed.

**dog**—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a puppy regardless of age.

**domestic purposes** means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

**environmental harm** has the meaning given in the *Environmental Protection Act 1994*.

**environmental nuisance** has the meaning given in the *Environmental Protection Act 1994*.

**exempt animal** see schedule 1.

**fence**—

- (a) means a barrier enclosing an area, consisting of, for example, posts connected by wire or wood; but
- (b) if the animal to be enclosed in an area by a fence is a dog—does not include an electric fence, for example, a fence through which an electric current can be passed, giving an electric shock to any person or animal touching the fence.

**guard dog**—

- (a) means a dog which is released by a person on residential premises or non-residential premises in the area of the local government without a handler for the primary purpose of acting as a deterrent to intruders; and
- (b) includes a dog which has been released by a person on residential premises or non-residential premises in the area of the local government without a handler in circumstances where the dog has been trained to attack for the purpose of guarding either persons or property; and
- (c) in the absence of evidence in rebuttal thereof, if a person releases a dog on non-residential premises in the area of the local government without a handler, the person is presumed to have released the dog for the primary purpose of acting as a deterrent to intruders; but
- (d) does not include a police dog or a regulated dog.

**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) means premises used for boarding, breeding or training dogs; but
- (b) does not include the keeping of dogs as domestic pets.

**kennel approval** means an approval required to operate a kennel on premises.

**land** has the meaning given in the *Planning Act 2016*.

**multiple cat approval**, for the keeping of cats on premises, means an approval to keep 3 or more cats over the age of 12 weeks on the premises.

**multiple dog approval**, for the keeping of dogs on premises, means an approval to keep 3 or more dogs over the age of 12 weeks (other than a working dog or a racing greyhound) on the premises.

**multi-residential premises** means each of—

- (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.

**native bees** means the two genera, *Tetragonula* and *Ausroplebeia*.

**non-residential premises** means premises other than residential premises.

**nuisance bird** means—

- (a) a rooster, goose, cockatoo, galah or peacock; and
- (b) another bird kept on premises which makes an audible noise which causes environmental harm or environmental nuisance to an occupier of other premises.

**occupier**, of premises—

- (a) means the person who has the control or management of the premises; and
- (b) includes the owner of the premises where there is no person in apparent occupation of the premises.

**pet shop** means a shop or a stall at a market at which animals are offered for sale.

**pet shop approval** means an approval required to operate a pet shop on premises.

**PPID** has the meaning given in the Animal Management Act.

**premises** means—

- (a) a building or other structure; or
- (b) land, whether or not a building or other structure is on the land.

**primary producer** has the meaning given in the Animal Management Act.

**racehorse** means a horse bred and trained for racing.

**racing greyhound** —

- (a) means a greyhound registered with the Queensland Racing Integrity Commission under the rules for racing, as enforced from time to time, of a control body for a code of racing, as required under the *Racing Act 2002*, or registered with a control body of another State responsible pursuant to the law of that State for the registration of racing greyhounds; and

- (b) for the avoidance of doubt, does not include a decommissioned greyhound; but
- (c) includes a whippet.

***rac*ing pigeon** means a class of pigeon which is—

- (a) primarily kept for the purpose of racing or breeding for racing; and
- (b) kept by a person who is a registered member of the Queensland Racing Pigeon Federation Incorporated; and
- (c) kept in accordance with the terms of membership of the Queensland Racing Pigeon Federation Incorporated.

***recognised animal carer*** means a person who holds a document or registration issued by an animal welfare agency in which the animal welfare agency approves the holder of the document or registration keeping 1 or more animals primarily to protect or preserve the health or welfare of the animal.

***recognised breeder***, of cats, means a person who—

- (a) breeds cats; and
- (b) is registered as a breeder of cats with—
  - (i) the Queensland Feline Association Inc; or
  - (ii) another association recognised by the local government for the purposes of this definition.

***recognised breeder***, of dogs, means a person who—

- (a) breeds dogs; and
- (b) is an accredited breeder as defined under the Animal Management (Cats and Dogs) Act 2008; or
- (c) an association recognised by the local government for the purposes of this definition.

***recognised show keeper***, for an animal, means a person who—

- (a) if the animal is a cat—
  - (i) keeps the cat for show purposes; and
  - (ii) has registered the cat with—
    - (A) the Queensland Feline Association Inc; or
    - (B) another association recognised by the local government for the purposes of this definition; or
- (b) if the animal is a dog—
  - (iii) keeps the dog for show purposes; and
  - (iv) has registered the dog with—
    - (A) the Canine Control Council (Queensland); or
    - (B) another association recognised by the local government for the purposes of this definition.

***registered*** has the meaning given in the Animal Management Act.

**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.

**rural land** has the meaning given in the Animal Management Act.

**sale** includes—

- (a) to sell; and
- (b) offer, or expose for sale; and
- (c) agree or attempt to sell; and
- (d) dispose of for negligible or no consideration; and
- (e) barter.

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

**stock** has the meaning given in the Animal Management Act.

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

**urban area**—

- (a) means an area that is used for urban purposes; and
- (b) includes an area that is used for residential (other than rural residential), retail, commercial, industrial, community or government related purposes.

**working dog** has the meaning given in the Animal Management Act.

This and the preceding 29 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 Rockhampton Regional Council by resolution dated the 11<sup>th</sup> day of December 2023.



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Acting Chief Executive Officer