



**Cassowary Coast Regional Council
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; and
 - (c) the control of animals in public places; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2011* (the **Authorising local law**).

4 Definitions

- (1) The dictionary in Schedule 1 defines particular words used in this subordinate local law.
- (2) Any words defined in the local law have, for the purposes of this subordinate local law, the meaning given to them in the 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 2 is prohibited in the circumstances described in column 2 of schedule 2.

(a) Schedule 2 - Prohibition on keeping animals - does not apply to —

- (i) guide, hearing or assistance dogs, or
- (ii) government entity dogs, and working dogs; or
- (iii) animals maintained for the purpose of primary production; or
- (iv) an animal carer; or
- (v) a pet shop owner; or
- (vi) a recognised animal breeder; or
- (vii) educational and aged care institutions; or
- (viii) a special event where an animal may be kept at a location other than its place of residence for an extended period of time.

Examples for (vii) –

- *schools*
- *T.A.F.E. colleges*

Example for (viii) –

- a. Rodeo*
- b. Dog or cat show*
- c. Agricultural show*

(b) For schedule 2, an animal that is not weaned is not included in the total number of animals on an allotment.

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 3 requires approval in the circumstances described in column 2 of schedule 3.

7. 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.

Part 3 Control of animals

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

For section 10 (1) of the Authorising local law the areas shown in the local government's Animals in Prohibited Public Places Register, which is available for public inspection, are designated pursuant to this subordinate local law as areas where animals are not permitted in public places.

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

For section 11 (1) of the Authorising local law the areas shown in the local government's Dog Off-Leash Area Register, which is available for public inspection, are designated pursuant to this subordinate local law as areas where a dog is not required to be on a leash in public.

10. Animal faeces in public places—Authorising local law, s 13

For section 13 of the Authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—

- (a) dogs;
- (b) cats;
- (c) horses;
- (d) cattle;
- (e) goats
- (f) donkeys;
- (g) camels;
- (h) sheep; and
- (i) any other animal faeces that an authorised person directs to have removed.

11. Requirements for proper enclosures for keeping animals—Authorising local law, s 14(1)

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.

12. Criteria for declared dangerous animals—Authorising local law, s 18(1)

For section 18 (1) of the Authorising local law, the criteria an authorised person must consider in declaring an animal other than a dog as a declared dangerous animal are set out on Schedule 9.

Part 4 Seizure, impounding or destruction of animals

**13. 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 —

- (a) dogs;
- (b) cats;
- (c) horses;
- (d) cattle;
- (e) poultry;
- (f) birds;
- (g) goats;
- (h) pigs; and
- (i) sheep.

14. 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 offices.

Part 5 Miscellaneous

15. 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 10 must comply with the conditions set out in column 2 of schedule 10.

16. 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 types 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) a security dog owned by the Queensland Police Service or an employee, contractor or agent of the Queensland Police Service, under the control of a competent handler and used in the course of official police business.

17. 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, the following are declared dangerous animals—

- (a) an animal that —
 - (i) has attacked a person or an animal; or
 - (ii) has caused a person to believe that the person or an animal will be attacked or worried; or
 - (iii) is likely, in the opinion of an authorised person, to cause a person to believe that the person or an animal will be attacked or worried; or
 - (iv) has been trained to attack for the purpose of guarding either persons or property; or
 - (v) has been declared a dangerous dog by another local government; or
 - (vi) the animal has been declared dangerous by another local government.

18. 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 registered with the local government, 5 days; or
- (b) if the animal is not registered with the local government, 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 - Dictionary

noisy bird means a bird that is noisy in the opinion of an authorised person and includes a cacophonous bird of the galah, cockatoo, magpie, peacock or currawong variety but does not include a rooster.

special birds - includes emus and ostriches.

birds means all birds other than noisy birds, ratites, poultry and roosters.

Poultry - includes any species of chickens (including bantam chickens), gees, ducks, guinea fowls, turkeys, pheasants or quails and excludes roosters.

Recreation Precinct - All land within the:

- Innisfail Zone - Recreational Precinct, Innisfail Zone - Recreational/Flood Detention Basin Precinct, Village Zone - Recreational Precinct and Mission Beach Zone - Recreational Precinct in the Johnstone Shire Planning Scheme 2005.
- Tully Township Zone - Recreation Precinct and Cardwell Township Zone - Recreation Precinct in the Cardwell Shire Planning Scheme 2007.

Community Precinct - All land within the:

- Tully Township Zone - Service Precinct and Cardwell Township Zone - Service Precinct in the Cardwell Shire Planning Scheme 2007.

Conservation Precinct - All land within the:

- Conservation Zone in the Johnstone Shire Planning Scheme 2005.
- Tully Township Zone - Conservation Precinct, Tully Heads and Hull Heads Zone - Conservation Precinct, Mission Beach Coastal Zone - Conservation Precinct and Cardwell Township Zone - Conservation Precinct in the Cardwell Shire Planning Scheme 2005.

Business Precinct - All land within the:

- Innisfail Zone - Central Business Precinct, Innisfail Zone - Business Frame Precinct, Village Zone - Local Business Precinct and Mission Beach Zone - Local Business Precinct in the Johnstone Shire Planning Scheme 2005.
- Tully Township Zone - Tully Local Business Precinct, Tully Township Zone - Tully Business Fringe Precinct, Tully Heads and Hull Heads Zone - Commercial Village Precinct, Mission Beach Coastal Zone - Mission Beach Local Business Precinct and Cardwell Township Zone - Cardwell Local Business Precinct in the Cardwell Shire Planning Scheme 2007.

Residential Precinct - All land within the:

- Innisfail Zone - Residential Precinct, Innisfail Zone - Residential Medium Density Precinct, Village Zone - Residential Precinct, Mission Beach Zone - Marine Parade Precinct, Mission Beach Zone - Residential Precinct, Mission Beach Zone - Tourist (2 Storeys) Residential Precinct, Mission Beach Zone - Tourist (3 Storeys) Residential Precinct and Mission Beach Zone - Village Precinct in the Johnstone Shire Planning Scheme 2005.
- Tully Township Zone - Residential Precinct, Tully Township Zone - Urban Expansion Precinct, Tully Heads and Hull Heads Zone - Residential Precinct, Mission Beach Coastal Zone - Conventional Housing Precinct, Mission Beach Coastal Zone - Medium Density Residential Precinct, Cardwell Township Zone - Residential Precinct , Cardwell Township Zone - Urban Expansion Precinct and the Port Hinchinbrook Zone in the Cardwell Shire Planning Scheme 2007.

Rural Precinct - All land within the:

- Rural Zone - Rural Precinct, Rural Zone - Rural Conservation Precinct and Rural Residential Zone in the Johnstone Shire Planning Scheme 2005.
- Rural Zone, Residential Rural Zone, Tully Heads and Hull Heads Zone - Low Density Residential Precinct and Mission Beach Coastal Zone - Low Density Residential Precinct in the Cardwell Shire Planning Scheme 2007.

Schedule 2 - Prohibition on keeping animals

Section 5

	Column One Species or breed or animals	Column Two Circumstances in which keeping of an animal or animals is prohibited
1	<i>Dogs</i>	On any allotments situated in a Recreation Precinct On any allotment situated in a Community Precinct. More than one (1) dog on any allotment located in a Conservation Precinct.
2	<i>Cats</i>	On any allotment located in a Conservation Precinct.
3	<i>Poultry</i>	On any allotment less than 450 m ²
4	<i>Roosters</i>	On any allotment less than 10,000 m ²
5	<i>Noisy Birds</i>	On an allotment less than 800m ² . More than one (1) noisy bird on an allotment 800m ² to 10,000m ² .
6	<i>Special Birds</i>	On any allotment less than 20,000m ² .
7	<i>Goats & Sheep</i>	On any allotment less than 2,000m ² . More than two (2) goats on an allotment 2,000m ² to 4,000m ² . More than four (4) goats on an allotment 4000m ² to 10,000m ² .
8	<i>Pigs</i>	On any allotment less than 10,000m ² On any allotment located in a Conservation Precinct.
9	<i>Rams</i>	On any allotment less than 10,000m ² .
10	<i>Bulls, Horses, Donkeys, cows, / and other animals of similar size.</i>	On any allotment with an area less than 4,000m ² .
11	<i>Stallion</i>	On any allotment with an area less than 10,000m ² .

Schedule 3 - Requirement for approval to keep animal

Schedule 3 is to be read in conjunction with Schedule 2 of this subordinate local law.

Section 6

Column One Species or breed or animals	Column Three Circumstances in which keeping of an animal or animals requires approval
Dog	More than one (1) dog on an allotment less than 450m ² . More than two (2) dogs on any allotment above 450m ² to 30 hectares. More than five (5) dogs on any allotment above 30 hectares.
Cat	More than 2 cats on any allotment.
Poultry	More than six (6) poultry on any allotment 450 m ² to 800 m ² More than nine (9) poultry on an allotment 800 m ² to 2,000 m ² More than twelve (12) poultry on an allotment 2,000m ² to 10,000 m ² .
Birds	More than 10 birds on an allotment less than 800 m ² More than 30 birds on an allotment less than 4,000 m ²
Noisy bird	More than one (1) noisy bird on an allotment 800m ² to 10,000m ² .
Stallions	One or more on any allotment above 10,000 m ² .
Pig	More than four (4) pigs on an allotment more than 10,000m ² .
Bulls, Horses, donkeys, cows, and other animals of similar size.	More than one (1) on an allotment 4,000m ² to 10,000m ² .
Sheep	More than four (4) sheep on an allotment 2000m ² to 10,000m ²
Goats	More than two (2) goats on allotments 2,000m ² to 4,000m ² .
Breeding of any animal	Cat - On any allotment Dog - On any allotment Horses - On any allotment less than 10,000m ² Cattle - On any allotment less than 10,000m ² . Birds - On any allotment less than 2,000m ² . Poultry - On any allotment less than 2,000m ² . Sheep - On any allotment less than 10,000m ² .

	Goats - On any allotment less than 10,000m ² .
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Schedule 4 - Minimum standards for keeping animals generally

Section 8(1)

1. All animals —

- (a) any land, enclosure or building in which an animal is kept must be maintained so as not to cause a public health risk as defined by the *Public Health Act 2005*; and
- (b) any land adjoining a road and on which an animal is kept must be adequately fenced to the satisfaction of an authorised person so as to prevent animals escaping from the land onto the road; and
- (c) an enclosure in which an animal is kept must be maintained to the satisfaction of an authorised person in a clean and sanitary condition, in good repair and appearance, and free from flies, rats, other vermin and nuisance odours; and
- (d) an enclosure in which an animal is kept must be built and maintained to the satisfaction of an authorised person in such a way as to prevent the animal from escaping; and
- (f) the keeper of the animal must thoroughly clean the enclosure every day of faeces, uneaten food and any offensive matter produced by the animals kept on the premises. Such faeces, uneaten food and other offensive matter must be stored in a water-proof receptacle that prevents access to flies and vermin and does not allow the emission of nuisance odours; and
- (g) all receptacles, used for the storage of faeces, uneaten food and any offensive matter produced by any animals, are to be covered at all times and their contents must be removed at least weekly or more often if directed by an authorised person and then disposed of in such a manner so as not to be a nuisance or injurious or prejudicial to health; and
- (h) the keeper of an animal must provide and maintain impervious rat-proof receptacles and other impervious rat-proof storeroom facilities for the storage of feed to the satisfaction of the authorised person; and
- (i) the keeper of an animal must provide the animal with and ensure the animal has access to adequate shelter from sun, wind and rain to the satisfaction of an authorised person; and
- (j) the keeper of an animal must provide the animal with, in the opinion of an authorised person, an appropriate quantity and quality of food and an appropriate quantity of clean drinking water to maintain an animal in good health; and
- (k) an enclosure in which an animal is kept must be effectively treated with insecticide at least twice a year to the satisfaction of an authorised person.

2. Nuisance

- (a) An animal must be kept so that it does not in the opinion of an authorised person cause a nuisance or is injurious or prejudicial to health, including a nuisance from a dog or any animal that creates a noise which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or social well-being of a reasonable person.

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
Horse, cattle, donkey, sheep, goat and other animals of a similar size	<p>(1) If a stable is constructed—</p> <ul style="list-style-type: none"> (a) a covered receptacle for manure or other offensive matter must be kept in the stable; and (b) the inside face of all external walls and all faces of interior walls of a stable must be lime washed or painted at least once in every year; and (c) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and (d) any part of a stable (except a stable used exclusively for milk cows) must not be within a distance of 130 metres of a dairy produce premises or milking shed; and (e) the stable must be constructed in accordance with provisions of the <i>Building Act 1975</i> and any applicable codes as defined by that Act; and. (f) any part of a stable must not be situated— <ul style="list-style-type: none"> (i) 10m from an adjoining boundary; and (ii) 15m from any dwelling; and (iii) 15m from any structure which food for human consumption is processed or stored; and (iv) 6m from a roadway. <p>(2) The keeper must not deposit manure in any way that may pollute or be likely to pollute water which is used or is likely to be used for human consumption or for dairy purposes.</p>
Poultry	<p>(1) Fowl houses, fowl pens and runs are not to be situated—</p> <ul style="list-style-type: none"> (a) within 10m of a dwelling or place where food is kept processed or stored; and (b) within 5m on any property boundary or a road. <p>(2) Poultry food must be stored in a vermin proof</p>

	receptacle.
Pig	<p>(1) the interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray.</p> <p>(2) any part of a sty or other enclosure in which a pig is kept must not be situated—</p> <ul style="list-style-type: none"> (i) 10m from an adjoining boundary; and (ii) 15m from any dwelling; and (iii) 15m from any structure which food for human consumption is stored; and (iv) 6m from a roadway; and (v) 20m from any watercourse, well or bore

Schedule 6 - Prohibition of animals in public places

Section 10

Not applicable.

Schedule 7 - Dog off-leash areas

Section 11

Refer to Local Government's Dog Off-Leash Areas register

Schedule 8 - Requirements for proper enclosures for animals

Section 14

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	All Animals	<p>(a) the keeper of an animal must maintain in the opinion of an authorised person at all times a proper enclosure to keep the animal on the subject land and prevent the animal from wandering or escaping from the land; and</p> <p>(b) the keeper of an animal construct and maintain in the opinion of an authorised person, a fence of a suitable height and construction method and materials to prevent an animal from escaping over, through or under the fence.</p>

Schedule 9 - Criteria for declared dangerous animals

Section 18

The following criteria are the criteria an authorised person must consider in declaring an animal other than a dog as a declared dangerous animal—

- (a) whether the animal has attacked a person or an animal;
- (b) whether in the opinion of an authorised person the animal is likely to attack or worry a person or an animal;
- (c) whether the animal has been trained or is used to attack for the purpose of guarding either persons or property; and
- (d) whether the animal has been declared as a declared dangerous animal by another local government.

Schedule 10 - Conditions for sale of animals

Section 42

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	All animals	<p>(a) A person may only offer an animal for sale if the animal is—</p> <ul style="list-style-type: none"> (i) in good health and free from disease; and (ii) vaccinated and have received worm treatment; and (iii) held in an area that is clean and sanitary and free of vermin harbourage to the satisfaction of an authorised person; and (iv) not held for sale on a road or land under the control of local government; and (v) restrained by enclosures, fences or be tendered so as to effectively prevent the animal from straying off the premises; and (vi) not kept in display cases or in a confined area overnight, except for an enclosure approved by an authorised person.
2	Dog or Cat	<p>(a) A person selling a dog or cat must—</p> <ul style="list-style-type: none"> (i) be a breeder licensed under any relevant state legislation applying to the breeding of dogs or cats; or (ii) be a breeder licensed with a relevant breeding association; or (iii) have an approval to breed pursuant to section 6 (Schedule 3) - requirement for approval to keep animals.

CERTIFICATION

This and the preceding 23 pages bearing my initials is a certified copy of *Subordinate Local Law No.2 (Animal Management) 2011* made in accordance with the provisions of the *Local Government Act 2009*, by Cassowary Coast Regional Council by resolution dated 24 November 2011.

Terry Brennan
Chief Executive Officer
Cassowary Coast Regional Council