

Richmond Shire Council

Subordinate Local Law No. 2 – (Animal Management) 2012

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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) 2012*.

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) 2012*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
 - (c) the control of animals in public places; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 – (Animal Management) 2012* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Keeping of animals

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

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

the area defined in Part 6 s 23 as the Central Business Area.

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, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—

Nothing to prescribe

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,
- (b) cats,
- (c) birds,
- (d) horses.

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, the following species of animal are excluded from the application of the authorising local law—

- (a) fish
- (b) insects
- (c) reptiles
- (d) rodents including guinea pigs, mice and the like

21 Species that are declared dangerous animals—Authorising local law, schedule

Nothing to prescribe

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

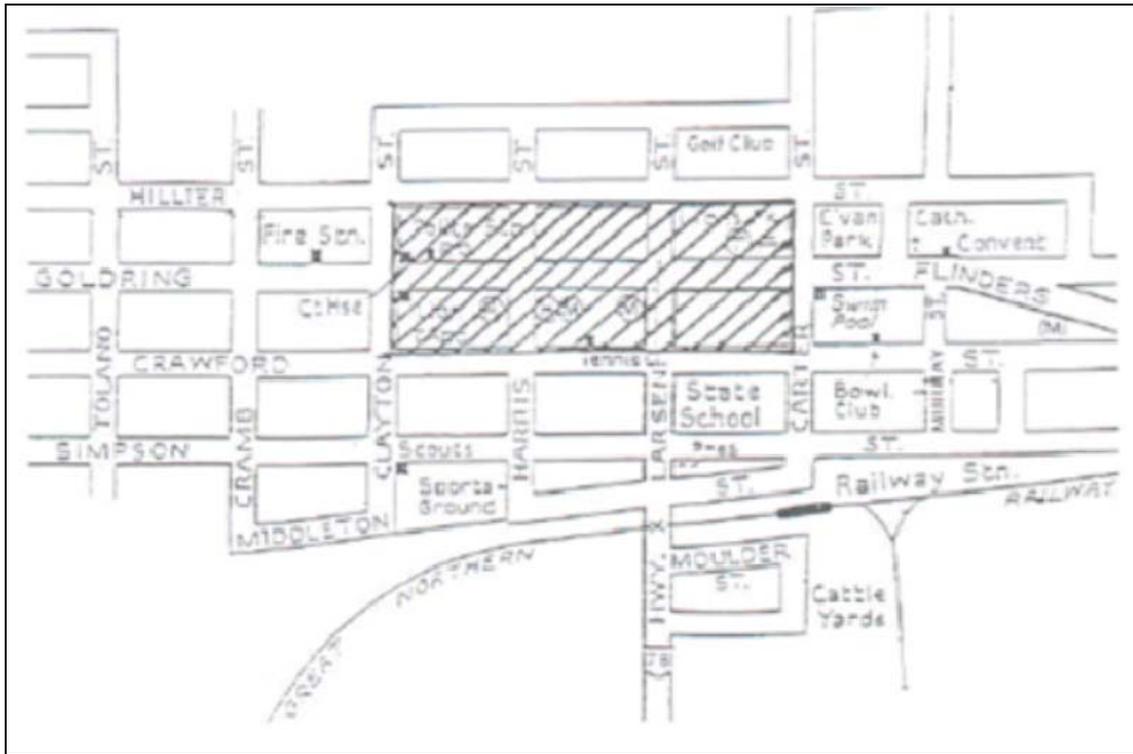
For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is-

- (a) if the animal is registered with the local government -seven(7) days; or
- (b) if the animal is not registered with the local government-five(5) days;

and 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 seizure

23 Meaning of “Designated Town Area”

For the purposes of the definition of “Designated Town Area” in all the schedules stated in the subordinate local law, the designate town area is all land zoned residential excluding the outlined area in the map below which is the Central Business Area.



Schedule 1 Prohibition on keeping animals

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(1) More than 2 dogs over the age of 3 months on an allotment in a designated town area as per attached schedule</p> <p>(2) 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 2 cats over the age of 3 months on an allotment in a designated town area
3	Horse or donkey	A horse or donkey in designated town area other than those with approvals prior to 1 December 2011
4	Cattle	Cattle over six months of age in the designated town area
5	Sheep, goat, alpaca or llama	A sheep, goat, alpaca or llama over six months of age in the designated town area
6	Poultry, ducks, turkey, geese, guinea fowl and the like	20 or more "birds" on an allotment in a designated town area
7	Deer	A deer in a designated town area
8	Pig	A pig in a designated town area
9	Ostrich or emu and the like	Any of these in a designated town area
10	Bees	A hive on an allotment less than 400 m ² (see Code of Practice for Urban Bee Keeping in Queensland 1998)
11	Cockatoo, galah, Budgerigar, canary, pigeon or other bird of a similar size or other bird of a similar size	More than twenty(20) birds on an allotment in a designated town area

Schedule 2 Requirement for approval to keep animal

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	3 dogs over the age of 3 months on an allotment in a designated town area
2	Cat	3 cats over the age of 3 months on an allotment in a designated town area
3	Horse or donkey	In adverse weather conditions and for special occasions an approval may be granted to allow — <ul style="list-style-type: none"> (a) 1 horse on an allotment in a designated town area with an area greater than 800m² (b) 2 horses on an allotment in a designated town area with an area greater than 1600m²
4	Cattle	(1) More than one(1) head of cattle in an area less than 800m ² (2) More than two(2) head of cattle in an area less than 1600m ²
5	Sheep, goat, alpaca or llama	(1) More than one(1) in an area less than 800m ² (2) More than two(2) in an area less than 1600m ²
6	Poultry, duck, turkey, geese, guinea fowl and the like	More than 20 poultry on an allotment in a designated town area
7	Deer	Not applicable
8	Pig	Not applicable
9	Ostrich or emu and the like	Not applicable
10	Bees	(1) More than 2 hives on an allotment of more than 400m ² and less than 1000m ² (2) More than 5 hives on an allotment of more than 1000m ² and less than 2000m ² (see Code of Practice

¹ See *Local Law No.1 – (Administration) 2012* and *Subordinate Local Law No.1- (Administration) 2012* 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).

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
		for Urban Bee Keeping in Queensland 1998)
12	Cockatoo, galah, Budgerigar, canary, pigeon or other bird of a similar size or other bird of a similar size	More than twenty (20) birds on one allotment in a designated town area

Schedule 3 Requirement to desex animal

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Schedule 4 Minimum standards for keeping animals generally

The owner of an animal must comply with the following minimum standards-

- (a) ensure that any enclosure in which the animal is kept in a clean and sanitary condition free from odour; and
- (b) ensure that the animals kept on the premises are provided with and access to adequate shelter, drinking water and appropriate food; and
- (c) ensure that the area available to the animal kept on the premises is appropriately sized to enable the animal to be kept effectively and comfortably; and
- (d) take reasonable steps to prevent animals from making noise or disturbance that would cause a disturbance to the occupiers of other land or premises; and
- (e) comply with reasonable directions given by an authorised person to ensure that the keeping of the animal does not result in nuisance to occupiers of other land or premises; and
- (f) ensure that the animals food is stored in an appropriate container which is vermin proof; and
- (g) ensure that waste from the animal is disposed of in an appropriate manner on a regular basis prior to the waste becoming offensive . Waste is to be disposed of in such a way as not to pose a health hazard to the community
- (h) distance of animal enclosure to any premises used for manufacture, preparation, storage of food for human consumption excluding domestic premises where animal kept

Schedule 5 Minimum standards for keeping particular animals

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Dog	No additional
2	Cat	No additional
3	Horse or Donkey	No additional
4	Cattle	No additional
5	Sheep, goat, alpaca or Lama	No additional
6	Poultry, duck, turkey, geese and the like	No additional
7	Deer	No additional
8	Pig	No additional
9	Ostrich or emu and the like	No additional
10	Bees	The keeping of bees on an allotment must be conducted in accordance with the Code of Practice for Urban Beekeeping in Queensland.
11	Cockatoo, galah, budgerigar, canary and the like or other bird of a similar size	No additional
12	Pigeons	Where pigeons are kept on premises they must be kept in accordance with any code of practice for the keeping of pigeons endorsed by a recognised pigeon racing or fancier association.

Schedule 6 Prohibition of animals in public places

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	All parks, footpaths and roads within the local government area	All animals with the following exceptions (a) Dogs under the effective control of the handler (b) animals training for or participating in an event where approval has been granted by the local government (c) assistance dogs
2	All land under local government control where sport is played	All animals except for animals training for or participating in an event where approval has been granted by the local government
3	Lake Fred Tritton	All animals with the following exceptions (a) Dogs under the effective control of the handler (b) assistance dogs (c) ridden horses
4	Charlie Wehlow Oval	All animals
5	All other land under local government control	All animals except for animals training for or participating in an event such as in racecourse or campdraft ground etc where approval has been granted by the local government

Schedule 7 Dog off-leash areas

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Schedule 8 Requirements for proper enclosures for animals

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All Animals	<p>All animals must as a minimum have a proper enclosure to contain the animal. A proper enclosure is-</p> <ul style="list-style-type: none"> (a) area of land on the owner's premises that is suitably fenced and effectively encloses the animal. The fence is to be comprised of strong and firm materials, designed and constructed to prevent the animal from escaping from the enclosure (b) the enclosure must be of sufficient dimensions in regards to the animal type and number enclosed (c) the enclosure must contain adequate shelter
2	Dog	No additional
3	Cat	No additional
4	Horse or Donkey	No additional
5	Cattle	No additional
6	Sheep, goat, alpaca or llama	No additional
7	Poultry, duck, turkey, geese, guinea fowl and the like	No additional
8	Deer	No additional
9	Pig	<ul style="list-style-type: none"> (1) An enclosure must be suitably constructed for the purpose of restricting the movement of pigs. (2) An enclosure shall be not less 60 metres from any dwelling house (except a dwelling on the premises) and not less than 30 metres from any property boundary.
10	Ostrich or emu and the like	No additional
11	Bees	<ul style="list-style-type: none"> (1) The bee hive must not be sited closer than 2 metres from the property boundaries. (2) The bee hive must be located at the rear of the

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
		premises behind the residence (if any) situated on the premises.
13	Cockatoo, galah or other bird of a similar size	<p>(1) The enclosure shall not be within ten(10) metres of any residence on an adjoining premises and at least 2 metres from the boundary of any adjoining premises.</p> <p>(2) The cage or aviary must be constructed to prevent the birds from escaping and prevent the spread of infectious disease, odour and infestations of vermin</p>
14	Budgerigar, canary, pigeons or other bird of a similar size	<p>(1) The cage or aviary must not be sited closer than 2 metres from the property boundaries.</p> <p>(2) The cage or aviary must be constructed to prevent the birds from escaping and prevent the spread of infectious disease, odour and infestations of vermin</p>

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

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Schedule 10 Koala areas²

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

Schedule 11 Criteria for declared dangerous animals

A dangerous animal declaration may be made for an animal if the animal-

- (a) has seriously attacked, or acted in a way that caused fear to, a person or another animal; or
- (b) There is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account
 - (i) its prior history of attacking or causing fear to persons or animals or damaging property; or
 - (ii) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed; or
 - (iii) the authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies; or
 - (iv) a high level of concern about the danger posed by the animal has been expressed by neighbours or other persons who have come into contact with the animal

Schedule 12 Conditions for sale of animals

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Drafting certificate

This is to certify that, in my opinion, the proposed *Richmond Shire Council Subordinate Local Law No. 2 – (Animal Management) 2012*, has been drafted in accordance with the *Local Government Act 2009*.

Chief Executive Officer