

# Weipa Town Authority Subordinate Local Law No. 2 (Animal Management) 2018

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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) 2018*.

### 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) 2018*, 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 an approval; and
  - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures 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) 2018* (the *authorising local law*).

### 4 Definitions

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

## Part 2 Keeping of animals

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

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

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

- (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 an approval in the circumstances described in column 2 of schedule 2.

- (2) In deciding whether to grant an approval authorising a person to keep animals the local government may have regard to—
- (a) the physical suitability of the land for the proposed use;
  - (b) the structural suitability of enclosures in which the animals are to be kept;
  - (c) the likelihood of the animals causing nuisance, inconvenience, or annoyance to the occupiers of the adjoining land;
  - (d) the likely effect on the amenity of the surrounding area;
  - (e) the likely effect on the local environment and any possible pollution or other damage; and
  - (f) other factors that may be relevant in the circumstances of the particular case.<sup>1</sup>

### **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*.<sup>2</sup>

## **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.

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<sup>1</sup> See section 9(1)(d) of the *Local Law No.1 (Administration) 2016*/

<sup>2</sup> Section 12(3) of the *Animal Management (Cats and Dogs) Act 2008* defines a registration device as a device, to help identify a dog, decided by a resolution of the relevant local government for the dog.

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

For section 13 of the authorising local law, cattle are prescribed as animals 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 Criteria for declared dangerous animals—Authorising local law, s 18(1)**

For section 18(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****15 Place of care for impounded animals—Authorising local law, s 23**

For section 23 of the authorising local law, the place of care for animals impounded by the local government will be operated by *[insert name of organisation (e.g. RSPCA, veterinary surgeon, dog kennels etc) or other local government that will operate the animal pound. Note: this section is only necessary if the local government will not be operating the animal pound itself or wishes to use other facilities in addition to its own pound]*.

**16 Animals that may be disposed of without auction or tender—Authorising local law, s 31(1)(b)**

For section 31(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

*[Insert species or breed of animal (e.g. dogs, cats) or class of animal (e.g. small domestic animals)]*

**17 Register of impounded animals—Authorising local law, s 32(3)**

For section 32(3) of the authorising local law, the register of impounded animals will be kept at *[insert place (e.g. the local government's public office). Note that this provision is only necessary if the place of care for animals does not have a 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****18 Conditions regarding sale of animals—Authorising local law, s 41(1)**

For the purposes of section 41(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.

**19 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—

- (1) Fish
- (2) Small caged birds; and
- (3) Mice, rats, guinea pigs (which are enlisted to the provisions of the health Regulations 1966 part 17-Vermin Control which provides for exemptions and permits).

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

For the purposes of the definition of “*declared dangerous animal*” in the schedule to the authorising local law, an animal of the following species is a declared dangerous animal—

- (1) None specified.

**21 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 three working days where the ownership is known and five working days where ownership is unknown.

## Schedule 1 Prohibition on keeping animals

### Section 5

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
1	Dog	Keeping any of the following breeds, or cross breeds of any of the following breeds are prohibited anywhere in the designated town area – <ol style="list-style-type: none"> <li>1. American Pit Bull Terrier or Pit Bull Terrier; and</li> <li>2. Dogo Argentino; and</li> <li>3. Fila Brasileiro; and</li> <li>4. Japanese Tosa; and</li> <li>5. Perro de Presa Canario or Presa Canario.</li> </ol>
2	Guard / Security Dog	Keeping more than 3 dogs over the age of 12 weeks at any one place is prohibited
3	Cat	Keeping of more than 5 cats over the age of 12 weeks at any one place is prohibited
4	Horse or donkey	on any allotment with an area less than 5,000m <sup>2</sup>
5	Cow or bull	on any allotment with an area less than 5,000m <sup>2</sup>
6	Sheep, goat, alpaca or llama	in a designated town area
7	Domestic Hens	a) Keeping a hen on an allotment with an area less than or equal to 350 m <sup>2</sup> or in a multiple dwelling in an urban area is prohibited. b) b. Keeping more than 5 hens on an allotment with an area greater than 350 m <sup>2</sup> and less than 500 m <sup>2</sup> in an urban area is prohibited.
8	Geese, Turkey, Ducks and the like	Keeping a goose turkey, duck or similar bird on an allotment with an area less than 5000m <sup>2</sup> or in a multiple dwelling in an urban area is prohibited.
9	Deer	in a designated town area
10	Pig	in a designated town area
11	Caged Birds (Budgerigar, canary, finch, lovebirds, parrots and the like)	Keeping more than 4 birds on an allotment with an area less than or equal to 350 m <sup>2</sup> in an urban area is prohibited.
12	Bees	a) Keeping a hive on an allotment with an area less than 400

		<p>m<sup>2</sup> in an urban area is prohibited.</p> <p>b) Keeping more than 2 hives on an allotment with an area greater than 400 m<sup>2</sup> and less than 1000 m<sup>2</sup>.in an urban area is prohibited.</p> <p>c) Keeping more than 5 hives on an allotment area greater than 1000 m<sup>2</sup> and less than 2000 m<sup>2</sup> in an urban area is prohibited.</p> <p>d) Keeping more than 10 hives on an allotment area greater than 2000 m<sup>2</sup> and less than 4000 m<sup>2</sup> in an urban is prohibited.</p>
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## Schedule 2 Requirement for permit to keep animal

### Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval <sup>3</sup>
1	<i>Dog</i>	<ul style="list-style-type: none"> <li>• More than two (2) dogs excluding one litter under six (6) months of age when kept at a single dwelling house premises.</li> <li>• More than one (1) dog when kept at a flat, townhouse or other single residential unit.</li> <li>• More than three (3) dogs when kept at an industrial use premises</li> </ul>
2	<i>Guard/Security dog</i>	<ul style="list-style-type: none"> <li>• Approval is required to keep 1 or more guard/security dogs over the age of 12 weeks in an urban area.</li> <li>• Approval is required to keep more than 2 guard/security dogs over the age of 12 weeks in an industrial area.</li> </ul>
3	<i>Cat</i>	More than two (2) cats over the age of 12 weeks
4	<i>Horse or donkey</i>	More than 1 horse or donkey on an allotment in a designated town area
5	<i>domestic hens</i>	More than five (5) domestic hens or a rooster
6	<i>Bees</i>	<ul style="list-style-type: none"> <li>• More than 2 hives on an allotment of more than 400 m<sup>2</sup> and less than 1000 m<sup>2</sup></li> <li>• More than 5 hives on an allotment of more than 1000 m<sup>2</sup> and less than 2000 m<sup>2</sup> (see Code of Practice for Urban Bee Keeping in Queensland 1998)</li> </ul>

<sup>3</sup> See *Local Law No.1 (Administration) [insert year]* and *Subordinate Local Law No.1 (Administration) [insert year]* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

## **Schedule 3      Requirement to desex animal**

Section 7

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## Schedule 4 Minimum standards for keeping animals generally

### Section 8(1)

1 The person keeping the animal must ensure that—

- (a) the animal does not—
  - (i) cause a nuisance; or
  - (ii) expose the health and safety of other persons and animals to significant risk; or
  - (iii) create a reasonable apprehension in the minds of other persons of a significant risk to health and safety of persons, other animals or that animal.
- (b) waste waters from enclosures are drained in a nuisance free manner and that runoff is kept off adjoining land; and
- (c) excreta, food scraps, and other material that is, or is likely to become, offensive is collected at least once in each day and, if not immediately disposed of, is kept in a fly proof container; and
- (d) any enclosure in which an animal is kept is kept in a clean and sanitary condition, free from dust and odour and properly maintained in an aesthetically acceptable condition; and
- (e) the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
- (f) any animal food is stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom facility; and
- (g) all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food; and
- (h) any enclosure used for the purpose of keeping an animal is thoroughly cleaned each week and effectively treated with an insecticide at least twice a year; and
- (i) upon discovering the existence of a dead animal, immediately dispose of the remains of the dead animal so as not to cause a nuisance. The remains must not be disposed of on or in a public place.

A nuisance occurs if an authorised officer considers there is sufficient evidence that people in nearby properties are being affected by the activity of the offending animal.

*Examples—*

*Animal noise is a nuisance if it disrupts a person:—*

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

*An odour is a nuisance if caused by:—*

- (a) an animal enclosure not being cleaned regularly; and/or
- (b) the waste from an animal enclosure not being disposed in an acceptable manner

## Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Minimum standards for keeping animals</b>
1	Dog	No additional standards
2	Guard / Security Dog	No additional standards
3	Cat	No additional standards
4	Horse or donkey	No additional standards
5	Cow or bull	No additional standards
6	Sheep, goat, alpaca or llama	No additional standards
7	Domestic Hens	<p>Fowl houses, fowl-pens and runs must not be situated within 12 metres of a dwelling or place where food is kept, processed or stored</p> <p>Places where poultry are kept are thoroughly cleansed once at least in every year, or such more frequent intervals as the Environmental Health Officer may in any case require</p> <p>Poultry food must be kept in a rodent proof receptacle (save only for food actually put out for the poultry to eat).</p>
8	Geese, Turkey, Ducks and the like	No additional standards
9	Deer	No additional standards
10	Pig	No additional standards
11	Caged Birds (Budgerigar, canary, finch, lovebirds, parrots and the like)	No additional standards
12	Bees	The keeping of bees on an allotment must be conducted in accordance with the Code of Practice for Urban Beekeeping in Queensland.

**Schedule 6 Prohibition of animals in public places**

Section 13

	<b>Column 1 Public place</b>	<b>Column 2 Species or breed of animals prohibited</b>
1	All Parks, reserves and WTA controlled areas within the designated town area	All animals, except- (a) Dogs that are under effective control of a person; or (b) an animal that is authorised under the conditions of an approval for a prescribed activity that authorises a person to bring the animal into the park.

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

### **Section 11**

- Bushland off Northern Avenue through to Andoom Road.
- Bushland behind Nanum to Lake McLeod.
- Rocky Point Beach boat ramp and bushland through to the Albatross Resort.

## Schedule 8 Requirements for proper enclosures for animals

### Section 14

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Requirements for proper enclosures</b>
1	All animals	<p>(a) The owner of an animal must provide an adequate restraint or proper enclosure to contain the animal on the owner's premises.</p> <p>(b) A proper enclosure is—</p> <p>(i) an area of land on the owner's premises that is suitably fenced and effectively encloses the animal on the land at all times other than when the owner allows the animal to leave the land under effective control;</p> <p>(ii) of sufficient dimensions having regard to the species, breed and size of the animal; and</p> <p>(iii) provides adequate shelter for all animals kept in the enclosure</p> <p>(c) A proper enclosure is suitably fenced if—</p> <p>(i) it is fully surrounded by a fence comprised of strong and firm materials and designed and constructed in such a way as to prevent the enclosed animal escaping from the enclosure over, under or through the fence;</p> <p>(ii) a part of a building or structure forms a section of the enclosure and does not have any openings through which the enclosed animal may escape from the enclosure; and</p> <p>(iii) a gate forms a section of the enclosure and the gate is kept closed and latched at all times other than when a person is effecting immediate entry to, or exit from, the enclosure.</p>
2	Dogs	<p>(a) The fence or enclosure must be constructed in such a way as to prevent the dog from climbing over the fence. (b) A barrier must be installed directly below the fence or enclosure which is adequate to prevent the dog digging its way out.</p>
3	Security/ Guard Dogs	<p>(a) A guard/security dog must be kept behind a secure fence or enclosure which is adequate to prevent the dog from escaping and which is constructed to a standard approved by an authorised officer.</p> <p>(b) An approved warning sign must be clearly displayed adjacent to each entrance to any property where guard/security dog is being kept or used. The sign shall prominently and</p>

		permanently display in lettering not less than 50 mm in height on a background so as to be readily legible the following words— “BEWARE –GUARD/SECURITY DOG ON PREMISES” (c) A guard/security dog must be confined in a secure enclosure at all times when the public has access to the property where the guard dog is being held or used.
4	Cats	The enclosure (including a building or structure) shall be such that it humanely prevents the cat from escaping from the premises.
5	Horse or donkey	(a) An enclosure must be constructed to prevent any such animal from going within 10 metres of:— (i) a dwelling (except any dwelling on the premises); and (ii) any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the animals). (b) An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundary unless the boundary fence is not less than 2 metres high and the owners and occupier of the premises adjoining the boundary consent in writing
6	Cow or bull	(a) An enclosure must be at least 1.8 metres in height and constructed so as to reasonably prevent the animal from escaping from the premises. (b) The enclosure must not be within twenty (20) metres of any residence on an adjoining premises and at least 2 metres from the boundary of any adjoining premises so the animal cannot reach through or over the boundary of the land on which it is kept.
7	Sheep, goat, alpaca or llama	(a) An enclosure must be constructed to prevent any such animal from going within 10 metres of— (i) any dwelling (except a dwelling on the premises); and (ii) any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the animals). (b) An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundary unless the boundary fence is not less than 2 metres high and the owners and occupiers of the premises adjoining the boundary consent in writing.
8	Domestic Hens	Fowl houses, fowl-pens and runs must not be situated within 12 metres of a dwelling or place where food is kept, processed or stored
9	Geese, Turkey, Ducks and the like	(a) An enclosure must be constructed to prevent any such animal from going within 10 metres of:— (i) a dwelling (except any dwelling on the premises); (ii) any premises used



		for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the animals).
10	Deer	(a) An enclosure must be constructed to prevent any such animal from going within 10 metres of:— (i) a dwelling (except any dwelling on the premises); and (ii) any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages (other than a domestic kitchen used solely for domestic purposes by the owner of the animals). (b) An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundary unless the boundary fence is not less than 2 metres high and the owners and occupier of the premises adjoining the boundary consent in writing.
11	Pig	(a) A sty, yard, enclosure or paddock must— (i) have a roof and a concrete floor suitably graded to an outlet drain approved by an authorised person; (ii) have drains discharging to a disposal system approved by an authorised person; (iii) be kept clean and in a sanitary condition to the satisfaction of an authorised person; and (iv) Securely confine the pig. (b) Pigs must not be fed upon any floor or trough other than a floor or trough constructed of materials and to a design approved by an authorised person. (c) An enclosure, sty, yard, paddock must not be less than— (i) 90 metres from any dwelling, building under occupation, or where food for human consumption is stored (e.g. food shop); and (ii) 18 metres from an adjoining boundary, road or street; (d) Waste material, animal waste and drainage from the sty, yard, enclosure or paddock must not be permitted to enter other land, stormwater drains or natural water course.
12	Caged Birds (Budgerigar, canary, finch, lovebirds, parrots and the like	The cage or aviary must— (a) not be closer than 2 metres from the property boundary; (b) be constructed to prevent the birds from escaping; and (c) prevent the spread of infectious disease, odour and infestations of vermin.
	Bees	A bee hive must— (a) not be closer than 2 metres from the property boundary; and (b) must be located at the rear of the premises behind the residence (if any) situated on the premises.

## **Schedule 9      Criteria for declared dangerous animals**

### **Section 22**

- 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;
- The authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies;
- 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 10    Conditions for sale of animals**

This schedule has been intentionally left blank