



Aurukun Shire Council

Subordinate Local Law No. 2 (Animal Management) 2021

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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) 2021*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Aurukun Shire Council Local Law No. 2 (Animal Management) 2021*, 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 *Aurukun Shire Council Local Law No. 2 (Animal Management) 2021* (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, unless otherwise defined in the dictionary in Schedule 11 of 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 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 dog that is at a place other than the address stated in the registration notice for the dog is a tag attached to a collar of a dog.

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, s13

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.

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 19(1)

- (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 9.

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 Aurukun Shire Council.

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 animals that may be sold by private agreement, destroyed or disposed of in some other way are the following—

- (a) dogs;
- (b) cats;
- (c) horses;
- (d) cattle;
- (e) poultry;
- (f) birds;

- (g) goats;
- (h) pigs; and
- (i) sheep.

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

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 animals are excluded from the application of the authorising local law—

- (a) Fish.

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 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 registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 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 the seizure.

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	(a) Keeping a leatherback and mange dog is prohibited.
2	Cat	(a) Keeping a cat on any allotment located in a Conservation Planning area is prohibited. (b) Keeping female cats over 6 months which are not desexed.
3	Poultry	(a) Keeping poultry is prohibited on any property that is less than 450m ² .
4	Rooster	(a) Keeping a rooster is prohibited on any allotment less than 10,000m ² .
5	Noisy bird	(a) Keeping a noisy bird is prohibited on any allotment less than 800m ² . (b) Keeping more than 1 noisy bird is prohibited on an allotment 800m ² to 10,000m ² in size.
6	Caged bird	(a) Keeping more than 10 caged birds is prohibited on a property that is less than 450m ² or within a residential complex. (b) Keeping more than 60 caged birds is prohibited on an allotment in an urban area.
7	Pigs	(a) Keeping a pig is prohibited on a property that is less than 10,000m ² (b) Keeping a pig on any allotment located in a Conservation Planning area is prohibited.
8	Bulls, Horses, Donkeys, Cows and other animals of similar size	(a) Keeping bulls, horses, donkeys, cows and other animals of similar size is prohibited on a property that is less than 2,000m ² .
9	Goats & Sheep	(a) Keeping a goat or sheep on any allotment less than 2,000m ² is prohibited. (b) Keeping more than 2 goats on an allotment between 2,000m ² to 4,000m ² is prohibited. (c) Keeping more than 4 goats on an allotment between 4,000m ² to 10,000m ² is prohibited.

10	Rams	(a) Keeping a ram on an allotment less than 10,000m ² is prohibited.
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Schedule 2 Requirement for approval to keep animals

section 6

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	(a) An approval is required to keep more than 1 dog on an allotment less than 450m ² . (b) An approval is required to keep more than 2 dogs on an allotment greater than 450m ² .
2	Cat	(a) An approval is required to keep more than 3 cats over the age of 3 months on an allotment in a designated town area.
3	Bulls, Horses, Donkeys, Cows and other animals of similar size	(a) An approval is required to keep more than 1 bull, horse, donkey, cow or other animals of similar size on an allotment between 2,000m ² to 10,000m ² .
4	Sheep, goat, alpaca or llama	(a) An approval is required to keep sheep, goats, alpacas or llamas on an allotment at a density greater than 1 per 1,000m ² .
5	Poultry	(a) An approval is required to keep a rooster in a designated town area. (b) An approval is required to keep 6 or more poultry on an allotment in a designated town area.
6	Deer	(a) An approval is required to keep deer on an allotment at a density greater than 1 per 1,000m ² .
7	Pig	(a) An approval is required to keep pigs on an allotment at a density greater than 1 per 1,000m ² .
8	Duck or goose	(a) An approval is required to keep more than 10 birds on an allotment less than 800m ² . (b) An approval is required to keep more than 30 birds on an allotment less than 4,500m ² .
9	Ostrich or emu	(a) An approval is required to keep Ostriches or emus on an allotment at a density greater than 1 per 1,000m ² .

¹ See *Local Law No.1 (Administration) 2021* and *Subordinate Local Law No.1 (Administration) 2021* 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).

10	Bees	(a) An approval is required to keep a hive on an allotment less than 400m ² (see Code of Practice for Urban Bee Keeping in Queensland 1998).
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Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
1	Female dogs	6 months	An animal owned by a member of a recognised breeders' association for the purposes of breeding or showing.
2	Female cats	6 months	Nil

Schedule 4 **Minimum standards for keeping animals generally**

section 7(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;
 - (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 in such a way as to prevent the animal from escaping; and
 - (e) an enclosure must provide adequate space in the opinion of the authorised person for any animal to be kept therein; and
 - (f) the keeper of the animal must thoroughly clean the enclosure every day of faeces, uneaten food and any offensive matter produced by any 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 not 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 wellbeing of a reasonable person.

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; or*
- (b) the waste from an animal enclosure not being disposed in an acceptable manner.*

Schedule 5 Minimum standards for keeping particular animals

section 7(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Horse, Cattle, Donkey, Sheep, Goat and other animals of a similar size	<ol style="list-style-type: none"> 1. If a stable is constructed: <ol 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: <ol style="list-style-type: none"> (i) 10m from an adjoining boundary of an allotment 2,000m² or more; and (ii) 1m from any dwelling; and (iii) 15m from any structure which food for human consumption is processed or stored; and (iv) 6m from a roadway. 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.
2	Poultry	<ol style="list-style-type: none"> 1. Fowl houses, fowl pens and runs are not to be situated:- <ol 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. 2. Poultry food must be stored in a vermin proof receptacle.
3	Pig	<ol style="list-style-type: none"> 1. The interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray. 2. Any part of a sty or other enclosure in which a pig is kept must not

		<p>be situated:-</p> <ul style="list-style-type: none">(a) 10m from an adjoining boundary; and(b) 15m from any dwelling; and(c) 15m from any structure which food for human consumption is processed or stored; and(d) 6m from a roadway; and(e) 20m from any watercourse, well or bore.
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Schedule 6 Prohibition of animals in public places

section 9

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	Swimming Area	Dogs Cats Horses Cattle Goats Donkeys Camels Sheep Bees
2	Cemetery Reserves	Dogs Cats Horses Cattle Goats Donkeys Camels Sheep Bees
3	Aurukun Township	Dogs Cats Horses Cattle Goats Donkeys Camels Sheep Bees

Schedule 7 Requirements for proper enclosures for animals

section 12

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All Animals	<p>(a) The size of area to be suitably fenced is to be appropriate to the species and breed of the animal to be enclosed, so as to effectively enclose the animal within the property at all times.</p> <p>(b) <i>Suitably fenced</i> means a fence which is constructed of strong and firm materials and designed in such a way as to prevent the animal from attacking a person or escaping over, under or through the fence.</p> <p>(c) In any case, a part of a building or structure that does not have openings through which an animal can escape may form part of the enclosure in lieu of fencing.</p> <p>(d) The enclosed area must contain adequate shelter.</p> <p>(e) Where gates form part of the enclosure, they must be kept closed and latched except when in actual immediate use.</p>

Schedule 8 Criteria for declared dangerous animals

section 13

1. A dangerous animal declaration may be made for an animal only if the animal —
 - (a) has attacked, or acted in a way that caused fear to, a person or another animal; or
 - (b) may, in the opinion of an authorised person, having regard to the way the animal behaved towards a person or another animal, attack, or act in a way that causes fear to another person.
2. To avoid any doubt, an animal may be declared a dangerous animal if the animal attacked and caused no bodily harm to the person or animal attacked.

Schedule 9 Conditions for sale of animals

section 17

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	All animals	Must be free from disease
2	Cats and dogs	Must be registered

Schedule 10 Dictionary

special birds includes emus and ostriches.

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.

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

poultry includes any species of chickens (including bantam chickens), geese, ducks, guinea fowls, turkeys, pheasants or quails.