

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.

8A What registration form must state — Authorising local law, s8C

- (1) For section 8C of the authorising local law, a registration form for the registration of a cat must—
 - (a) be in the prescribed form; and
 - (b) state all of the following information about the owner of the cat—
 - (i) name;
 - (ii) residential address;
 - (iii) contact telephone number;
 - (iv) email address, if any; and
 - (c) state all of the following information about the cat—
 - (i) age;
 - (ii) breed;
 - (iii) colour;
 - (iv) sex;
 - (v) any other noticeable distinguishing features or marks;
 - (vi) address;
 - (vii) if it is desexed—that it is desexed.
- (2) In this section, the **address** for a cat is the address of the place where the cat is usually kept or proposed to be kept.

8B Local government must give registration notice — Authorising local law, s8E(3)

For section 8E(3) of the authorising local law, a registration notice must—

- (a) be given to the owner within 14 days after the cat is registered by the local

government; and

(b) state—

- (i) the information, for the owner and the cat, required to be given under sections 8C and 8D(2) of the authorising local law; and
- (ii) the period of the registration.

8C Local government must give renewal notice — Authorising local law, s8H(3)

For section 8H(3) of the authorising local law, a renewal notice must—

- (a) be given at least 14 days before the period of registration for the cat expires; and
- (b) state—
 - (i) the information, for the owner and the cat, stated in the register of cats maintained by the local government; and
 - (ii) the period of renewal of registration; and
 - (iii) that the owner must, within 7 days, give the local government notice of any change to the information.

9 Identification for 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 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)

- (1) For section 11(1) of the authorising local law, this section designates—
 - (a) dog off-leash areas; and
 - (b) for each dog off-leash area, the times when a dog is not required to be on a leash.
- (2) The area shown hatched in blue on schedule 7, map 1 commonly known as the Camilleri Street Reserve at Camilleri Street, Eimeo is a dog off-leash area at all times.
- (3) The area shown hatched in blue on schedule 7, map 2 commonly known as Bucasia Beach, from Williams Avenue to Symons Avenue, Bucasia Beach is a dog off-leash area from 5a.m. to 8a.m. and from 5p.m. to 8p.m. daily.
- (4) The area shown hatched in blue on schedule 7, map 3 commonly known as Town Beach, from Evans Street to Bridge Road, East Mackay is a dog off-leash area from 5a.m. to

8a.m. and from 5p.m. to 8p.m. daily.

- (5) The area shown hatched in blue on schedule 7, map 4 commonly known as Campwin Beach, Sarina is a dog off-leash area from 5a.m. to 8a.m. and from 5p.m. to 8p.m. daily.
- (6) The area shown hatched in blue on schedule 7, map 5 commonly known as the Goose Ponds, Willis Street, North Mackay is a dog off-leash area at all times.
- (7) The area shown hatched in blue on schedule 7, map 6 commonly known as Apex Park, Sichtler Street, Sarina is a dog off-leash area at all times.
- (8) The area shown hatched in blue on schedule 7, map 7 commonly known as Queens Park, East Gordon Street, Mackay is a dog off-leash area at all times.

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 small domestic animals.

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 main administration building, Gordon Street, Mackay

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 4 dogs over the age of 3 months on an allotment with an area of 600m² or more.</p> <p>(b) More than 3 dogs over the age of 3 months on—</p> <p>(i) an allotment with an area of less than 600m²; or</p> <p>(ii) multi-residential premises.</p> <p>(c) 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	<p>(a) More than 4 cats over the age of 3 months on an allotment with an area of 600m² or more.</p> <p>(b) More than 2 cats over the age of 3 months on—</p> <p>(i) an allotment with an area of less than 600m²; or</p> <p>(ii) multi-residential premises.</p>
3	Horse, donkey, cow, sheep, goat, alpaca, llama, deer, ostrich or emu	An animal to which this item 3 applies on an allotment where the area available to the animal is less than 4,000 m ² .
4	Bull	A bull on an allotment where the area available to the bull is less than 4,000 m ² .
5	Poultry, duck or goose	More than 6 birds to which this item 5 applies (other than a rooster) on an allotment with an area of 700 m ² or less.
6	Pig	A pig on an allotment where the area available to the pig is less than 4,000 m ² .
7	Bees	A hive on an allotment with an area less than 400 m ² (see Code of Practice for Urban Beekeeping in Queensland 1998).
8	Rooster	A rooster on an allotment with an area less than 4,000 m ² .

Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	(a) More than 2 dogs over the age of 3 months on an allotment with an area of 600m ² or more; (b) More than 1 dog over the age of 3 months on— (i) an allotment with an area of less than 600m ² ; or (ii) multi-residential premises.
2	Cat	(a) More than 2 cats over the age of 3 months on an allotment with an area of 600m ² or more. (b) More than 1 cat over the age of 3 months on— (i) an allotment with an area of less than 600m ² ; or (ii) multi-residential premises.
3	Poultry (including duck and goose)	More than 10 birds to which this item 3 applies on an allotment with an area of more than 700m ² but less than 4,000m ² .
4	Rooster	More than 2 roosters on an allotment with an area of 4,000m ² or more.
5	Budgerigar, canary or other bird of a similar size	More than 10 birds to which this item 5 applies on an allotment with an area less than 4,000m ² .
6	Cockatoo, galah or other bird of a similar size	More than 4 birds to which this item 6 applies on an allotment with an area less than 4,000m ² .
6A	Cockatiel and other birds of a similar size	More than 10 birds to which this item 6A applies on an allotment with an area less than 4,000m ² .
6B	Racing pigeons	More than 10 birds to which this item 6B applies on an allotment with an area less than 4,000m ² .
7	Dog	The keeping of dogs at a kennel.
8	Cat	The keeping of cats at a cattery.
9	Animals	The keeping of animals at a pet shop.

¹ See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1.5 (Administration) 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).

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	No species or breed of animal mentioned		

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
 - (iii) a vermin free condition; and
 - (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) 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.
 - (g) 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
 - (h) in the opinion of an authorised person ensure that the animal does not cause an animal noise nuisance.
2. In this section an animal noise nuisance is —
 - (a) a noise made by a domestic animal; and
 - (b) occurs more than once; and
 - (c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.

Domestic animal includes cat, dog and household pet.

Example for section 2 —

The animal noise nuisance which disrupts a person —

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

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	Greyhound	Each owner of, and responsible person for, a greyhound must ensure that the dog is kept— <ul style="list-style-type: none"> (a) without nuisance; and (b) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice.
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, pig and other animals of a similar size	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— <ul style="list-style-type: none"> (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 and other birds of a similar size, cockatiel and other birds of a similar size, cockatoo, galah and other birds of a similar size and pigeons	Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that— <ul style="list-style-type: none"> (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 government—the bird is kept in accordance with the requirements of the code of practice; and (f) the cage or aviary in which the bird is kept is not located within— <ul style="list-style-type: none"> (i) a radius of 10m of— <ul style="list-style-type: none"> (A) a residence on adjoining premises; or

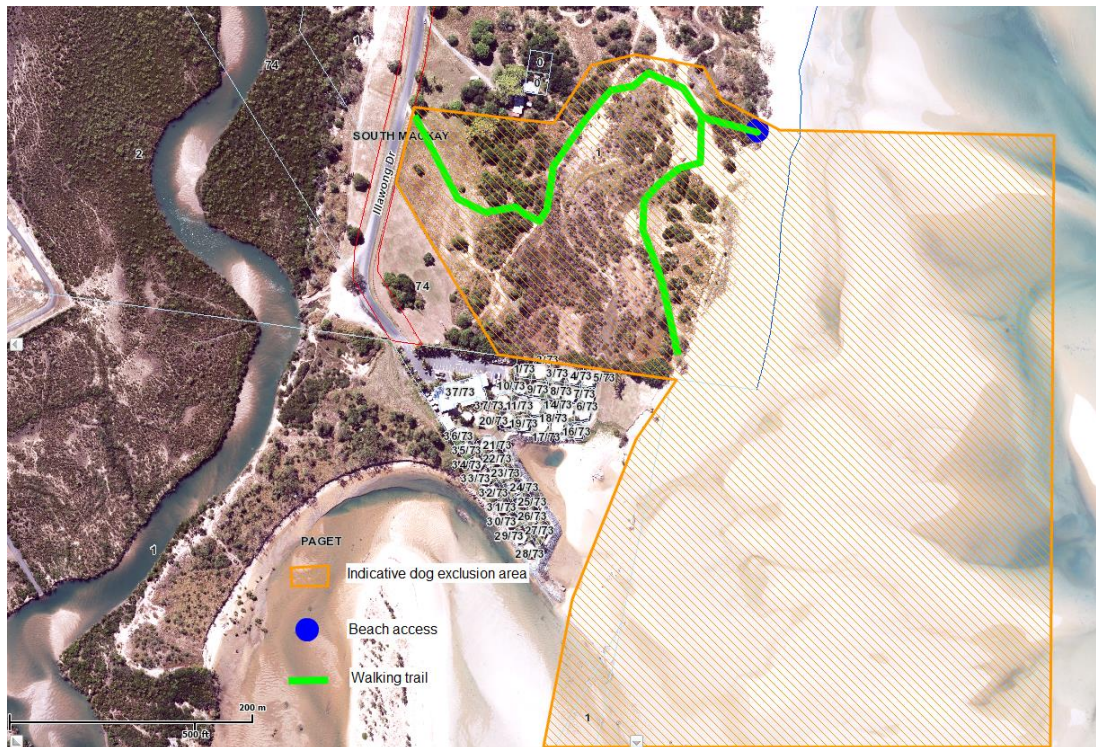
		<p>(B) a place where food is kept, processed or stored; or</p> <p>(ii) 6m of any road; or</p> <p>(iii) 1m of the boundary of the premises on which the bird is kept.</p>																				
4	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich, emu and poultry	<p>Each owner of, and responsible person for, a bird identified in column 1 item 4 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 kept 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) 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 1 m from the side or rear boundaries of the premises.</p>																				
5	Bees	<table><tr><th rowspan="2">L</th><th colspan="4">PRESCRIBED CRITERIA - SELF ASSESSABLE</th></tr><tr><th>Location Criteria - All Hives</th><th>Size of Allotment</th><th>No. of hives that may be kept on a premises without approval</th><th>Where not meeting criteria</th></tr><tr><td rowspan="3">Bees/Apiary</td><td>• 1m setback from side and rear boundaries</td><td>400m² to 1000m²</td><td>2</td><td rowspan="3">Activity is regulated by the Mackay Region Planning Scheme 2017. See notes below for more information.</td></tr><tr><td>• Subject site maintains a minimum 1.8m impenetrable vegetative barrier or solid fence between hive/s and neighbours</td><td>1001m² to 2000m²</td><td>5</td></tr><tr><td>• 20m setback from roads, footpaths, parks and property entrances</td><td>2001m² and over</td><td>10</td></tr></table> <p>Where the minimum standards are not met, the activity is regulated by the Mackay Region Planning Scheme 2017. Schedule 1 of the planning scheme, defines bee keeping as “Animal Husbandry”. Please check the Planning Scheme for the category of assessment</p>	L	PRESCRIBED CRITERIA - SELF ASSESSABLE				Location Criteria - All Hives	Size of Allotment	No. of hives that may be kept on a premises without approval	Where not meeting criteria	Bees/Apiary	• 1m setback from side and rear boundaries	400m ² to 1000m ²	2	Activity is regulated by the Mackay Region Planning Scheme 2017. See notes below for more information.	• Subject site maintains a minimum 1.8m impenetrable vegetative barrier or solid fence between hive/s and neighbours	1001m ² to 2000m ²	5	• 20m setback from roads, footpaths, parks and property entrances	2001m ² and over	10
L	PRESCRIBED CRITERIA - SELF ASSESSABLE																					
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	• 20m setback from roads, footpaths, parks and property entrances	2001m ² and over	10																			

		and assessment benchmarks relevant to “Animal Husbandry”.
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Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	Every area of bathing reserve and foreshore within the local government area	Horses, donkeys and cattle
2	All parks and reserves within the local government area	Horses, donkeys and cattle
3	Shellgrit Creek Beach Area between the months of October and April as identified by the hatched area in Map 1, Schedule 6 as this area is a native bird roosting area	Dogs
4	Cape Hillsborough as identified by the hatched area in Map 2, Schedule 6 providing connectivity between National Park and the foreshore.	Dogs

Map 1**Map 2**

Schedule 7 Dog off-leash areas

Section 11

Map 1



Map 2



Map 3



Map 4



Map 5



Map 6



Map 7



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"> (a) appropriate to the species and breed of the animal to be enclosed; and (b) so as to effectively enclose the animal on the land on which it is kept at all times. <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> (a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and (b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and (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 (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 (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.
2	Horse	<p>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"> (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 (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.

Schedule 9

Requirements for keeping a dog in a koala area

Section 14(1)

No requirements prescribed.

Schedule 10 Koala areas²

Section 14(2)

No area designated.

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

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

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
	Dogs and cats	<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> <p>(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</p> <p>(b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and</p> <p>(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.</p> <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) 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

allotment means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in —

- (a) the same ownership; or
- (b) the same occupation.

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

apiary means a place where bee hives are kept.

bathing reserve means a part of the seashore and adjacent land and sea placed under the control of the local government as a bathing reserve under section 26 of the *Local Government (Operations) Regulation 2010*.

bee means an insect with 4 wings that is related to the wasp, gathers pollen and nectar from flowers from which it makes bee bread and honey for food, and usually lives in large colonies.

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 means a place used for the keeping, breeding or boarding of cats on a commercial basis.

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.

foreshore means foreshore placed under the control of the local government under section 25 of the *Local Government (Operations) Regulation 2010*.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hive means an artificial home for bees.

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 means a place used for the keeping, breeding or boarding of dogs on a commercial basis.

land has the meaning given in the *Sustainable Planning Act 2009*.

local government public health risk has the meaning given to that term in the *Public Health Act 2005*.

multi-residential premises means —

- (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.

notifiable disease means any disease, parasite or virus that is identified as prohibited matter or restricted matter under the *Biosecurity Act 2014* or a notifiable condition under the *Public Health Regulation 2018*.

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.

park has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

pet shop means any premises, place or shop at which animals are offered for sale.

premises means any land, building or structure and includes any part thereof.

reserve has the meaning given in the *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

registered has the meaning given in the authorising local law.

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.

stable —

- (a) means a building used for the keeping of 1 or more horses, including a racehorse, for the purposes of a commercial or business activity; and
- (b) includes the keeping, stabling, grooming, feeding, watering, shoeing and training of a horse, including a racehorse.

stallion means an uncastrated adult male horse.

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

vermin means—

- (a) bed bugs
- (b) lice;
- (c) fleas;
- (d) parasites;
- (e) cockroaches;
- (f) guinea pigs;
- (g) rodents capable of carrying or transmitting a notifiable disease;

but does not include—

- (h) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
- (i) a local government public health risk; or
- (j) an animal being kept in a proper enclosure as required by *Local Law No. 2 (Animal Management) 2011*.

Endnotes

1 Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
amdt	= amendment	prev	= previous
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	rep	= repealed
ins	= inserted	s	= section
num	= numbered	sch	= schedule
om	= omitted	sdiv	= subdivision
p	= page	sub	= substituted
para	= paragraph	unnum	= Unnumbered

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 2 (Animal Management) 2021</i>	March 2021	

3 List of amending local laws

Amending Subordinate Local Law No. 2 (Animal Management) 2021

Commenced on March 2021

4 List of annotations

Dog off-leash areas

s 11(7) ins 2021 No. 2 s 11

s 11(8) ins 2021 No. 2 s 11

Sch 2 – Requirement for approval to keep animal

Item 3 omit, ins 2021 No. 2 s 12(1)

Item 3 omit, ins 2021 No. 2 s 12(2)

Sch 4 – Minimum standards for keeping animals generally

Item 1(d)(ii) ins 2021 No. 2 s 13(1)

Item 1(g) omit, ins 2021 No. 2 s 13(2)

Sch 6 – Prohibition of animals in public places

Item 4 ins 2021 No. 2 s 14(1)

Map 2 ins 2021 No. 2 s 14(2)

Sch 7 – Dog off leash areas

Map 6 ins 2021 No. 2 s 15(1)

Map 7 ins 2021 No. 2 s 15(1)

Sch 13 - Dictionary

ins 2021 No. 2 s 16(1)

ins 2021 No. 2 s 16(2)

ins 2021 No. 2 s 16(3)