

# Whitsunday Regional Council

## Subordinate Local Law No. 2 (Animal Management) 2014

### Contents

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>3</b>
	1 Short title.....	3
	2 Purpose and how it is to be achieved.....	3
	3 Authorising local law .....	3
	4 Definitions .....	3
<b>Part 2</b>	<b>Keeping of animals .....</b>	<b>5</b>
	5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1).....	5
	6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1) .....	5
	7 Animals that must be desexed—Authorising local law, s 7 .....	5
	8 Minimum standards for keeping animals—Authorising local law, s 8(1).....	5
	9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9 .....	6
<b>Part 3</b>	<b>Control of animals.....</b>	<b>6</b>
	10 Public places where animals are prohibited—Authorising local law, s 10(1) .....	6
	11 Dog off-leash areas—Authorising local law, s 11(1) .....	6
	12 Animal faeces in public places—Authorising local law, s 13 .....	6
	13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2).....	7
	14 Koala conservation—Authorising local law, s 15.....	7
	15 Criteria for declared dangerous animals—Authorising local law, s 19(1).....	7
<b>Part 4</b>	<b>Seizure, impounding or destruction of animals .....</b>	<b>7</b>
	16 Place of care for impounded animals—Authorising local law, s 24.....	7
	17 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b).....	7
	18 Register of impounded animals—Authorising local law, s 33(3) .....	8
<b>Part 5</b>	<b>Appeals against destruction orders .....</b>	<b>8</b>
<b>Part 6</b>	<b>Miscellaneous.....</b>	<b>8</b>
	19 Conditions regarding sale of animals—Authorising local law, s 42(1) .....	8
<b>Dictionary</b>	<b>8</b>	
	20 Animals excluded from application of the local law—Authorising local law, schedule .....	8

- 21 Species that are declared dangerous animals—Authorising local law, schedule 9
- 22 Prescribed period for reclaiming animals—Authorising local law, schedule ..... 9

<b>Schedule 1 Prohibition on keeping animals .....</b>	<b>10</b>
<b>Schedule 2 Requirement for approval to keep animal.....</b>	<b>12</b>
<b>Schedule 3 Requirement to desex animal .....</b>	<b>14</b>
<b>Schedule 4 Minimum standards for keeping animals generally .....</b>	<b>15</b>
<b>Schedule 5 Minimum standards for keeping particular animals .....</b>	<b>17</b>
<b>Schedule 6 Prohibition of animals in public places.....</b>	<b>20</b>
<b>Schedule 7 Dog off-leash areas.....</b>	<b>21</b>
<b>Schedule 8 Requirements for proper enclosures for animals .....</b>	<b>22</b>
<b>Schedule 9 Requirements for keeping a dog in a koala area.....</b>	<b>23</b>
<b>Schedule 10 Koala areas .....</b>	<b>24</b>
<b>Schedule 11 Criteria for declared dangerous animals.....</b>	<b>25</b>
<b>Schedule 12 Conditions for sale of animals .....</b>	<b>26</b>

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Whitsunday Regional Council Subordinate Local Law No. 2 (Animal Management) 2014*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Whitsunday Regional Council Local Law No. 2 (Animal Management) 2014*, 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 *Whitsunday Regional Council Local Law No. 2 (Animal Management) 2014* (the *authorising local law*).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in Schedule 1 (Dictionary) or *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*.
- (2) Additionally, in this subordinate local law—

*Assistance Dog* has the meaning given to that term under the *Guide, Hearing and Assistance Dogs Act 2009*, Schedule 4.

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

*Domestic animal* means a cat, dog, household pet or livestock animal that is fed and kept by someone.

**Domestic purposes** means the keeping of an animal in or within the curtilage of a dwelling for the private enjoyment of a person residing therein.

**Environmental management and conservation zone** means the Environmental management and conservation zone under the Planning scheme.

**Foreshore** means a foreshore that has been placed under the local government's control pursuant to the *Local Government Regulation 2012*, section 61.

**Guard dog** means a dog which is released on commercial premises without a handler for the purpose or apparent purpose of acting as a deterrent to intruders.

**Guide Dog** has the meaning given to that term under the *Guide, Hearing and Assistance Dogs Act 2009*, Schedule 4.

**Lot** has the meaning given in the *Planning Act 2016*.

**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, or currawong variety but does not include a rooster.

**Non-urban area** includes all areas not contained within the definition of an urban area contained within the *Planning Regulation 2017*.

**Planning scheme** means the planning scheme made or amended from time-to-time under the *Planning Act 2016*.

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

**Primary industry** means Animal husbandry, Aquaculture, Cropping and Intensive animal husbandry as defined in the Planning scheme.

**Primary producer** means a person whose main business is primary industry.

**Property** means—

- (a) a lot, or
- (b) if a person owns and occupies 2 or more adjoining lots – the parcel of land comprising all of the lots owned by the person;

**Recreation and open space zone** means the Recreation and open space zone under the Planning scheme.

**Recognised bird or feather club** means a club formally affiliated with a national or state association for bird keeping.

**Recognised poultry club** means a club formally affiliated with a national or state association for poultry keeping.

**Regulated dog** has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*, section 60.

**Residential unit** means a residential development comprising multiple units on a single lot.

*Example—*

A residential unit within a retirement village.

**Rural Zone** means the Rural zone under the Planning scheme.

*Special birds* includes emus, ostriches and peacocks.

*Urban area* has the meaning given to that term under the *Planning Regulation 2017* (Qld), Schedule 24.

*Working dog* means a dog, as defined in Schedule 2 of the *Animal Management (Cats & Dogs) Act 2008*.

## **Part 2                      Keeping of animals**

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

- (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.
- (2) However, subsection (1) does not apply in the following circumstances—
  - (a) the keeping of the animal was permitted by the local law in force immediately before the commencement of this subordinate local law; and
  - (b) within 3 months of the commencement of this subordinate local law, the keeper of the animal has provided the local government with details identifying the animal.
- (3) The exemption in subsection (2) applies only in respect of the particular animal identified to the local government.

### **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(2) 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—

- (a) an alpaca;
- (b) a buffalo;
- (c) a camel;
- (d) a cat;
- (e) a cow or bull;
- (f) a donkey;
- (g) an emu;
- (h) a goat;
- (i) a horse, stallion, pony or miniature pony/horse;
- (j) a llama;
- (k) a sheep; and
- (l) a pig or miniature pig.

**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, veterinary surgery or a contractor of the local government or another place approved by the Chief Executive Officer.

**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) an alpaca;
- (b) a buffalo;
- (c) a camel;
- (d) a cat;
- (e) a cow or bull;
- (f) a dog;
- (g) a donkey;
- (h) an emu;
- (i) a goat;
- (j) a horse, stallion, pony or miniature pony/horse;

- (k) a lama;
- (l) a sheep;
- (m) a pig or miniature pig;
- (n) poultry, including any species of fowl, duck, goose, pigeon, turkey, peafowl or guineafowl.

**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—

- (a) If the place of care for animals has a public office—the public office; or
- (b) If the place of care for animals does not have a public office—the public office of the local government.

**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.

**Dictionary**

**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 and species are excluded from the application of the authorising local law –

- (a) a guide dog; or
- (b) an assistance dog (other than a guide dog) provided the dog –
  - (i) is under effective control; and
  - (ii) is not a regulated dog; and
  - (iii) is not a dog that is on heat; or
- (c) Dogs owned by the Queensland Police Service or any employee, contractor or agent of the Queensland Police Service and under the control of a competent handler; or



- (d) A security dog under the control of a competent handler and being used in connection with the business or an organisation approved by the local government to carry out security services; or
- (e) Any animals that are regulated or managed under Federal or State legislation.

**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, a declared dangerous animal is an animal that –

- (a) has attacked a person or an animal; or
- (b) has caused a person to believe that the person or an animal will be attacked or worried; or
- (c) is likely, in the opinion of an authorised person, to cause a person to believe that the person or an animal will be attacked or worried; or
- (d) has been trained to attack for the purpose of guarding either persons or property.

**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, commencing on the day a notice 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

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
1	Dog	<ul style="list-style-type: none"> <li>(1) More than 4 dogs over the age of 3 months on an allotment not in an area included in the Rural Zone;</li> <li>(2) More than 2 dogs over the age of 3 months in a residential flat or unit;</li> <li>(3) On any allotment in the recreation and open space zone;</li> <li>(4) More than one (1) dog located in an environmental management and conservation zone.</li> </ul>
2	Cat	<ul style="list-style-type: none"> <li>(1) More than 4 cats over the age of 3 months on an allotment not in an area included in the Rural Zone;</li> <li>(2) On any allotment located in an environmental management and conservation zone.</li> </ul>
3	Horse/miniature horse, Pony/miniature pony, or donkey/miniature donkey	<ul style="list-style-type: none"> <li>(1) In an Urban Area on an allotment less than 4,000m<sup>2</sup> except where the animal is kept within such an area in the following circumstances – <ul style="list-style-type: none"> <li>(a) during an emergency or natural disaster event that has not abated;</li> <li>(b) in facilities on land that is related to an event that is a show, rodeo, equestrian competition or race; or</li> <li>(c) for agistment purposes for a temporary period not exceeding 2 months.</li> </ul> </li> </ul>
4	Stallion	On any allotment with an area less than 10,000 m <sup>2</sup> .
5	Cow or bull	<p>A cow or bull in a designated urban area except where the cow or bull is kept within such an area in the following circumstances –</p> <ul style="list-style-type: none"> <li>(a) during an emergency or natural disaster event that has not abated;</li> <li>(b) in facilities on land that is related to an event that is a show, rodeo, equestrian competition or race; or</li> <li>(c) for agistment purposes for a temporary period not exceeding 2 months.</li> </ul>

6	Sheep, goat, alpaca or llama	(1) In an urban area; (2) On any allotment where the density of animals is greater than one animal per 4,000m <sup>2</sup> .
7	Rooster	(1) In an urban area; (2) On any allotment less than 4,000m <sup>2</sup> .
8	Poultry	(1) On any allotment less than 600m <sup>2</sup> ; (2) More than 12 poultry on an allotment in an urban area.
9	Deer	(1) In an urban area; (2) On any allotment where the density of animals is greater than one animal per 4,000m <sup>2</sup> .
10	Pig/miniature pig	(1) A pig/miniature pig in a designated urban area; (2) On any allotment located in an Environmental management and conservation zone.
11	Bees	A hive on an allotment less than 400 m <sup>2</sup> .
12	Noisy Birds	On any allotment less than 1,000m <sup>2</sup> .
13	Special Birds	On any allotment less than 20,000 m <sup>2</sup> .

## Schedule 2 Requirement for approval to keep animal

### Section 6

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Circumstances in which keeping of animal or animals requires approval<sup>1</sup></b>
1	Any animal	In the opinion of an authorised person, an approval to keep an animal is required where the owner or responsible person for the animals has committed more than two offences against the authorising local law in any 12 month period in relation to the same type of animal.  <i>Example–</i> <i>The owner or responsible person for a dog commits 3 animal related offences in a 12 month period.</i>
2	Bees	(1) More than 2 hives on an allotment of more than 400 m <sup>2</sup> and less than 1000 m <sup>2</sup> . (2) More than 5 hives on an allotment of more than 1000 m <sup>2</sup> and less than 2000 m <sup>2</sup> .
3	Cat	An approval is required to keep 3 or more cats over the age of 3 months on an allotment.
4	Cow or bull or any other animals of similar size	More than one (1) on an allotment 2,000 m <sup>2</sup> to 20,000 m <sup>2</sup> .
5	Deer	On any allotment not in an urban area.
6	Dog	(1) In the case of a dog that is not a guard dog, working dog or greyhound registered with Racing Queensland, an approval is required– (a) to keep 3 or more dogs over the age of 3 months on any property; or (b) to keep 2 or more dogs over the age of 3 months on any residential unit; (2) an approval is required to keep a guard dog on a property; (3) an approval is required to keep more than 2 greyhounds registered with Racing Queensland over the age of 3 months on a property;

<sup>1</sup> See *Local Law No.1 (Administration) 2014* and *Subordinate Local Law No.1 (Administration) 2014* 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).

	<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Circumstances in which keeping of animal or animals requires approval<sup>1</sup></b>
		(4) Any of the following breeds anywhere in the local government area – (a) American Pit Bull Terrier or Pit Bull Terrier; (b) Dogo Argentino; (c) Fila Brasileiro; (d) Japanese Tosa; and (e) Perro de Presa Canario or Presa Canario.
7	Horse/miniature horse, Pony/miniature pony, or donkey/miniature donkey	More than 1 Horse/miniature horse, Pony/miniature pony, or donkey/miniature donkey on an allotment 4000 m <sup>2</sup> to 10,000 m <sup>2</sup> .
8	Noisy Birds	More than one (1) noisy bird on an allotment 1,000 m <sup>2</sup> to 20,000 m <sup>2</sup> .
9	Pig/miniature pig	More than one (1) on an allotment more than 400 m <sup>2</sup> to 10,000 m <sup>2</sup> .
10	Poultry	More than 5 and less than 12 poultry on an allotment in an urban area.
11	Racing Pigeons, Pigeons or doves	An approval is required to keep racing pigeons, pigeons or doves in an urban area or on a property less than 10,000 m <sup>2</sup> .
12	Sheep, goat, alpaca or llama	More than one (1) on an allotment 1,000 m <sup>2</sup> to 20,000 m <sup>2</sup> .
13	Stallions	More than one (1) on any allotment.
14	Breeding	(a) Cat – On any allotment; (b) Dog – On any allotment; (c) Horses – On any allotment less than 20,000 m <sup>2</sup> ; (d) Cattle – On any allotment less than 20,000 m <sup>2</sup> ; (e) Noisy Birds – On any allotment less than 20,000 m <sup>2</sup> ; (f) Sheep – On any allotment less than 20,000 m <sup>2</sup> ; and (g) Goats – On any allotment less than 20,000 m <sup>2</sup> .

## Schedule 3 Requirement to desex animal

### Section 7

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Age at which animal must be desexed</b>	<b>Column 3 Exemptions to the requirement for desexing</b>
1	Dog or Cat	Minimum six (6) months	The animal has not committed more than two (2) offences against the authorised local law in any twelve (12) month period. <i>Example-</i> The dog/cat commits three (3) dog/cat offences in a twelve (12) month period

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

### Section 8(1)

- (1) All Animals—
  - (a) any land, enclosure or building in which an animal is kept must be maintained so as not to cause a public health risk as defined by the *Public Health Act 2005*; and
  - (b) any land adjoining a road and on which an animal is kept must be adequately fenced to the satisfaction of an authorised person so as to prevent animals escaping from the land onto the road; and
  - (c) an enclosure in which an animal is kept must be maintained to the satisfaction of an authorised person in a clean and sanitary condition, in good repair and appearance, and free from flies, rats, other vermin and nuisance odours; and
  - (d) an enclosure in which an animal is kept must be built and maintained 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 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 unreasonable interferes with the peace, comfort or social well-being of a reasonable person.



## Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
	Horse, Cattle, Donkey and Goat	<p>Each owner or responsible person for the animal must provide the local government with the following information –</p> <ul style="list-style-type: none"> <li>(a) the person’s name, address and telephone number, including mobile phone number; and</li> <li>(b) contact details for an alternative contact person; and</li> <li>(c) details of where the animal is kept.</li> </ul> <p>(1) Stables (where determined by the Local Government)</p> <ul style="list-style-type: none"> <li>(a) a covered receptacle for manure or other offensive matter must be kept in the stable; and</li> <li>(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</li> <li>(c) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and</li> <li>(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</li> <li>(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</li> <li>(f) any part of a stable must not be situated– <ul style="list-style-type: none"> <li>(i) 10m from an adjoining boundary of an allotment 2,000m<sup>2</sup> or more; and</li> <li>(ii) 1m from any dwelling; and</li> <li>(iii) 5 m from any structure which food for human consumption is processed or stored; and</li> <li>(iv) 1 m from a roadway;</li> </ul> </li> </ul> <p>(2) The keeper must not deposit manure in any way that may pollute or be likely to pollute water which is used or is likely to be used for human consumption or for dairy purposes.</p>

	Poultry	<p>(1) Fowl houses, fowl pens and runs are not to be situated–</p> <ul style="list-style-type: none"> <li>(a) within 10m of a dwelling or place where food is kept, processed or stored; and</li> <li>(b) within 5m of any property boundary or a road.</li> </ul> <p>(2) Poultry food must be stored in a vermin proof receptacle</p>
	Pig/miniature pig	<p>(1) The interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray.</p> <p>(2) Any part of a sty or other enclosure in which a pig is kept must not be situated–</p> <ul style="list-style-type: none"> <li>(a) 10m from an adjoining boundary; and</li> <li>(b) 15m from any dwelling; and</li> <li>(c) 15m from any structure in which food for human consumption is processed or stored; and</li> <li>(d) 1m from a roadway; and</li> <li>(e) 20m from any watercourse, well or bore.</li> </ul>
	Bees	<p>(1) Beehives must not be located less than 10m from an adjoining boundary unless approved by an authorised person.</p>
	Cats	<p>(1) Within 14 days of keeping a cat over 12 weeks old, the owner/keeper must –</p> <ul style="list-style-type: none"> <li>(a) register the cat with the local government;</li> <li>(b) give the local government the approved forms required under <i>Local Law No. 1 (Administration) 2014</i> and this local law;</li> <li>(c) ensure the registration form is accompanied by – <ul style="list-style-type: none"> <li>(i) the annual registration fee for the cat; and</li> <li>(ii) if it is desexed, a signed veterinary surgeon’s certificate stating, or other evidence that, it has been desexed;</li> </ul> </li> <li>(d) ensure the cat is implanted with a permanent identification device (PID) and provide the PID number to the local government, or provide to the local government a signed veterinary surgeon’s certificate for the cat stating that implanting it with a PID is likely to be a serious risk to the health of the cat;</li> </ul> <p>(2) The owner of the cat must, within 14 days, give the local government notice of the changed information on the</p>

		approved forms required under <i>Local Law No. 1 (Administration) 2014</i> and this local law.
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## Schedule 6 Prohibition of animals in public places

Section 10

	<b>Column 1 Public place</b>	<b>Column 2 Species or breed of animals prohibited</b>
	Within ten (10) metres of any playground, barbeque, shelter or picnic table in a park or reserve	All Animals
	Libraries	All Animals
	All cemetery reserves	All Animals
	The areas shown in the local government's 'Animals In Prohibited Public Places Register', which is open and available for public inspection, and are designated pursuant to this subordinate local law as areas where animals are not permitted in public places.	Pursuant to 'Animals In Prohibited Public Places Register'

## Schedule 7 Dog off-leash areas

Section 11

	<b>Column 1</b> <b>Dog off-leash area</b>	<b>Column 2</b> <b>Species or breed of animals</b>
	The areas shown in the local government's 'Dog Off-leash Area Register', which is open and available for public inspection, and are designated pursuant to this subordinate local law as areas where animals are permitted in a dog off-leash area.	Pursuant to 'Dog Off-leash Area Register'

## Schedule 8 Requirements for proper enclosures for animals

## Section 13

	Column 1 Species or breed of animals	Column 2 Requirements for enclosures
	All animals	<p>(1) The enclosure—</p> <ul style="list-style-type: none"> <li>(a) must be <i>suitably fenced</i>; and</li> <li>(b) must be of a size appropriate to the species and breed of the animal to be enclosed; and</li> <li>(c) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and</li> <li>(d) must contain adequate shelter.</li> </ul> <p>(2) The enclosure's gates must be closed and latched except when in actual immediate use.</p> <p>(3) <i>suitably fenced</i> means a fence constructed of strong materials and designed in such a way to prevent the animal from—</p> <ul style="list-style-type: none"> <li>(a) escaping over, under, through or around the fence; and</li> <li>(b) protruding over, under, through or around the fence; and</li> <li>(c) threatening to attack a person or animal over, under, through or around the fence; and</li> <li>(d) attacking a person or animal over, under, through or around the fence.</li> </ul> <p>(4) Keeping an animal on a leash does not constitute a proper enclosure.</p>

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

Section 14(1)

*This schedule has been left intentionally blank.*

## **Schedule 10 Koala areas<sup>2</sup>**

Section 14(2)

*This schedule has been left intentionally blank.*

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<sup>2</sup> “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**

The following criteria will be considered prior to an animal, other than a dog, being declared dangerous—

- (a) whether the animal has attacked a person;
- (b) whether the animal has attacked another animal;
- (c) whether the animal has caused fear of attack in a person;
- (d) whether the animal has exhibited behaviour that, in the opinion of an authorised person, gives rise to concern that it is likely to either attack a person or animal or cause fear to a person.

## Schedule 12 Conditions for sale of animals

Section 19

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

**Drafting certificate**

This and the preceding 26 pages is a certified copy of *Whitsunday Regional Council Subordinate Local Law No. 2 (Animal Management) 2014*, has been drafted in accordance with the *Local Government Act 2009* by Whitsunday Regional Council by resolution dated 27th day of May 2020.