



**Douglas Shire Council
Subordinate Local Law No. 2
(Animal Management) 2020**

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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) 2020*.

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) 2020*, 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;
 - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, and identification;
 - (c) the control of animals in public places;
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals;
 - (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) 2020* (the **authorising local law**).

4 Definitions

- (1) The dictionary in schedule 11 defines particular words used in this subordinate local law.
- (2) Any words defined in the authorising 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)

- (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(1)

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 all 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 additional minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

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)

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) 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 may, acting reasonably, direct an owner or responsible person for the animal to remove.

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 an authorised person must consider in declaring an animal other than a dog as a declared dangerous animal are set out on schedule 9.

Part 4 Seizure, impounding or destruction of animals

15 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 other way without destroying it are the following—

- (a) dogs;
- (b) cats;
- (c) horses;
- (d) cattle;
- (e) poultry;
- (f) birds;
- (g) goats;
- (h) pigs; and
- (i) sheep.

16 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 the local government's public offices.

Part 5 Miscellaneous

17 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 9 must comply with the conditions set out in column 2 of schedule 10.

18 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; and
- (b) insects.

19 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.

20 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 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 One Species or breed or animals	Column Two Circumstances in which keeping of animal or animals is prohibited
1.	Cows, bulls, horses (other than stallions and miniature horses), donkeys, and other animals of similar size	On any allotment less than 2,000 m ²
2.	Dogs	Any of the following breeds or a dog of mixed breed with at least one element of the following breeds anywhere in the local government area— (a) American Pit Bull Terrier or Pit Bull Terrier; (b) Dogo Argentino; (c) Filo Brasileiro; (d) Japanese Tosa; and (e) Perro de Presa Canario or Presa Canario, unless a restricted dog permit has been issued and is current under the <i>Animal Management (Cats and Dogs) Act 2008</i> .
3.	Goats (other than miniature goats) & Sheep	(a) On any allotment less than 800 m ² (b) More than 2 goats on an allotment of 2,000 m ² or more and less than 4,000 m ² (c) More than 4 goats on an allotment of 4,000 m ² or more and less than 10,000 m ²
4.	Miniature goats	On any allotment less than 800 m ²
5.	Miniature Pigs	On any allotment less than 2000 m ²
6.	Miniature horses	On any allotment less than 2000 m ²
7.	Noisy Birds	(a) On any allotment less than 800 m ² (b) More than 2 noisy birds on any allotment more than 800 m ² and less than 10,000 m ²

	Column One Species or breed or animals	Column Two Circumstances in which keeping of animal or animals is prohibited
8.	Pigs	(a) On any allotment less than 10,000 m ² (b) On any allotment located in a Conservation Zone
9.	Poultry (other than roosters)	On any allotment less than 450 m ²
10.	Rams	On any allotment less than 10,000 m ²
11.	Roosters	On any allotment less than 10,000 m ²
12.	Special Birds	On any allotment less than 20,000 m ²
13.	Stallion	On any allotment less than 10,000 m ²

Schedule 2 Requirement for approval to keep animal

Section 6

	Column One Species or breed or animals	Column Two Circumstances in which keeping of animals requires approval¹
1.	Birds	(a) More than 10 birds on an allotment less than 800 m ² (b) More than 30 birds on an allotment less than 4,500 m ²
2.	Cows, bulls, horses (other than stallions and miniature horses), donkeys and other animals of similar size	More than 1 on an allotment of more than 2,000 m ² and less than 10,000 m ²
3.	Cats	(a) More than 2 cats over the age of 12 weeks on any allotment outside a Conservation Zone (b) Any cat over the age of 12 weeks on any allotment located in a Conservation Zone
4.	Dogs	(a) More than 1 dog on an allotment less than 450 m ² (b) More than 2 dogs on any allotment of more than 450m ² (c) More than 4 dogs on any Rural Productive land ² (d) The keeping of more than 1 dog on any allotment located in a Conservation Zone
5.	Goats	More than 2 goats on an allotment of more than 2,000 m ² and less than 4,000 m ²
6.	Miniature Goats	More than 2 miniature goats on any allotment of more than 800 m ² and less than 2000 m ²
7.	Miniature Pigs	More than 2 miniature pigs on any allotment of more than 2000 m ² and less than 10,000 m ²

¹ See Local Law No. 1 (Administration) 2020 and Subordinate Local Law No. 1 (Administration) 2020 in relation to requirements and processes for approvals.

² Rural Productive land as defined in the Revenue Statement.

	Column One Species or breed or animals	Column Two Circumstances in which keeping of animals requires approval¹
8.	Miniature Horses	More than 4 miniature horses on any allotment of more than 2000 m ² and less than 10,000 m ²
9.	Noisy Bird	More than 1 noisy bird on an allotment of more than 800 m ² and less than 10,000 m ²
10.	Pigeons	1 or more on any allotment
11.	Pigs	More than 4 pigs on an allotment more than 10,000 m ²
12.	Poultry	(a) More than 6 poultry on any allotment of more than 450 m ² and less than 800 m ² (b) More than 9 poultry on an allotment of more than 800 m ² and less than 2,000 m ² (c) More than 12 poultry on an allotment of more than 2,000 m ² and less than 10,000 m ²
13.	Sheep	More than 4 sheep on an allotment of more than 2000 m ² and less than 10,000 m ²
14.	Stallions	1 or more stallion on an allotment more than 10,000 m ²

Schedule 3 Animals that must be desexed

Section 7(1)

	Column One Species or breed or animals	Column Two Age at which animal must be desexed	Column 3 Exceptions
1.	Cats	16 weeks	<p>(a) There is a signed veterinary surgeon certificate for the cat stating that desexing is likely to be a serious risk to the health of the cat.</p> <p>(b) The owner or responsible person for the cat—</p> <ul style="list-style-type: none"> (i) is the owner or operator of a pound or shelter; (ii) is a member of a recognised breeders association and the person intends to breed from the cat; (iii) is a member of a registered show association and the person intends to show or exhibit the cat; or (iv) holds an animal breeder approval with respect to the cat.

	Column One Species or breed or animals	Column Two Age at which animal must be desexed	Column 3 Exceptions
2.	Dogs	26 weeks	<p>(a) There is a signed veterinary surgeon certificate for the dog stating that desexing is likely to be a serious risk to the health of the dog.</p> <p>(b) The owner or responsible person for the dog—</p> <ul style="list-style-type: none"> (i) is a member of a recognised breeder association and the person intends to breed from the dog; (i) is a member of a registered show association and the person intends to show or exhibit the dog; or (ii) holds an animal breeder approval with respect to the dog; or (iii) is the owner or operator of a pound or shelter; or (iv) is a foster carer for the dog appointed by a pound or shelter on a temporary basis. <p>(c) The dog was registered with the local government prior to the commencement of this local law and ownership of the dog has not changed.</p> <p>(d) The dog is over the age of 8 years of age.</p>

Schedule 4 Minimum standards for keeping animals generally

Section 8

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*;
- (b) 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;
- (c) An enclosure in which an animal is kept must be built and maintained in such a way as to prevent the animal from escaping;
- (d) An enclosure must provide adequate space for any animal to be kept therein;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) 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;
- (i) 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
- (j) 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 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 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
1.	Horse, Cattle, Donkey, Sheep, Goat and other animals of a similar size	<p>(a) If a stable is constructed—</p> <ul style="list-style-type: none"> (i) a covered receptacle for manure or other offensive matter must be kept in the stable; and (ii) 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 (iii) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and (iv) 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 (v) 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 (vi) any part of a stable must not be situated— <ul style="list-style-type: none"> A) 10m from an adjoining boundary of an allotment 2,000m² or more; and B) 1m from any dwelling; and C) 15m from any structure which food for human consumption is processed or stored; and D) 6m from a roadway. <p>(b) 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>
2.	Poultry	<p>(a) Fowl houses, fowl pens and runs are not to be situated—</p> <ul style="list-style-type: none"> (i) within 10m of a dwelling or place where food is kept processed or stored; and (ii) within 2m of any property boundary or a road. <p>(b) Poultry food must be stored in a vermin proof receptacle.</p>

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
3.	Pig	<p>(a) The interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray.</p> <p>(b) 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">(i) 10m from an adjoining boundary; and(ii) 15m from any dwelling; and(iii) 15m from any structure which food for human consumption is processed or stored; and(iv) 6m from a roadway; and(v) 20m from any watercourse, well or bore.

Schedule 7 Dog off-leash areas

Section 11

The areas shown in the local government's Dog Off-Leash Area Register, which is available for public inspection, at the local government's public office or online at www.douglas.qld.gov.au, are designated pursuant to this subordinate local law as areas where a dog is not required to be on a leash in public.

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	<p>(a) To the reasonable satisfaction of an authorised person the enclosure—</p> <ul style="list-style-type: none"> (i) must be suitably fenced to contain the animal; (ii) must be of a size appropriate to the species and breed of the animal to be enclosed; (iii) 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 (iv) must contain adequate shelter for all animals kept in the enclosure. <p>(b) The enclosure's gates must be closed and latched except when in actual immediate use.</p> <p>(c) For the purpose of sub-paragraph (a), "suitably fenced" means a fence constructed of strong materials and designed in such a way to the prevent the animal from—</p> <ul style="list-style-type: none"> (i) escaping over, under, through or around the fence; (ii) protruding over, under, through or around the fence; and (iii) attacking a person or animal over, under, through or around the fence. <p>(d) Keeping an animal on a leash or tether does not constitute a proper enclosure.</p>
2.	Dogs	<p>(a) If the dog is a climber, the fence or enclosure must be constructed in such a way as to prevent the dog from climbing over the fence.</p> <p>(b) If the dog is a digger, a barrier must be installed directly below the fence or enclosure which is adequate to prevent the dog digging its way out.</p>

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
3.	Guard dogs	<p>(a) The enclosure must—</p> <ul style="list-style-type: none"> (i) be constructed to a standard approved by an authorised person; and (ii) clearly display a warning sign, approved by an authorised person to the entrance to the property where the guard dog is being kept. The sign must prominently and permanently display in lettering not less than 50 milometers in height on a background of a type and colour to ensure that the lettering is readily legible— <i>"Beware – Guard dog (or dogs) on premises."</i> <p>(b) The guard dog must be confined in a secure enclosure at all times when the public has access to the property where the dog is being kept.</p>
4.	Noisy birds	<p>(a) The cages/enclosures must—</p> <ul style="list-style-type: none"> (i) not be sited within 25 metres of any residence on adjoining premises; (ii) be sited at least 2 metres from the boundary of any adjoining premises; (iii) not, in combination with all buildings on the allotment, exceed 50% of the area of the allotment; and (iv) be located at the rear of the premises behind the residence (if any) situated on the premises.
5.	Poultry (other than rooster)	<p>(a) The enclosure must—</p> <ul style="list-style-type: none"> (i) be sited no closer than 2 metres from the property boundary; (ii) be located at the rear of the premises behind the residence (if any) situated on the premises; (iii) be constructed to prevent any such bird from being within 10 metres of any dwelling (except any dwelling on the premises); and (iv) be constructed to prevent any such bird from being within 10 metres of any premises used for the manufacture, preparation or storage of food for human consumption (other than a domestic kitchen used solely for domestic purposes by the owner or of responsible person for the birds).

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
6.	Rooster	<p>(a) The enclosure must not be sited closer than 25 metres from the property boundaries.</p> <p>(b) The enclosure must be constructed to prevent any such bird from going within 25 metres of any dwelling (except any dwelling on the premises).</p> <p>(c) The enclosure must also be constructed to prevent any such bird from going within 25 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the birds) used for the manufacture, preparation or storage of food for human consumption.</p>

Schedule 9 Criteria for declared dangerous animals

Section 14

The following criteria are the criteria an authorised person must consider in declaring an animal, other than a dog, a dangerous animal—

- (a) whether the animal has attacked, or acted in a way that caused fear to, a person or another animal;
- (b) whether in the opinion of an authorised person having regard to the way the animal has behaved towards a person or another animal, the animal may attack, or act in a way that causes fear to, the person or animal;
- (c) whether the animal has been trained or is used to attack for the purpose of guarding either persons or property; and
- (d) whether the animal has been declared as a dangerous animal by another local government.

Schedule 10 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.	Dog or Cat	<p>(a) A person selling a dog or cat must—</p> <ul style="list-style-type: none"> (i) be a breeder licensed under any relevant State legislation applying to the breeding of dogs or cats; or (ii) be a breeder licensed with a relevant breeding association. <p>(b) A dog must be desexed if it is 26 weeks of age or older, unless—</p> <ul style="list-style-type: none"> (i) the transferee / purchaser of the animal is a member of a recognised breeders association for the purposes of breeding or showing dogs; or (ii) it is an assistance dog. <p>(c) A cat must be desexed if it is 16 weeks of age or older, unless the transferee / purchaser is a member of a recognised breeders association for the purposes of breeding or showing cats.</p>

Schedule 11 Dictionary

Section 4

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

Conversation Planning Area has the meaning defined in the planning scheme.

guard dogs means a dog specifically trained to guard persons or property.

miniature goat means a goat specifically bred for domestic pet purposes and which is recognised as a breed of miniature goat by the Miniature Goat Breeders Association of Australia Inc. or such other association recognised by the local government, including the Australian Miniature Goat, the Pygmy Goat and the Nigerian Dwarf Goat.

miniature pig means a pig specifically bred for domestic purposes not exceeding 60 centimetres in height upon maturity.

miniature horse means a horse not exceeding 86 centimetres in height upon maturity.

noisy bird means a cacophonous bird such as a galah, cockatoo, or peacock or such other bird that, in the reasonable opinion of an authorised person is a noisy bird, but does not include a rooster.

poultry includes any species of fowl including goose, duck, turkey, guinea fowl, pheasant or quail and also pheasants.

recognised breeders association means an association for persons who conduct animal breeding recognised by the local government.

special birds means emus and ostriches.