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 15 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.

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(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 area indicated by a bold red line circumscribing an area shaded in red on the map in schedule 7 is designated as a dog off-leash area.



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, no other organisation or local government is prescribed.

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 public office.



Part 5 Appeals against destruction orders

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 6 Miscellaneous

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, microchipped cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is a cat which is not microchipped, an unregistered dog or an animal which is not an identifiable animal—3 days.



Schedule 1 Prohibition on keeping animals¹

	Column 1	Column 2			
	Animal	Circumstances in which keeping of animal or animals is			
		prohibited			
1	Dog	(a) More than 3 dogs over the age of 3 months on an allotment in a designated town area			
		(b) More than 1 dog over the age of 3 months on premises which are multi-residential premises			
		(c) Any of the following breeds, and a crossbreed of 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			
2	Cat	(a) More than 4 cats over the age of 3 months on an allotment in a designated town area			
		(b) More than 1 cat over the age of 3 months on premises which are multi-residential premises			
3	Horse, donkey, cow, bull, ox, camel, deer or other	(a) An animal to which this item 3 applies on an allotment in the town of goondiwindi if the allotment has an area less than 4,000m ²			
	animal of a similar size, sheep, goat, alpaca, llama or other animal of a	(b) More than 1 animal to which this item 3 applies on an allotment in a rural town if the allotment has an area between 1,000m ² and 2,500m ²			
	similar size, ostrich, emu or peacock	(c) More than 2 animals to which this item 3 applies on an allotment in a rural town if the allotment has an area between 2,501m ² and 3,999m ²			
4	Duck, goose,	(a) A rooster on premises in a designated town area			
	poultry or turkey	(b) 20 or more birds to which this item 4 applies (other than a rooster) on an allotment in a designated town area			
5	Pig	A pig on premises in a designated town area			

¹Note, the authorizing local law, and this subordinate local law, are in addition to, and do not derogate from, laws regulating the use or development of land. In certain circumstances, the commencement of the keeping of animals on land may constitute a material change of use of the land and, pursuant to the planning scheme of the local government, require a development approval under the *Sustainable Planning Act 2009*.

6	Bees	A hive on an allotment with an area less than 400 m ² in a
		designated town area (see Code of Practice for Urban Bee
		Keeping in Queensland 1998)

If, prior to the commencement of Animal Management (Amendment) Subordinate Local Law (No. 1) 2021, this schedule described a prohibition which applied to the keeping of an animal or animals on premises, the prohibition does not apply to the keeping of the animal or animals on the premises if—

- (a) the animal or animals were kept on the premises before the commencement of the authorising local law; and
- (b) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.



Schedule 2 Requirement for approval to keep animal

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval ²
1	Dog	3 dogs over the age of 3 months on an allotment in a designated town area
2	Cat	4 cats over the age of 3 months on an allotment in a designated town area
3	Horse, donkey, cow, bull, ox, camel, deer or other	(a) More than 1 animal to which this item 3 applies on an allotment in the town of goondiwindi with an area of 4,000m ² or more
	animal of a similar size, sheep, goat, alpaca, llama or other animal of a	(b) 1 animal to which this item 3 applies on an allotment in a rural town if the allotment has an area between 1,000m ² and 2,500 m ²
	similar size, ostrich, emu or peacock	(c) 2 animals to which this item 3 applies on an allotment in a rural town if the allotment has an area between 2,501m ² and 3,999m ²

² 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

	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
 - (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; and
 - (g) ensure that the keeping of the animal on the premises does not cause an animal noise nuisance; and
 - (h) 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.
- For the purposes of section 1(g), the keeping of an animal on premises causes an animal noise nuisance if
 - (a) the animal makes a noise which
 - (i) occurs more than once; and
 - (ii) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises; or

Example for section 2(a)(ii)—

The barking of a dog which disrupts a person—

(a) holding a conversation; or



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

In order for an animal noise nuisance to occur, it is not necessary that the degree of interference from the barking is such as to be continuous, or to make it practically impossible to —

- (a) hold a conversation; or
- (b) watch television; or
- (c) listen to a radio or recorded material at ordinary volumes; or
- (d) fall or stay asleep.

Any occurrence by which a person is woken from sleep, or by which a person is distracted or annoyed during the course of carrying out some other ordinary activity, in a way which would not occur in the absence of the dog barking, is a disruption to or an inhibition of an activity ordinarily carried out on residential premises. It is not necessary that the barking totally drowns out the sound of the conversation, television, radio or recorded material. It is sufficient if attention is merely diverted from the sound of the conversation, television, radio or recorded material. It is sufficient if attention is merely diverted from the sound by the barking of the dog. It is not necessary that the barking be a repeated or ongoing interruption of sleep or that the barking results in the total shattering of sleep.

- (b) the animal makes a noise that is excessive in all the circumstances, and an animal makes a noise that is excessive in all the circumstances if
 - (i) the noise is made for more than a total of 6 minutes in any hour from 7.00a.m. to 10.00p.m. on any day; or
 - (ii) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 10.00p.m. or before 7.00a.m.



Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1	Column 2
	Species or breed of animal	Minimum standards for keeping animals
1	Greyhound	Each owner of, and responsible person for, a greyhound must ensure that the dog is kept—
		(a) without nuisance; and
		(b) if a code of practice for the keeping of greyhounds has been approved by Racing 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	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 15m of—
	size and sheep, goat, pig and other	(a) a residence on adjoining premises; or
	animals of a similar size	(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); or
		(d) a retail shop; or
		(e) a place of religious worship.
		Also, 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 6m of any road which adjoins the premises.
3	Budgerigar, canary and other birds of a	Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that—
	similar size and cockatiel and other	(a) the bird is kept without nuisance; and
	birds of a similar size and cockatoo,	(b) the bird is contained within an enclosed cage or aviary; and
	galah and other birds of a similar size	(c) the bird's food is kept in a properly sealed, vermin proof container; and
	SIZC	(d) the cage or aviary in which the bird is kept is



	Column 1	Column 2
	Species or breed of animal	Minimum standards for keeping animals
		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.
4	Pigeons	Each owner of, and responsible person for, pigeons which are kept on premises must ensure that—
		(a) the pigeons are kept without nuisance; and
		(b) the pigeons contained within an enclosed cage or aviary; and
		(c) the pigeon's food is kept in a properly sealed, vermin proof container; and
		(d) the cage or aviary in which the pigeons are kept is—
		(i) thoroughly cleaned at least once each week; and
		(ii) located at the rear of, and behind, any residence situated on the premises; and
		(e) if a code of practice for the keeping of pigeons has been approved by the local government—the pigeons are kept in accordance with the requirements of the code of practice.
5	Bees	Each owner of, and responsible person for, bees which are kept on premises must ensure that—
		(a) the bees are kept without nuisance; and
		(b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of—
		(i) a residence on adjoining premises; or
		(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 bees; or
		(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and
		(c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
		(d) if a code of practice for the keeping of bees has been

	Column 1			Column 2
	Species or breed of animal		Min	imum standards for keeping animals
				ved by the local government — the bees are kept ordance with the requirements of the code of ce.
6	Duck, drake, goose, turkey, peacock,			f, and responsible person for, a bird identified in a 6 which is kept on premises must ensure that—
	peahen, ostrich, emu and poultry	(a)	the bir	rd is kept without nuisance; and
	and pourtry	(b)	the bir	rd is contained within an enclosure; and
		(c)		rd's food is kept in a properly sealed, vermin container; and
		(d)	the en	closure in which the bird is kept is—
			(i)	thoroughly cleaned at least once each week; and
			(ii)	located at the rear of, and behind, any residence situated on the premises; and
		(e)		closure in which the bird is kept is not located a radius of 10m of—
			(i)	a residence on adjoining premises; or
			(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
			(iii)	a place used for the storage of food (other than food kept in hermetically sealed packages); and
		(f)		closure in which the bird is kept is not located an 1 m from the side or rear boundaries of the ses.

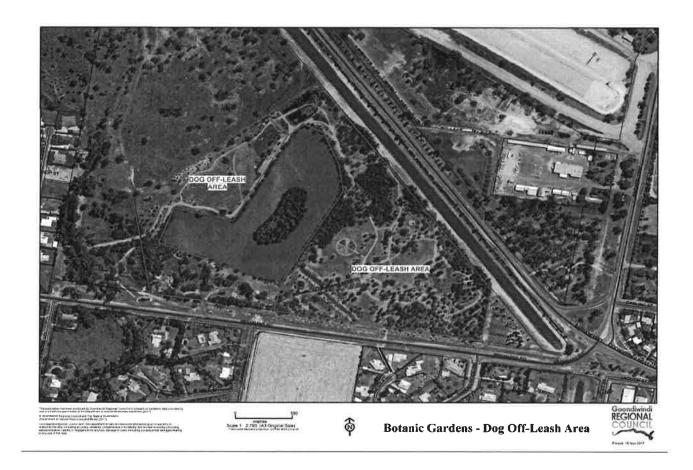


Schedule 6 Prohibition of animals in public places

		Column 1 Public place	Column 2 Species or breed of animals prohibited
1	(a)	the gated, and fenced, playground at the Goondiwindi Town Park	Every species and breed of animal
	(b)	the gated, and fenced, playground at the Goondiwindi Botanical Gardens	
	(c)	the gated, and fenced, playground at the All Abilities Park, Texas	



Schedule 7 Dog off-leash areas





Schedule 8 Requirements for proper enclosures for animals

	Column 1		Column 2
	Species or breed of animal		Requirements for proper enclosures
1	All animals regardless of species or breed	(1) A proper enclosure is an area of the land on which animal is kept, appropriately sized so as to be capable effectively and comfortably housing the animal.	
		(2) The	e area must be suitably fenced—
		(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.
			the purposes of this item 1 <i>suitably fenced</i> means losed by a fence —
		(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	addition animal is second provided	or enclosure for the keeping of a horse must, in to the requirements specified in item 1, where the sa stallion—be constructed within an additional or suitable and adequate fence or enclosure that is at the land on which the stallion is kept to a 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 areas³

Section 14(2)

No area designated,

V

³ "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.

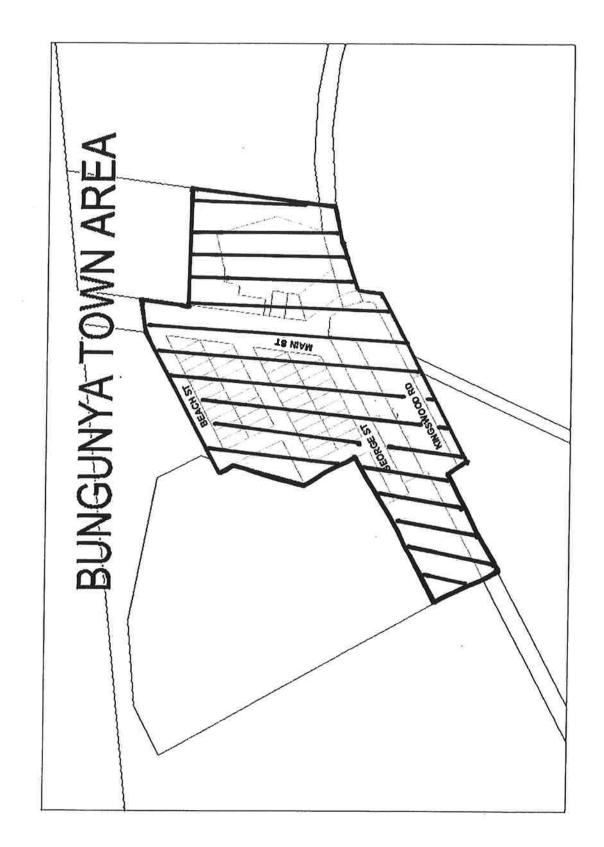


Schedule 12 Conditions for sale of animals

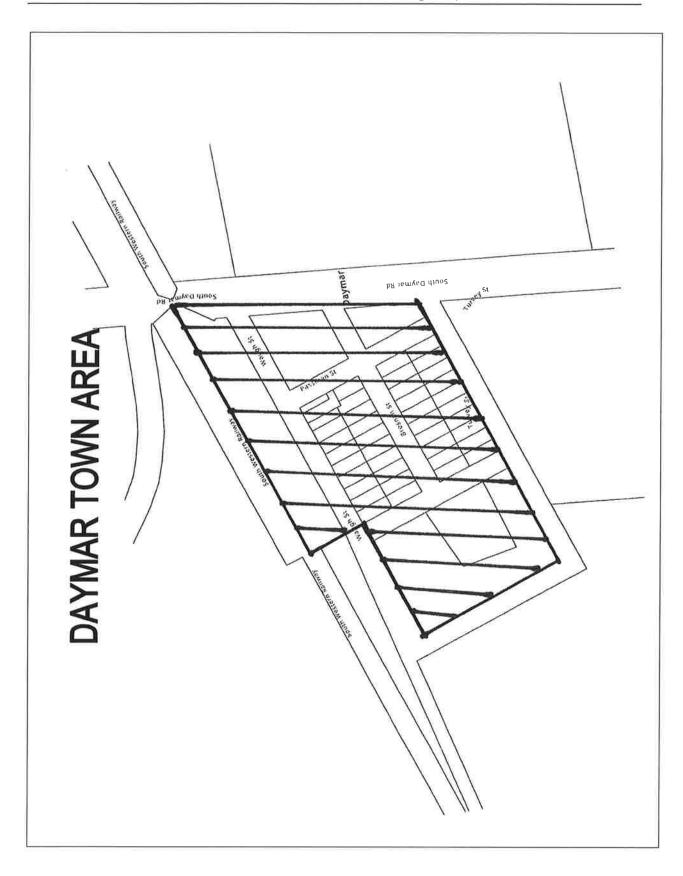
	Column 1	Column 2
	Species or breed of animal	Conditions that must be complied with when offering animal for sale
1	No species or breed of animal mentioned	No conditions set out.



Schedule 14 Designated town area



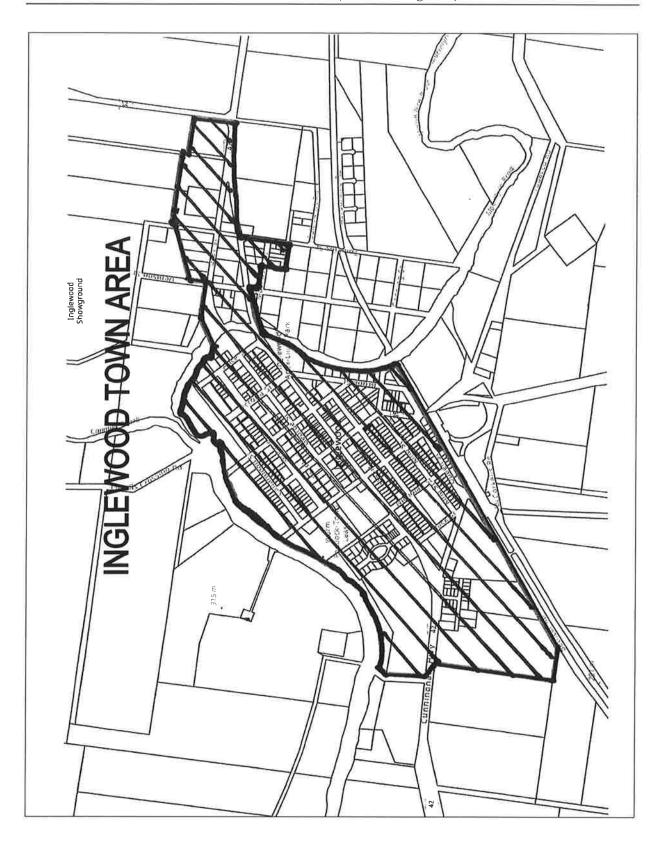




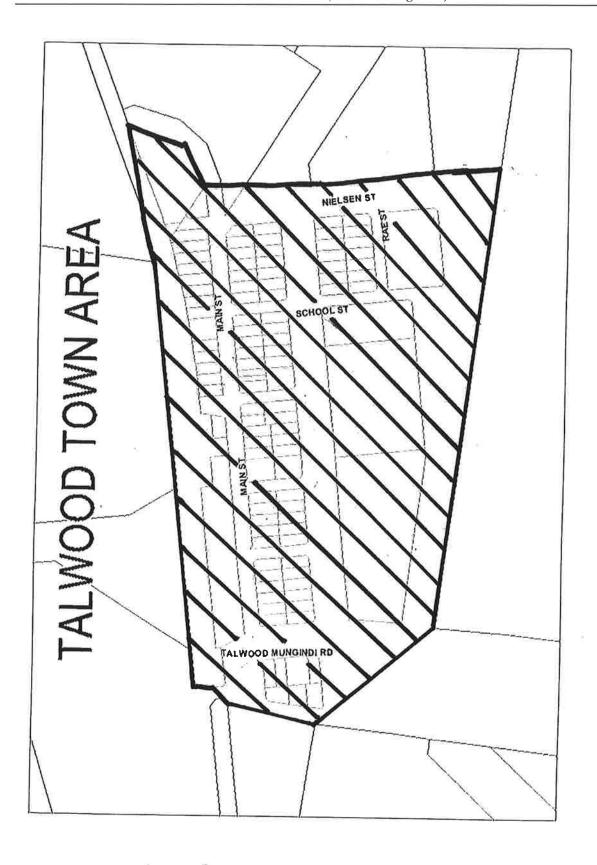








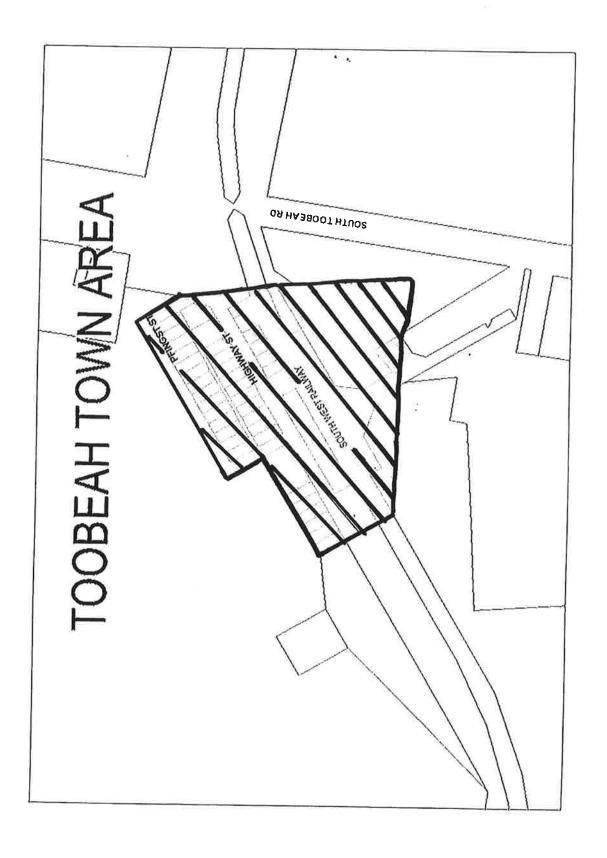




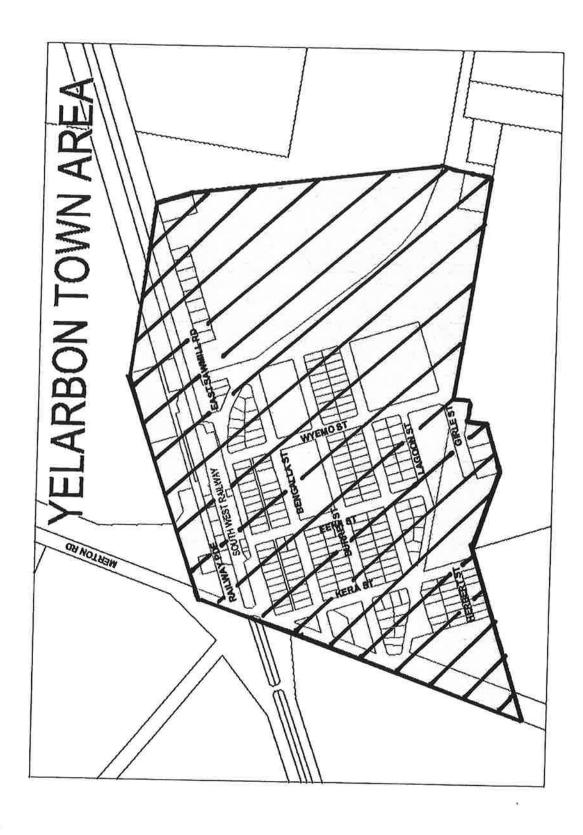








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Schedule 15 Dictionary

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.

cat—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a kitten regardless of age.

designated town area—

- (a) means each area which is indicated by a bold line circumscribing a hatched area on a map in schedule 14; and
- (b) for the avoidance of doubt, includes each rural town.

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.

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.

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

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.

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.

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

public place has the meaning given in the Local Government Act 2009.

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.

retail shop has the meaning given in the Retail Shop Leases Act 1994.

rural town means —

- (a) the town of bungunya; and
- (b) the town of daymar; and
- (c) the town of inglewood; and
- (d) the town of talwood; and
- (e) the town of texas; and
- (f) the town of toobeah; and
- (g) the town of yelarbon

stallion means an uncastrated adult male horse.

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

town of bungunya means the area which is indicated by a bold line circumscribing a hatched area on the map in schedule 14 titled "Bungunya Town Area".

town of daymar means the area which is indicated by a bold line circumscribing a hatched area on the map in schedule 14 titled "Daymar Town Area".

town of goondiwindi means the area which is indicated by a bold line circumscribing a hatched area on the map in schedule 14 titled "Goondiwindi Town Area".

town of inglewood means the area which is indicated by a bold line circumscribing a hatched area on the map in schedule 14 titled "Inglewood Town Area".

town of talwood means the area which is indicated by a bold line circumscribing a hatched area on the map in schedule 14 titled "Talwood Town Area".

town of texas means the area which is indicated by a bold line circumscribing a hatched area on the map in schedule 14 titled "Texas Town Area".

town of toobeah means the area which is indicated by a bold line circumscribing a hatched area on the map in schedule 14 titled "Toobeah Town Area".

town of yelarbon means the area which is indicated by a bold line circumscribing a hatched area on the map in schedule 14 titled "Yelarbon Town Area".

watercourse has the meaning given in the Environmental Protection Regulation 2019.

This and the preceding 32 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* prepared and adopted in accordance with the provisions of the *Local Government Act 2009* by Goondiwindi Regional Council by resolution dated the 24th day of November 2021.

Chief Executive Officer

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