

**Paroo Shire Council**  
**Interim Subordinate Local Law No. 2 (Animal Management)**  
**2018**

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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) 2013*.

### 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, 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

### 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

Particular words used in this subordinate 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)

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 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 3.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 4 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 4.

**8 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(3) of the *Animal Management (Cats and Dogs) Act 2008*.

**Part 3 Control of animals**

**9 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 5.

**Part 4 Seizure, impounding or destruction of animals**

**10 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.

**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.*

## Schedule 1 Prohibition on keeping animals

Section 5

<b>Column 1</b> <b>Animal</b>	<b>Column 2</b> <b>Circumstances in which keeping of animal or animals is prohibited</b>
Nil	

## 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 Dog	More than 2 over the age of 3 months on an allotment in a designated town area.
2 Cat	More than 2 over the age of 3 months on an allotment in a designated town area.
3 Horse or donkey	More than 2 on an allotment in a designated town area.
4 Cow or bull	More than 2 on an allotment in a designated town area.
5 Sheep, goat, deer alpaca or llama	More than 2 on an allotment in a designated town area.
6 Poultry, including Duck and Geese.	More than 20 on an allotment in a designated town area.
8 Bees	(a) More than 2 hives on an allotment of more than 400 m <sup>2</sup> and less than 1000 m <sup>2</sup> ; or (b) More than 5 hives on an allotment of more than 1000 m <sup>2</sup> and less than 2000 m <sup>2</sup> (see Code of Practice for Urban Bee Keeping in Queensland 1998).
9 Any other animal	1 or more on an allotment in a designated town area.
10 Pig	More than 1 on an allotment

<sup>1</sup> See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1 (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      Minimum standards for keeping animals generally**

Section 7(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 causing 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) if the animal is a dog—ensure that the keeping of the dog on the premises does not cause an animal noise nuisance.

2. For the purposes of section 1(g), a dog causes an animal noise nuisance if it makes a noise which —

- (a) occurs more than once; and
- (b) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.

Example for section 2(b) —

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 a nuisance under this section 2 to occur, it is not necessary that the degree of interference from the barking is such as to be continuous, or to make it practicably 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 this sound by the barking of the dog. It is not necessary that it be a repeated or ongoing interruption of sleep or that it be the total shattering of sleep.

3. The criteria an authorised person must consider when deciding whether an animal makes a noise which disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises include—

- (a) has the local government received 3 complaints of a contravention of section 1(g) from 3 persons all of whom occupy separate premises in the same or an adjoining street to the premises the subject of the complaints; and
- (b) has the local government received 2 complaints of a contravention of section 1(g) in circumstances where the land the subject of the complaints is not located in an area occupied predominantly by residential premises.

## Schedule 4 Minimum standards for keeping particular animals

Section 7(2)

<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Minimum standards for keeping animals</b>
1 Horse, donkey and cattle, pig	(a) The interior of every stable shall be thoroughly cleansed of all dung and other material capable of decaying or rotting each day.  (b) No part of a stable on land in a designated town area shall be within –  (i) Fifteen (15) meters of a dwelling, whether occupied or not, on the same or adjoining allotment; or  (ii) Fifteen (15) meters of a place in which food for human consumption is stored, whether occupied or not, on the same or adjoining allotment; or  (iii) Nine (9) meters from a road.
2 Sheep, goat, deer alpaca or llama	No part of a stable or enclosure on land in a designated town area shall be within –  (a) Fifteen (15) meters of a dwelling, whether occupied or not, on the same or adjoining allotment; or  (b) Fifteen (15) meters of a place in which food for human consumption is stored, whether occupied or not, on the same or adjoining allotment; or  (c) Nine (9) meters from a road.
3 Pigeons and poultry	(a) Enclosed spaces used for the keeping of pigeons and poultry shall be thoroughly cleansed at least once per week and effectively treated with an insecticide at least twice in every year.  (b) No part of an enclosed space for keeping pigeons or poultry on land in a designated town area shall be within –  (i) Twelve (12) meters of a dwelling, whether occupied or not, on the same or adjoining allotment; or  (ii) Twelve (12) meters of a place in which food for human consumption is stored, whether occupied or not, on the same or adjoining allotment.

## **Schedule 5      Criteria for declared dangerous animals**

### Section 9

- (1) 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.
- (2) The authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies.
- (3) A high level of concern about the danger posed by the animal has been expressed by neighbours or other persons who have come into contact with the animal.

## **Schedule 6      Dictionary**

### **1      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 14 days.