

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

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Etheridge 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 *Etheridge 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 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 *Etheridge 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) In this subordinate local law—

***designated town area*** means an area within the boundaries marked in red on the maps in schedule 11.

## **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 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**

**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— *This list has been intentionally left blank.*

**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 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****15 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 the place nominated by a resolution of the local government.

**16 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, any animal that is not cattle, a goat, a horse, a pig or a sheep may be sold by private agreement, destroyed or disposed of in some other way without being destroyed.

**17 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****18 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****19 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 species of animal are excluded from the application of the authorising local law— *This list has been intentionally left blank.*

**20 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, an animal of the following species is a declared dangerous animal— *This list has been intentionally left blank.*

**21 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 prescribed period is 14 days.

## Schedule 1 Prohibition on keeping animals

### Section 5

Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1 Dog	(a) More than 4 dogs over the age of 3 months must not be kept on an allotment in a designated town area. (b) Any of the following breeds must not be kept on an allotment in a designated town area— (i) American pit bull terrier or pit bull terrier; (ii) dogo Argentino; (iii) fila Brasileiro; (iv) Japanese tosa; (v) Perro de Presa Canario or Presa Canario.
2 A cow, bull, sheep, pig, goat, llama or alpaca	(a) A cow, bull, sheep, pig, goat, llama or alpaca must not be kept on an allotment in a designated town area except where— (i) the animal is kept in the designated town area for less than 7 days; and (ii) the animal is kept for the purpose being utilised or displayed at a sporting event, agricultural show or other public event held within the local government's area.
3 Horse, donkey or pony	(a) A horse, donkey or pony must not be kept on an allotment in a designated town area, except where either— (i) the allotment is vacant land; or (ii) in the case of non-vacant land— a. only one animal is kept on the allotment; and b. the animal is kept in the designated town area for less than 14 days.
4 Poultry	(a) More than 10 poultry must not be kept on an allotment in a designated town area.
5 Rooster	(a) A rooster must not be kept on an allotment in a designated town area if the allotment is less than 2000 square metres

## Schedule 2 Requirement for approval to keep animals

### 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	(a) An approval is required to keep more than 2 dogs on an allotment in a designated town area.  (b) An approval is required to keep more than 4 dogs on an allotment outside a designated town area unless the keeper of the dogs has a suitable kennelling facility.
2	Cat	(a) An approval is required to keep more than 2 cats on an allotment in a designated town area.
3	Horse, donkey or pony	(a) An approval is required to keep a horse, donkey or pony on vacant land of less than 1000 square metres in a designated town area.

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<sup>1</sup> See *Etheridge Local Law No.1 (Administration) 2011* and *Etheridge 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      Requirement to desex animal**

Section 7

*This schedule has been intentionally left blank.*

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

Section 8(1)

### ***Cleanliness***

- (a) Waste waters from animal enclosures must be drained in a nuisance free and pollution free manner.
- (b) In an enclosure built for the purpose of housing an animal, any excreta, offensive material or food scraps must be collected at least once each day and placed into a waterproof and fly proof receptacle.
- (c) The contents of receptacles for excreta, offensive material and food scraps must be removed twice weekly.
- (d) Animal food must be stored in impervious fly proof and vermin proof receptacles or impervious fly proof and vermin proof storeroom facilities which are to be maintained in a reasonable condition.

### ***Enclosures***

- (a) An enclosure built for the purpose of housing an animal must be kept in a clean and sanitary condition, in good repair and appearance, and free from flies, rats, other vermin and offensive odours.
- (b) An enclosure must provide adequate space for any animal to be kept therein.
- (c) An enclosure or area where animals are kept must be thoroughly cleaned once a week and effectively treated with an insecticide at least twice a year.

### ***Welfare***

- (a) Animals must be provided with and have access to adequate shelter, clean drinking water and appropriate food.
- (b) Prompt veterinary or other appropriate treatment must be provided to an animal in cases of disease or injury.

## 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, donkey or pony	(a) Where a horse, donkey or pony is kept on an allotment that is not vacant land in a designated town area the keeper of the animal must ensure that— <ul style="list-style-type: none"> <li>(i) the animal does not cause nuisance, inconvenience or annoyance to others; and</li> <li>(ii) appropriate action is taken to prevent harm to the local environment; and</li> <li>(iii) all manure and other offensive matter is removed at least once a day; and</li> <li>(iv) all manure and other offensive matter is stored in a covered weather proof, fly proof, vermin proof receptacle.</li> </ul>
2 A cow, bull, sheep, pig, goat, llama or alpaca	(a) Where a cow, bull, sheep, pig, goat, llama or alpaca is kept on an allotment in a designated town area, the keeper of the animal must ensure that— <ul style="list-style-type: none"> <li>(i) the animal does not cause nuisance, inconvenience or annoyance to others; and</li> <li>(ii) appropriate action is taken to prevent harm to the local environment; and</li> <li>(iii) all manure and other offensive matter is removed at least once a day; and</li> <li>(iv) all manure and other offensive matter is stored in a covered weather proof, fly proof, vermin proof receptacle.</li> </ul>
3 Poultry	(a) Where poultry is kept on an allotment in a designated town area, the keeper of the poultry must ensure that fowl houses, fowl pens and runs are not situated— <ul style="list-style-type: none"> <li>(i) within 2 metres of a dwelling or place where food is kept, processed or stored; or</li> <li>(ii) within 12 metres of a road; or</li> <li>(iii) on a property boundary.</li> </ul>

## 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>
1	Etheridge Heritage Park Barbeque area (Lots 42 to 49 and 51 to 60 on G1884)	All animals except dogs and cats.
2	Georgetown Sports and Receptions Reserve (incorporating rodeo grounds, camp draft grounds, sports oval and associated buildings) (Lot 18 on CP850073 Reserve 79)	During rodeo events – all animals except those participating in official events. Other times – all animals.
3	Shire Hall and Grounds – Georgetown (Lot 904 on G1884 Reserve 47)	All animals.
4	Forsyth All Sports Area incorporating Caschafor Park (Lot 1 on F5874 and Lots 16, 17 and 20 on SP134360)	All animals except dogs and cats.
5	Einasleigh Town Hall and grounds (Lot 1 SP146602)	All animals.
6	Einasleigh Town Park and Barbeque (Lot 2 SP146602)	All animals except dogs and cats.
7	Mount Surprise Town Hall (Lot 1 MPH2293)	All animals.
8	Mount Surprise Community Park (Lot 76 on Plan T709/702/3-1 Part of Lot 681 on LD41)	All animals except dogs and cats.
9	Mount Surprise Sports and Rodeo Grounds (Lot 30 on TE12 Reserve 14)	During rodeo events – all animals except those participating in official events. Other times – all animals.
10	Greens Park (Lot 21-23 G1885: par Georgetown)	All animals except dogs and cats.
11	Georgetown Swimming Pool (Lot 24-26 G1885: Par Georgetown)	All animals.
12	Georgetown Cemetery (Lot 20 C8131 – Non Specific Reserve 7: Par Georgetown)	All animals.
13	<i>Insert other public places as required.</i>	



**Schedule 7      Dog off-leash areas**

Section 11

*This schedule has been intentionally left blank.*

**Schedule 8            Requirements for proper enclosures for animals**

Section 13

<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Requirements for proper enclosures</b>
1	<i>This table has been intentionally left blank.</i>

## **Schedule 9            Criteria for declared dangerous animals**

### **Section 15**

In the authorised person's opinion, 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; and
- (c) any concerns expressed by neighbours or other persons who have come into contact with the animal about the danger posed by the animal; and
- (d) the first-hand assessment, by the authorised person or an animal behaviour expert, of the animal's tendency towards aggression.



## Schedule 10      Conditions for sale of animals

Section 19

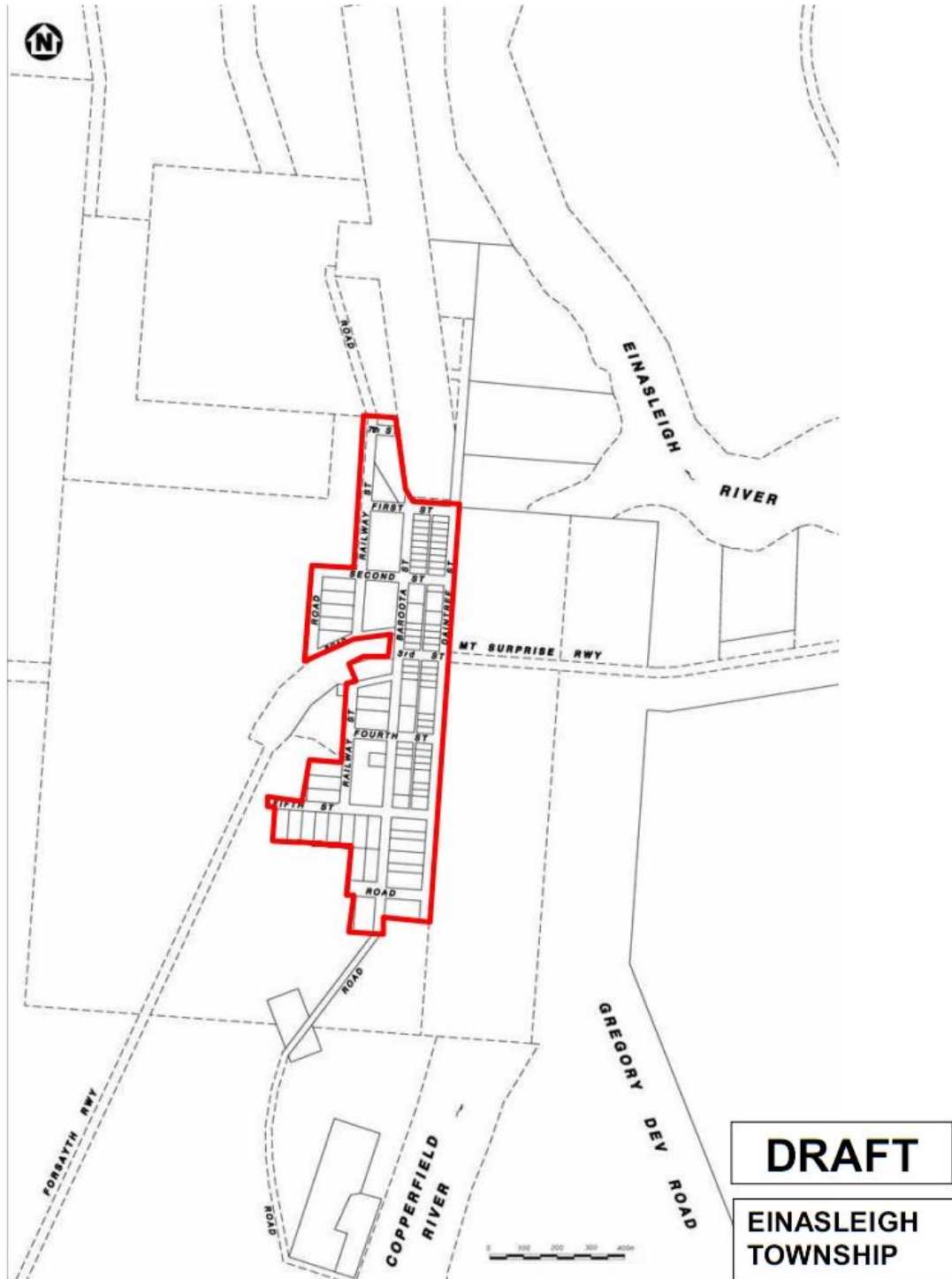
<b>Column 1</b> <b>Species or breed of animal</b>	<b>Column 2</b> <b>Conditions that must be complied with when offering animal for sale</b>
1 All animals	(a) The animal must be in good condition and free from disease.  (b) The area where the animal is held for sale must be in a clear and sanitary condition.

## Schedule 11 Designated town areas

### Georgetown – designated town area



### Einasleigh – designated town area



### Forsayth – designated town area



**DRAFT**  
**FORSEYTH**  
**TOWNSHIP**

### Kidston – designated town area

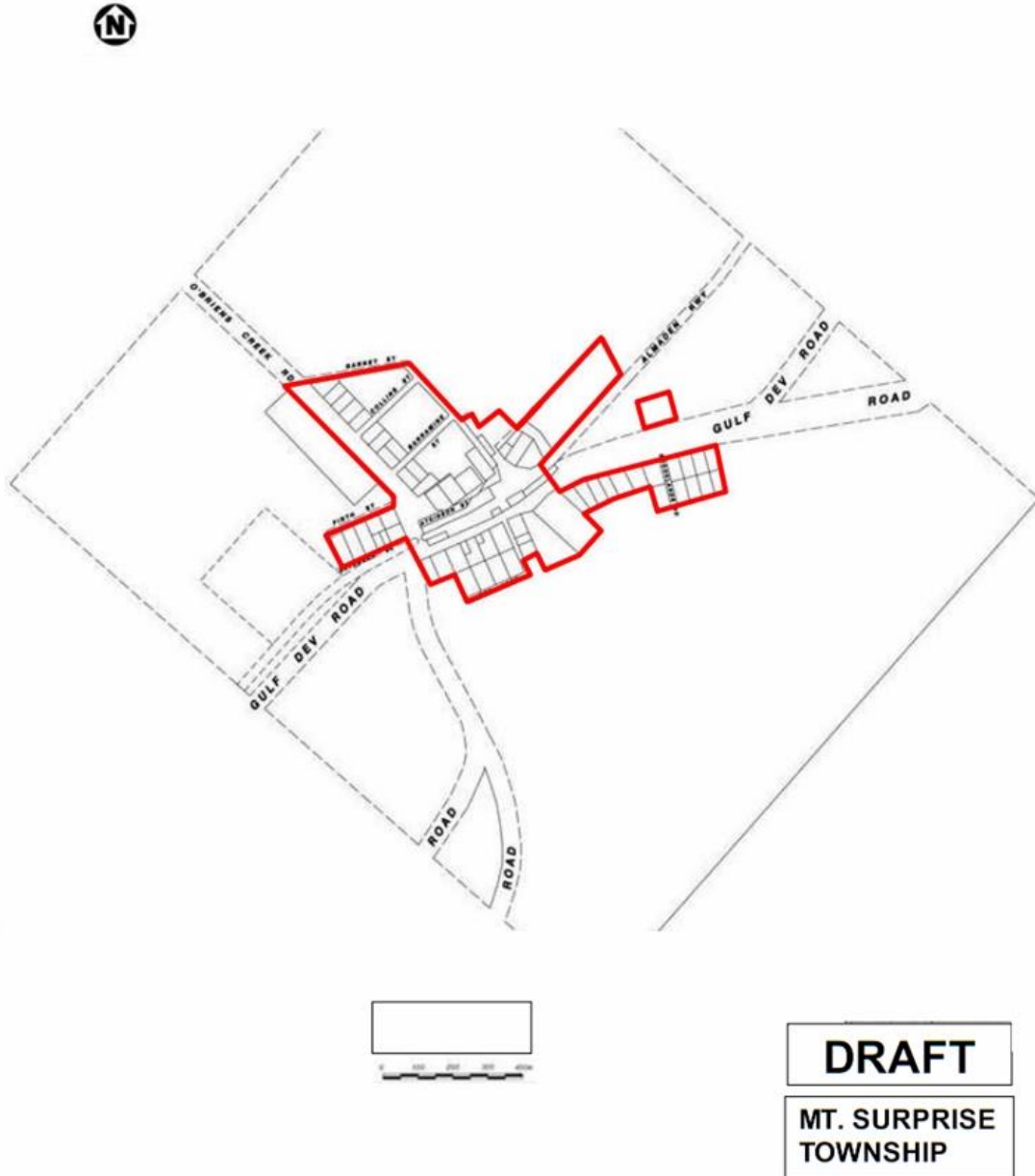


**DRAFT**

**KIDSTON  
TOWNSHIP**



### Mt Surprise – designated town area



## **CERTIFICATION**

This and the preceding 21 pages bearing my initials is a certified copy of *Etheridge Subordinate Local Law No. 2 (Animal Management) 2014*, made in accordance with the provisions of the *Local Government Act 2009*, by the Etheridge Shire Council by resolution dated 19<sup>th</sup> March 2014.



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**Chief Executive Officer  
Etheridge Shire Council**