

# Torres Strait Island Regional Council Subordinate Local Law No. 2 (Animal Management) 2019

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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) 2019*.

### 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) 2010*, 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 and proper enclosures; 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 *Local Law No. 2 (Animal Management) 2010* (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 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* (Qld).

**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.



**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 with the Manager Environmental Health.

**Part 5 Appeals against destruction orders**

*This part of 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.

**Part 7 Repeal Provision**

**20 Repeal of Subordinate Local Law No. 2 (Animal Management) 2014**

*Subordinate Local Law No. 2 (Animal Management) 2014 is repealed.*

**Dictionary**

**21 Animals excluded from application of the local law—Authorising local law, schedule**

*Intentionally left blank*

**22 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—

1. Crocodile

**23 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) for a registered animal – 5 days; or
- (b) for an unregistered animal – 3 days.

## 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	More than 3 dogs over the age of 3 months on any one allotment
2	Cat	More than 3 cats over the age of 3 months on any one allotment
3	Horse, donkey, cow, bull, deer, sheep, goat, alpaca, llama, poultry, duck, goose	A density of animals that is greater than permitted under relevant Code of Practice, or if no Code of Practice, best practice.
4	Pig	Within 3 km of township areas and a density of animals that is greater than permitted under relevant Code of Practice, or if no Code of Practice, best practice.
5	Bees	One or more animals in the local government area.
6	Cockatoo, galah or other bird of a similar size	Unregulated
7	Budgerigar, canary or other bird of a similar size	Unregulated
8	Racing pigeons	Unregulated
9	Fish	Unregulated



## Schedule 2 Requirement for approval to keep animal

### Section 6

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals requires approval<sup>1</sup></b>
1	Dog	More than 2 dogs over the age of 3 months on a single allotment.
2	Cat	More than 2 cats over the age of 3 months on a single allotment.
3	Horse, Donkey, Cow, Bull, Sheep, Goat, Alpaca, Llama, Deer, Pig, Roosters, Goose, Ostrich or Emu	One or more animals on a single allotment.
4	Poultry, Duck	More than 20 animals on a single allotment.
5	Bees	Prohibited
6	Cockatoo, galah or other bird of a similar size	Unregulated
7	Budgerigar, canary or other bird of a similar size	Unregulated
8	Racing pigeons	Unregulated
9	Fish	Unregulated

<sup>1</sup> See *Local Law No.1 (Administration) 2010* 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 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	Dogs	Before age of 3 months	<ul style="list-style-type: none"> <li>• A male hunting dog, upon application to the local government, subject to approval of the Divisional Councillor and Executive Manager Community Services.</li> <li>• An animal owned by a registered breeder, upon application to the local government, subject to approval of the Divisional Councillor and Executive Manager Community Services.</li> </ul>
2	Cats	Before age of 3 months	<ul style="list-style-type: none"> <li>• An animal owned by a member of a recognised breeders' association for the purposes of breeding or showing, upon application to the local government.</li> </ul>
3	Stallion Horses	Before age of 12 months	<ul style="list-style-type: none"> <li>• An animal owned by a member of a recognised breeders' association for the purposes of breeding or showing, upon application to the local government.</li> </ul>

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

### Section 8(1)

1. compliance with the provisions of the *Animal Management (Cats and Dogs) Act 2008 (Qld)*;
2. that the land is physically suitable for the keeping of the animals;
3. the animals are provided adequate food, water and shelter from weather;
4. that the enclosures in which the animals are to be kept are structurally suitable;
5. that the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
6. that the animals will not have a significant detrimental effect on the amenity of the surrounding area;
7. that the animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage;
8. require the holder of the approval to care for the animals in accordance with appropriate standards;
9. require that the animals be kept in enclosures that comply with specified structural requirements;
10. require the holder of the approval to comply with specified standards of hygiene;
11. require the holder of the approval to ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008 (Qld)*;
12. waste waters from enclosures must be drained in a nuisance free manner or as directed by an authorised person;
13. any excreta, offensive material or food scraps must be collected at least once each day and placed into a fly proof approved type refuse receptacle for disposal; and
14. the keeper must comply with any requests or directions of an authorised person which are considered necessary to keep the enclosures free of nuisance.

## Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Minimum standards for keeping animals</b>
1	<b>Horses, Cattle, Deer and other animals of a similar size</b>	<p>Where horses, cattle, deer or other animals of a similar size are kept:</p> <ol style="list-style-type: none"> <li>1. they must be adequately identified so that the keepers name, address and telephone number are readily ascertainable.</li> <li>2. an enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises).</li> <li>3. an enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.</li> <li>4. an enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this sub-paragraph if the boundary fence is not less than 2 metres high and the occupiers of premises adjoining the boundaries state in writing that they have no objection).</li> <li>5. in relation to entire horses, the enclosure must receive the approval, and be maintained to the satisfaction, of an authorised person.</li> </ol>
2	<b>Sheep, Goats, Pigs and other animals of a similar size</b>	<p>Where sheep, goats, pigs or other animals of a similar size are kept:</p> <ol style="list-style-type: none"> <li>1. they must be adequately identified so that the keepers name, address and telephone number are readily ascertainable.</li> <li>2. an enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises).</li> <li>3. an enclosure must also be constructed to prevent any</li> </ol>

		<p>such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.</p> <p>4. An enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this sub-paragraph if the boundary fence is not less than 2 metres high and the occupiers of premises adjoining the boundaries state in writing that they have no objection).</p>
3	<b>Budgerigars, Canaries and other birds of a similar size</b>	<p>Where budgerigars, canaries and other birds of a similar size are kept on premises:</p> <ol style="list-style-type: none"> <li>1. They must be contained within an enclosed cage or aviary;</li> <li>2. The cage or aviary must not be sited closer than 2 metres from the property boundaries;</li> <li>3. All seed and other food for the birds must be contained within a properly sealed and vermin proof container;</li> <li>4. Cages and aviaries are to be thoroughly cleaned regularly.</li> </ol>
4	<b>Cockatoos, Galahs and other birds of a similar size</b>	<p>Where cockatoos, galahs and other birds of a similar size are kept on premises:</p> <ol style="list-style-type: none"> <li>1. They must be contained within an enclosed cage or aviary;</li> <li>2. The cage or aviary must not be sited closer than 2 metres from the property boundaries;</li> <li>3. All seed and other food for the birds must be contained within a properly sealed and vermin proof container;</li> <li>4. Cages and aviaries are to be thoroughly cleaned regularly.</li> </ol>
5	<b>Geese, ducks, chickens, roosters, turkeys and other poultry</b>	<p>Where geese, ducks, chickens, roosters, turkeys and other poultry are kept on premises:</p> <ol style="list-style-type: none"> <li>1. They must be contained within an enclosure;</li> <li>2. The enclosure must not be sited closer than 2 metres from the property boundaries;</li> </ol>

		<ol style="list-style-type: none"> <li>3. All seed and other food for the birds must be contained within a properly sealed and vermin proof container;</li> <li>4. Enclosures are to be thoroughly cleaned regularly;</li> <li>5. The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises;</li> <li>6. The enclosure must be constructed to prevent any such bird from going within 10 metres of any dwelling (except any dwelling on the premises);</li> <li>7. The enclosure must also be constructed to prevent any such bird from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the birds) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.</li> </ol>
6	<b>Pigeons</b>	Where pigeons are kept on premises they must be kept in accordance with any code of practice for the keeping of pigeons, which code of practice has been approved by the local government by resolution.
7	<b>Cats and Dogs</b>	The owner of the cat or dog must ensure that at all times the animal is wearing the registration device mentioned in section 12 (3) of the <i>Animal Management (Cats and Dogs) Act 2008</i> (Qld).

## Schedule 6 Prohibition of animals in public places

### Section 9

	<b>Column 1 Public place</b>	<b>Column 2 Species or breed of animals prohibited</b>
1	Any public place declared by resolution of the local government (or by another local law or subordinate local law) to be a place where animals are not permitted.	Any animal declared by resolution of the local government (or by another local law or subordinate local law) to be a prohibited animal in a declared public place.
2	In any playground, or within 5 meters of any playground, in a park or reserve where animals are otherwise permitted	All domestic animals
3	All cemetery reserves	All domestic animals
4	All parks, reserves and foreshores	All domestic animals other than cats, dogs and horses

## **Schedule 7      Dog off-leash areas**

### **Section 11**

The following areas are declared to be “*Dog off-leash areas*” –

1.      parks;
2.      areas falling outside township areas identified by the local government with reference to the Town Plan;
3.      foreshores;
4.      any other area declared by the local government by resolution, to be a *Dog-off leash area*.



## Schedule 8 Requirements for proper enclosures for animals

### Section 13

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Requirements for proper enclosures</b>
1	<b>Horses, Cattle, Deer and other animals of a similar size</b>	<ol style="list-style-type: none"> <li>1. an enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises).</li> <li>2. an enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.</li> <li>3. an enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this sub-paragraph if the boundary fence is not less than 2 metres high and the occupiers of premises adjoining the boundaries state in writing that they have no objection).</li> <li>4. in relation to entire horses, the enclosure must receive the approval, and be maintained to the satisfaction, of an authorised person.</li> </ol>
2	<b>Sheep, Goats, Pigs and other animals of a similar size</b>	<ol style="list-style-type: none"> <li>1. an enclosure must be constructed to prevent any such animal from going within 10 metres of any dwelling (except any dwelling on the premises).</li> <li>2. an enclosure must also be constructed to prevent any such animal from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the animals) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.</li> <li>3. an enclosure, which includes an open fenced area, must be sited a minimum distance of 2 metres from the premises boundaries (however, an exemption may be granted from compliance with this sub-paragraph if the boundary fence is not less than 2 metres high and the</li> </ol>

		occupiers of premises adjoining the boundaries state in writing that they have no objection).
3	<b>Budgerigars, Canaries and other birds of a similar size</b>	<ol style="list-style-type: none"> <li>1. The cage or aviary must not be sited closer than 2 metres from the property boundaries.</li> <li>2. Cages and aviaries are to be thoroughly cleaned regularly.</li> </ol>
4	<b>Cockatoos, Galahs and other birds of a similar size</b>	<ol style="list-style-type: none"> <li>1. The cage or aviary must not be sited closer than 2 metres from the property boundaries.</li> <li>2. Cages and aviaries are to be thoroughly cleaned regularly.</li> </ol>
5	<b>Geese, ducks, chickens, roosters, turkeys and other poultry</b>	<ol style="list-style-type: none"> <li>1. The enclosure must not be sited closer than 2 metres from the property boundaries.</li> <li>2. Enclosures are to be thoroughly cleaned regularly.</li> <li>3. The enclosure must be located at the rear of the premises behind the residence (if any) situated on the premises.</li> <li>4. The enclosure must be constructed to prevent any such bird from going within 10 metres of any dwelling (except any dwelling on the premises).</li> <li>5. The enclosure must also be constructed to prevent any such bird from going within 10 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the keeper of the birds) used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.</li> </ol>
6	<b>Pigeons</b>	Where pigeons are kept on premises they must be kept in accordance with any code of practice for the keeping of pigeons, which code of practice has been approved by the local government by resolution.
7	<b>Cats and Dogs</b>	<ol style="list-style-type: none"> <li>1. An appropriate enclosure to ensure that when unsupervised by the keeper, the animal does not stray from the premises, whether it be by: - <ul style="list-style-type: none"> <li>(b) a fenced yard of appropriate height; or</li> <li>(c) a reasonable sized cage to allow the animal to move 360 degrees, with the animal only to be housed for limited</li> </ul> </li> </ol>

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		hours; or (d) otherwise restrained from escape.
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**Schedule 9      Requirements for keeping a dog in a koala  
area**

Section 14

*Intentionally left blank.*

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

Section 14

*Intentionally left 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 by the local government in declaring an animal a 'declared dangerous animal': -

1. 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; or
2. The authorised person's first-hand assessment of the animal has indicated that the animal has demonstrated aggressive tendencies; or
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 12 Conditions for sale of animals**

## Section 19

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Conditions that must be complied with when offering animal for sale</b>
1	All animals.	Compliance by the buyer with the Minimum Standards for keeping particular animals in Schedules 4 and 5 of this subordinate local law.
2	Cats and Dogs	<ul style="list-style-type: none"><li>• The cat or dog is micro-chipped (if required); and</li><li>• Provide the buyer with the microchip certificate and details of the licensed microchip registry company to enable the buyer to change ownership details; and</li><li>• The cat or dog is desexed (if required).</li></ul>