

Whitsunday Regional Council

Subordinate Local Law (Amending) Subordinate Local Law No. 2 (Animal Management) 2019

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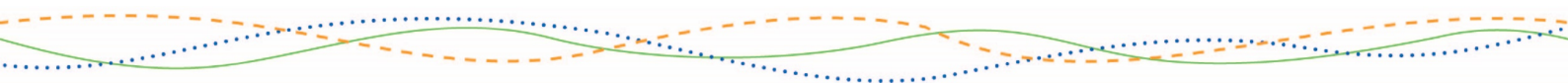
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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law (Amending) Subordinate Local Law No. 2 (Animal Management) 2019*.

2 Commencement

This subordinate local law commences on the date notice of the making of the local law is published in the gazette.

3 Subordinate local laws amended

This subordinate local law amends *Subordinate Local Law No. 2 (Animal Management) 2014*.

Part 2 Amendment of Subordinate Local Law No. 2 (Animal Management) 2014

4 Amendment of s 1 (Short title)

Section 1, before '*Subordinate*' –

insert –

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5 Amendment of s 4 (Definitions)

(1) Section 4, subsection (2) –

insert –

Assistance Dog has the meaning given to that term under the *Guide, Hearing and Assistance Dogs Act 2009*, Schedule 4.

Guide Dog has the meaning given to that term under the *Guide, Hearing and Assistance Dogs Act 2009*, Schedule 4.

Planning scheme means the planning scheme made or amended from time-to-time under the *Planning Act 2016*.

Rural Zone means the area set aside as the Rural zone under the relevant local planning instrument in effect for the local government area.

- (2) Section 4, subsection (2), definition *Environmental management and conservation zone* –
omit, insert –

Environmental management and conservation zone means the
Environmental management and conservation zone under the Planning scheme.

- (3) Section 4, subsection (2), definition Foreshore, '*Local Government (Operations) Regulation 2011, section 25*' –
omit, insert –

Local Government Regulation 2012, section 61

- (4) Section 4, subsection (2), definition *Lot*, '*Sustainable Planning Act 2009*' –
omit, insert –

Planning Act 2016

- (5) Section 4, subsection (2), definition *Non-urban area*, '*Sustainable Planning Regulation (2009)*' –
omit, insert –

Planning Regulation 2017

- (6) Section 4, subsection (2), definition *Primary industry* –

omit, insert –

Primary industry means Animal husbandry, Aquaculture, Cropping and Intensive animal husbandry as defined in the Planning scheme.

- (7) Section 4, subsection (2), definition *Recreation and open space zone* –

omit, insert –

Recreation and open space zone means the Recreation and open space zone under the Planning scheme.

- (8) Section 4, subsection (2), definition Regulated dog, 'Animal Management (Cats and Dogs) Act 2008' –

omit, insert –

Animal Management (Cats and Dogs) Act 2008

- (9) Section 4, subsection (2), definition *Urban area* –

omit, insert –

urban area has the meaning given to that term under the *Planning Regulation 2017* (Qld), Schedule 24.

- (10) Section 4, subsection (2), definition *Working dog*, 'Animal Management (Cats and Dogs) Act 2008' –

omit, insert –

Animal Management (Cats and Dogs) Act 2008.

6 Amendment of s 9 (Identification for cats and dogs in certain circumstances – Authorising local law, s 9)

Section 9, '12(3)' –

omit, insert –

12(2)

7 Amendment of s 12 (Animal faeces in public places – Authorising local law, s 13)

(1) Section 12, subsection (k), '.' –

omit, insert –

; and

(2) Section 12, subsection (l), ';' –

omit, insert –

.

8 Amendment of s 17 (Animals that may be disposed of without auction or tender – Authorising local law, s 32(1)(b))

Section 17, subsection (a), 'An' –

omit, insert –

an

9 Amendment of s 18 (Register of impounded animals – Authorising local law, s 33(3))

Section 18, subsection (b), '. .' –

omit, insert –

10 Amendment of s 20 (Animals excluded from application of the local law – Authorising local law, schedule)

- (1) Section 20, from 'animals' to 'law.' –

omit, insert –

the following animals and species are excluded from the application of the
authorising local law –

- (2) Section 20, subsection (b), after 'the dog' –

insert –

–

- (3) Section 20(b), subsection (iii), ';' and' –

omit, insert –

; or

- (4) Section 20(b), subsections (iv) to (viii) –

omit.

- (5) Section 20, subsection (d), after 'services' –

insert –

; or

11 Amendment of s 21 (Species that are declared dangerous animals – Authorising local law, schedule 9)

- (1) Section 21, from 'no animal' to 'an animal that –' –

omit, insert –

a declared dangerous animal is an animal that –

- (2) Section 21, subsection (a) after 'animal' –

omit, insert –

; or

- (3) Section 21, subsection (e) –

omit.

12 Amendment of s 22 (Prescribed period for reclaiming animals – Authorising local law, schedule)

Section 22, subsection (b), after ', government' –

omit, insert –

3 days,

commencing on the day a notice is given to a person or, if no notice is given to a person, on the day of the seizure.

13 Amendment of sch 1 (Prohibition on keeping animals)

- (1) Schedule 1, item 1 (Dog), column 2, paragraph (1), 'in a designated town area' –

omit, insert –

not in an area included in the Rural Zone

- (2) Schedule 1, item 2 (Cat), column 2, paragraph (1), 'in a designated town area' –

omit, insert –

not in an area included in the Rural Zone

- (3) Schedule 1, item 3 (Horse, miniature horse, Pony/minature pony, or donkey/minature donkey), column 2 –

omit, insert –

- (1) In an Urban Area on an allotment less than 4,000m² except where the animal is kept within such an area in the following circumstances –

- (a) during an emergency or natural disaster event that has not abated;
- (b) in facilities on land that is related to an event that is a show, rodeo, equestrian competition or race; or
- (c) for agistment purposes for a temporary period not exceeding 2 months.

- (4) Schedule 1, item 5 (Cow or bull), column 2, after 'kept' –

omit, insert –

within such an area in the following circumstances –

- (a) during an emergency or natural disaster event that has not abated;
- (b) in facilities on land that is related to an event that is a show, rodeo, equestrian competition or race; or
- (c) for agistment purposes for a temporary period not exceeding 2 months.

- (5) Schedule 1, item 6 (Sheep, goat, alpaca or llama), column 2 –

omit, insert –

- (1) In an urban area;
- (2) On any allotment where the density of animals is greater than one animal per 4,000m².

- (6) Schedule 1, item 7 (Rooster), column 2 –

omit, insert –

- (1) In an urban area;
- (2) On any allotment less than 4,000m².

- (7) Schedule 1, item 8 (Poultry), column 2 –

omit, insert –

- (1) On any allotment less than 600m²;
- (2) More than 12 poultry on an allotment in an urban area.

- (8) Schedule 1, item 9 (Deer), column 2 –

omit, insert –

- (1) In an urban area;
- (2) On any allotment where the density of animals is greater than one animal per 4,000m².

- (9) Section 1, item 11 (Bees), column 2, '(see Code of Practice for Urban Bee Keeping in Queensland 1998)' –

omit.

- (10) Schedule 1, item 12 (Noisy Birds), column 2, 'less than 800m²' –

omit, insert –

less than 1,000m²

- (11) Schedule 1, item 13 (Special Birds), column 2, after 'm²' –

insert –

.

14 Amendment of sch 2 (Requirement for approval to keep animal)

- (1) Schedule 2, item 1 (Any animal), column 2 –

omit, insert –

In the opinion of an authorised person, an approval to keep an animal is required where the owner or responsible person for the animal has committed more than two offences against the authorising local law in any 12 month period in relation to the same type of animal

Example –

The owner or responsible person for a dog commits 3 animal related offences in a 12 month period.

- (2) Schedule 2, item 2 (Bees), column 2, '(see Code of Practice for Urban Bee Keeping in Queensland 1998)' –

omit.

- (3) Schedule 2, item 3 (Cat), column 2, 'on a property' –

omit, insert –

on an allotment.

- (4) Schedule 2, item 4 (Cow or bull or any other animal of similar size), column 2, after '20,000 m²' –

insert –

.

- (5) Schedule 2, item 5 (Deer), column 2 –

omit, insert –

On any allotment not in an urban area.

- (6) Schedule 2, item 5 (Deer), column 2, after '20,000 m²' –

insert –

.

- (7) Schedule 2, item 6 (Dog), column 2, subsection (1)(b), after 'unit' –

insert –

;

- (8) Schedule 2, item 6 (Dog), column 2, subsection (3), '.' –

omit, insert –

;

- (9) Schedule 2, item 6 (Dog), column 2, after subsection (3) –

omit, insert –

- (4) Any of the following breeds anywhere in the local government area –
- (a) American Pit Bull Terrier or Pit Bull Terrier;
 - (b) Dogo Argentino;
 - (c) Fila Brasileiro;
 - (d) Japanese Tosa; and
 - (e) Perro de Presa Canario or Presa Canario.
- (10) Schedule 2, item 7 (Horse/miniature horse, Pony/miniature pony, or donkey/miniature donkey), column 2, after '10,000 m²' –

insert –

- (11) Schedule 2, item 8 (Noisy Birds), column 2, '800m² to 10,000m²' –

omit, insert –

1,000m² to 20,000m².

- (12) Schedule 2, item 9 (Pig/miniature pig), column 2, after '10,000 m²' –

insert –

- (13) Schedule 2, item 10 (Poultry), column 2, from '20 poultry' –

omit, insert –

12 poultry on an allotment in an urban area.

- (14) Schedule 2, item 11 (Racing Pigeons, Pigeons or doves), column 2, after '10,000 m²' –

insert –

.

- (15) Schedule 2, item 12 (Sheep, goat, alpaca or llama), column 2, '10,000m²' –

omit, insert –

20,000m².

- (16) Schedule 2, item 14 (Breeding), column 2 –

omit, insert –

- (a) Cat – on any allotment;
- (b) Dog – on any allotment;
- (c) Horses – On any allotment less than 20,000m²;
- (d) Cattle – On any allotment less than 20,000m²;
- (e) Noisy Birds – On any allotment less than 20,000m²;
- (f) Sheep – On any allotment less than 20,000m²; and
- (g) Goats – On any allotment less than 20,000m².

15 Amendment of sch 5 (Minimum standards for keeping particular animals)

- (1) Schedule 5, item 1 (Horse, Cattle, Donkey and Goat), column 2, paragraph (3) –

omit.

- (2) Schedule 5, item 2 (Poultry), column 3, paragraph (1)(a) –

omit, insert –

- (a) within 10m of a dwelling or place where food is kept, processed or stored; and

- (3) Schedule 5, item 2 (Poultry), column 3, paragraph (1)(b), 'on' –

omit, insert –

of

- (4) Schedule 5, item 3 (Pig/miniature pig), column 3, paragraph (2), 'any' –

omit, insert –

Any

- (5) Schedule 5, item 3 (Pig/miniature pig), column 3, paragraph (2)(c), after 'structure' –

insert –

in

- (6) Schedule 5 –

insert –

	Bees	(1) Beehives must not be located less than 10m from adjoining boundary unless approved by an authorised officer.
	Cats	(1) Within 14 days of keeping a cat over 12 weeks old, the owner/keeper must –

		<ul style="list-style-type: none">(a) register the cat with the local government;(b) give the local government the approved forms required under Local Law No. 1 (Administration) 2014 and this local law;(c) ensure the registration form is accompanied by<ul style="list-style-type: none">–(i) the annual registration fee for the cat; and(ii) if it is desexed, a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed.(d) ensure the cat is implanted with a permanent identification device (PID) and provide the PID number to the local government, or provide to the local government a signed veterinary surgeon's certificate for the cat stating that implanting it with a PID is likely to be a serious risk to the health of the cat; <p>(2) The owner of the cat must, within 14 days, give the local government notice of the changed information on the approved forms required under Local Law No. 1 (Administration) 2014 and this local law.</p>
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16 Amendment of sch 6 (Prohibition of animals in public places)

Schedule 6, item 1 (Within 5 (5) metres of any playground, barbeque, shelter or picnic table in a park or reserve), column 1, 'five (5)' –

omit, insert –

ten (10)

17 Amendment of sch 8 (Requirements for proper enclosures for animals)

(1) Schedule 8, item 1 (All animals), column 2, paragraph (2), ';' –

omit, insert –

.

(2) Schedule 8, item 1 (All animals), column 2, paragraph (3), 'to the prevent' –

omit, insert –

to prevent the

(3) Schedule 8, item 1 (All animals), column 2, paragraph (3)(d), after 'fence' –

insert –

.

18 Amendment of sch 11 (Criteria for declared dangerous animals)

(1) Schedule 11, 'the declaration of' –

omit.

19 Amendment of sch 12 (Conditions for sale of animals)

- (1) Schedule 12, item 2 (Dog or Cat), column 3, paragraph (c) –

renumber as paragraph (a)

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