

Animal Management (Amendment) Subordinate Local Law (No. 1) 2023

Contents

Part 1	Preliminary	2
1	Short title	2
2	Subordinate local law amended	2
Part 2	Amendments to subordinate local law	2
3	Amendment of s4 (Definitions)	2
4	Amendment of s5 (Circumstances in which keeping animals prohibited—Authorising local law, s5(1)).....	3
5	Amendment of s7 (Animals that must be desexed—Authorising local law, s7).....	3
6	Amendment of s9 (Public places where animals are prohibited or restricted—Authorising local law, s11(1)).....	3
7	Amendment of s11 (Requirements for enclosures for keeping animals—Authorising local law, s15(2)).....	3
8	Amendment of sch1 (Prohibition on keeping animals)	3
9	Amendment of sch2 (Requirement for approval to keep animal)	5
10	Amendment of sch3 (Minimum standards for keeping animals generally).....	7
11	Amendment of sch4 (Minimum standards for keeping particular animals).....	7
12	Amendment of sch5 (Prohibition of animals in public places)	9
13	Amendment of sch6 (Requirements for enclosures for animals)	10
14	Amendment of sch10 (Conditions for supply of animals)	10
15	Minor and consequential amendments.....	11

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 2 (Animal Management) 2011*.

Part 2 Amendments to subordinate local law

3 Amendment of s4 (Definitions)

- (1) Section 4(2), definitions, *Animal breeders approval, domestic purposes, guard dog, primary producer, rural area, urban area, visiting dog and working dog*—
omit.
- (2) Section 4(2), definition *foreshore*, ‘*Local Government (Operations) Regulation 2011, section 25*’—
omit, insert—
‘*Local Government Regulation 2012, section 61*’.
- (3) Section 4(2), definition *lot*, ‘*Sustainable Planning Act 2009, section 10*’—
omit, insert—
‘*Planning Act 2016, schedule 2 and includes a residential unit*’.
- (4) Section 4(2), definition *residential unit*—
omit, insert—
‘means a residence in a residential development and includes a unit, flat, apartment, duplex, townhouse or similar residence’.
- (5) Section 4(2)—
insert—
‘*animal breeder approval* means an approval to breed a cat in the circumstances in schedule 2, item 3 (b).
noisy bird means—
 - (a) a cacophonous bird such as a galah, sulphur-crested cockatoo or peacock, but does not include a rooster; or
 - (b) a bird that is not a cacophonous bird, but is a bird kept in circumstances where the owner of the bird has been convicted of an offence against the authorising local law, section 9, in relation to the keeping of the bird.
poultry includes any species of chickens (including bantam chickens), geese, ducks, guinea fowls, turkeys, pheasants and quails (excluding roosters).’.

4 Amendment of s5 (Circumstances in which keeping animals prohibited— Authorising local law, s5(1))

(1) Section 5(2) and (3)—

omit.

(2) Section 5(1)—

renumber as section 5.

5 Amendment of s7 (Animals that must be desexed—Authorising local law, s7)

Section 7(3), (4) and (5)—

omit.

6 Amendment of s9 (Public places where animals are prohibited or restricted— Authorising local law, s11(1))

(1) Section 9(1), ‘section 10(1)’—

omit, insert—

‘section 11(1)’.

(2) Section 9(2)(b)—

omit, insert—

‘(b) a public place in which a species or breed of animal is prohibited under subsection (1) if—

(i) the local government resolves that it is satisfied that the prohibition should not apply in the public place on a temporary basis—

(A) because it is necessary to use the public place for a particular event; or

(B) because of conditions temporarily applying in the public place; and

(ii) notice that the prohibition will not apply in the public place is prominently displayed at the public place.’.

7 Amendment of s11 (Requirements for enclosures for keeping animals— Authorising local law, s15(2))

(1) Section 11(2) and (3)—

omit.

(2) Section 11(1)—

renumber as section 11.

8 Amendment of sch1 (Prohibition on keeping animals)

(1) Schedule 1, items 1 to 9—

omit, insert—

‘

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1.	Dog	<p>(a) 3 or more dogs over the age of 3 months on a property with an area less than 600m² or any residential unit;</p> <p>(b) 4 or more dogs over the age of 3 months on a property with an area less than 2,000m²;</p> <p>(c) 5 or more dogs (other than greyhounds) over the age of 3 months on a property with an area less than 10,000m²;</p> <p>(d) A dog on a property on K'gari.</p>
2.	Cat	A cat on a property on K'gari.
3.	Bees (excluding native bees)	<p>(a) 1 or more hives for the keeping of bees on a property with an area less than 600m²;</p> <p>(b) more than 2 hives for the keeping of bees on a property with an area greater than 601m² but less than 2,000m²;</p> <p>(c) more than 6 hives for the keeping of bees on a property with an area greater than 2,001m² but less than 10,000m².</p>
4.	Poultry	<p>(a) 1 or more birds to which this item 3 applies on a property with an area less than 600m²;</p> <p>(b) more than 6 birds to which this item 3 applies on a property with an area greater than 601m² but less than 2,000m²;</p> <p>(c) more than 12 birds to which this item 3 applies on a property with an area greater than 2,001m² but less than 10,000m².</p>
5.	Noisy bird	2 or more noisy birds on a property with an area less than 10,000m ² .
6.	Pigeon, dove and rooster	1 or more birds to which this item 6 applies on a property with an area less than 2,000m ² .
7.	Horse, donkey, camel, alpaca, deer, llama, sheep, goat, cow, bull, stallion, ostrich, emu, peacock and pig	1 or more animals to which this item 7 applies on a property with an area less than 10,000m ² .

- (2) Schedule 1, footnote 1—

omit, insert—

‘A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on a property if—

- (a) the animal or animals were kept on the property before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023*; and
- (b) the keeping of the animal or animals on the property immediately before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023* did not contravene any provision of the authorising local law.’.

9 Amendment of sch2 (Requirement for approval to keep animal)

- (1) Schedule 2, items 1 to 6—

omit, insert—

‘

Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval
1. Any animal of any species or breed	An approval is required to keep an animal in circumstances where the owner or responsible person for the animal has been convicted of 2 or more offences against part 2 or part 3 of the authorising local law in any 12 month period in relation to the keeping of the animal, for example, the owner of the animal has been convicted of 2 or more offences against section 15(3) of the authorising local law, for failing to ensure that the animal is not wandering at large.
2. Dog	<p>(a) An approval is required to keep 2 dogs over the age of 3 months on a property with an area less than 600m² or in a residential unit.</p> <p>(b) An approval is required to keep 3 dogs over the age of 3 months on a property with an area less than 2,000m².</p> <p>(c) An approval is required to keep 4 dogs over the age of 3 months on a property with an area less than 10,000m².</p> <p>(d) An approval is required to keep a dog if—</p> <p>(i) the dog is registered in the local government area of another local</p>

	<p>government; and</p> <p>(ii) the dog is, or has been, kept in the local government area for 4 weeks or more.</p> <p>(e) An approval is required to keep a dog (dog A) at a property if—</p> <p>(i) dog A is registered at an address other than the property; and</p> <p>(ii) dog A is kept at the property overnight for more than 14 continuous nights; and</p> <p>(iii) 2 dogs (other than dog A) are kept at the property.</p> <p>(f) An approval is required to keep a dog (dog B) at a property if—</p> <p>(i) dog B is a greyhound over the age of 3 months; and</p> <p>(ii) 6 or more greyhounds (other than dog B) are kept at the property; and</p> <p>(iii) the property has an area less than 10,000m².</p>
3.	<p>Cat</p> <p>(a) An approval is required to keep a cat if 2 or more cats over the age of 3 months are kept on a property or in any residential unit; or</p> <p>(b) An approval is required to keep a cat if—</p> <p>(i) 2 or more cats over the age of 3 months are kept on a property; and</p> <p>(ii) the owner of the cats is not the holder of a current <i>animal breeder approval</i> in respect of the keeping of the cats on the property; and</p> <p>the property has an area less than 10,000m²</p> <p>(c) An approval (an <i>animal breeder approval</i>) is required to keep a cat if the cat is an entire cat.</p>
4.	<p>Pigeon, dove and rooster</p> <p>An approval is required to keep a bird to which this item 4 applies if the bird is kept on a property if the property has an area less than 10,000m².</p>

- (2) Schedule 2, footnote 2, ‘*Sustainable Planning Act 2009*’—
omit, insert—
‘Planning Act 2016’.

10 Amendment of sch3 (Minimum standards for keeping animals generally)

- (1) Schedule 3, items 1 to 8—
omit, insert—
‘Each person who keeps an animal on a property, including each owner and responsible person for the animal, must ensure that—
- (a) if the property on which the animal is kept adjoins a road—the property is adequately fenced and does not have any opening through which the animal can escape; and
 - (b) any gate that forms part of the enclosure in which the animal is kept is kept closed and latched except when in actual use; and
 - (c) waste waters from any enclosure in which the animal is kept is drained in a nuisance free manner and that run-off is kept off adjoining land or as otherwise directed by an authorised person; and
 - (d) excreta, food scraps and other similar waste material is collected at least daily and if not removed from the property, is kept in a water and fly-proof container which does not allow the emission of nuisance odours; and
 - (e) any food for the animal is kept in a way which does not attract vermin; and
 - (f) any enclosure in which the animal is kept is properly maintained—
 - (i) in a clean and sanitary condition; and
 - (ii) in good repair, condition and appearance; and
 - (g) the keeping of the animal does not create a nuisance; and
 - (h) if the animal is a dog and the dog is required to be registered —
 - (i) the dog carries the registration device required by resolution of the local government; and
 - (ii) the registration device is attached to a collar worn by the dog; and
 - (iii) if the registration device is lost or destroyed — written notice is given to the local government within 14 days of the loss or destruction of the registration device; and
 - (i) if the dog is required to be registered by the person in the local government area of the local government — the person complies with section 46 of the *Animal Management (Cats and Dogs) Act 2008* to register the dog in the local government area as required by section 44 of the *Animal Management (Cats and Dogs) Act 2008*.’.
- (2) Schedule 3, footnote 5—
renumber as footnote 3.

11 Amendment of sch4 (Minimum standards for keeping particular animals)

- (1) Schedule 4, items 1 to 4 inclusive and 6 to 8 inclusive—

omit.

(2) Schedule 4, item 5—

omit, insert—

,

1.	Pigeons	<p>(a) enclosed housing must use deep litter or other appropriate substrate;</p> <p>(b) pigeon lofts must be regularly cleaned and maintained in a healthy condition so that no food scraps, pigeon faeces or feathers may create a food source to attract vermin;</p> <p>(c) rodents and other vermin must be vigorously controlled;</p> <p>(d) all food must be stored in sealed vermin proof containers and must not be left uncovered;</p> <p>(e) the pigeons' owner or the occupier of the premises must control feral pigeons attracted to captive managed flocks;</p> <p>(f) waste must be disposed of in an approved manner;</p> <p>(g) free non-flight time must be conducted under the close supervision of the owner;</p> <p>(h) the exit and entry of the pigeons from a loft, aviary or cage must be fully controlled;</p> <p>(i) provision must be made for all released pigeons to return through a one-way entrance that will not permit uncontrolled exit;</p> <p>(j) every reasonable attempt must be made to retrieve pigeons that do not return;</p> <p>(k) pigeons must not be permitted to roost on neighbours' premises;</p> <p>(l) the pigeons must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.</p>
----	---------	---

,

12 Amendment of sch5 (Prohibition of animals in public places)

- (1) Schedule 5, footnote 6—
renumber as footnote 4.
- (2) Schedule 5, items 1 to 17—
omit, insert—

	Column 1 Public Place	Column 2 Species or breed of animals prohibited
1.	Subject to the more specific prohibition details in items 2 to 14 inclusive, all parks, reserves, cemetery reserves and foreshores.	all domestic animals other than dogs ⁵
2.	The foreshore at Dundowran, from Sawmill Road to Eli Creek.	all domestic animals other than horses
3.	Within 5 metres of any playground or BBQ area in a park or reserve where animals are otherwise permitted on a lead and under effective control.	all domestic animals
4.	Hervey Bay Botanic Gardens, Urangan.	all domestic animals
5.	Elizabeth Park Rose Gardens, Maryborough.	all domestic animals
6.	Fay Smith Wetlands Park, Maryborough.	all domestic animals
7.	On the foreshore between Scarness Pier and the eastern side of the Surf Life Saving Club.	all domestic animals
8.	On the foreshore adjacent to the Esplanade, Maaroom.	all domestic animals
9.	On the foreshore adjacent to the Esplanade and Milzewski Street, Tuan.	all domestic animals
10.	On the foreshore adjacent to the Esplanade, Big Tuan.	all domestic animals

⁵ *Subordinate Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* outlines the circumstances in which dogs are permitted in cemeteries.

11.	On the foreshore adjacent to the Esplanade, between Gables Boat Ramp and Esa Park, Point Vernon.	all domestic animals
12.	On the foreshore between Eckert Road and Scrimshaw Place, Boonooroo.	all domestic animals
13.	On and from the foreshore adjacent to North Esplanade to Bengston Road, River Heads.	all domestic animals
14.	An animal exclusion zone designated in the conditions of an approval granted under <i>Local Law No. 1 (Administration) 2011</i> for an activity undertaken in, or on, a local government controlled area or road.	all domestic animals
15.	Unless otherwise provided for in a public notice, all local government controlled facilities and environmental reserves.	all domestic animals

13 Amendment of sch6 (Requirements for enclosures for animals)

- (1) Schedule 6, footnote 7—

omit.

- (2) Schedule 6, item 6(e)—

omit, insert—

‘(e) having regard to the breed and species of bird kept in the cage/enclosure and the number of birds to be kept in the cage/enclosure—be appropriately sized so as to be capable of effectively and comfortably housing the birds kept in the cage/enclosure.’.

14 Amendment of sch10 (Conditions for supply of animals)

- (1) Schedule 10, item 1, column 2, paragraphs 1 and 2—

renumber as paragraphs (a) and (b).

- (2) Schedule 10, item 2—

omit, insert—

‘

2.	Cat	(a) The supplier must ensure that the cat is desexed unless the circumstances in paragraph (b) apply.
----	-----	---

	<p>(b) The circumstances in which the supplier is not required to ensure that the cat is desexed are as follows—</p> <ul style="list-style-type: none"> (i) the supplier holds a signed veterinary surgeon’s certificate for the cat stating that desexing is likely to be a serious risk to the health of the cat; or (ii) the cat is under 16 weeks of age and the supplier provides the purchaser with a veterinary surgeon voucher or a local government desexing voucher to the equivalent monetary value of the full cost of desexing the cat; or (iii) the supplier is a member of a registered cat show association and the supply is for the purpose of showing or exhibiting the cat; or (iv) the cat is to be kept by a person who does not reside within the local government area.
<p>3. Dog</p>	<p>If the dog is not desexed—the supplier must ensure that the dog is registered.</p>

.

15 Minor and consequential amendments

Footnotes 8 to 10—
renumber as footnotes 6 to 8.

This and the preceding 10 pages bearing my initials is a certified copy of Animal Management (Amendment) Subordinate Local Law (No. 1) 2023 made in accordance with the provisions of the *Local Government Act 2009* by Fraser Coast Regional Council by resolution dated the day of 2023.

.....
 Chief Executive Officer