

# Subordinate Local Law No. 2 (Animal Management) 2011

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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) 2011*.

### **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, 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 animal, 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) 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) The dictionary in schedule 13 defines particular words used in this subordinate 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.

**8A What registration form must state — Authorising local law, s8C**

- (1) For section 8C of the authorising local law, a registration form for the registration of a cat must—
  - (a) be in the prescribed form; and
  - (b) state all of the following information about the owner of the cat—
    - (i) name;
    - (ii) residential address;
    - (iii) contact telephone number;
    - (iv) email address, if any; and
  - (c) state all of the following information about the cat—
    - (i) age;
    - (ii) breed;
    - (iii) colour;
    - (iv) sex;
    - (v) any other noticeable distinguishing features or marks;
    - (vi) address;
    - (vii) if it is desexed—that it is desexed.

- (2) In this section, the **address** for a cat is the address of the place where the cat is usually kept or proposed to be kept.

**8B Local government must give registration notice — Authorising local law, s8E(3)**

For section 8E(3) of the authorising local law, a registration notice must—

- (a) be given to the owner within 14 days after the cat is registered by the local government; and
- (b) state—
  - (i) the information, for the owner and the cat, required to be given under sections 8C and 8D(2) of the authorising local law; and
  - (ii) the period of the registration.

**8C Local government must give renewal notice — Authorising local law, s8H(3)**

For section 8H(3) of the authorising local law, a renewal notice must—

- (a) be given at least 14 days before the period of registration for the cat expires; and
- (b) state—
  - i. the information, for the owner and the cat, stated in the register of cats maintained by the local government; and
  - ii. the period of renewal of registration; and
  - iii. that the owner must, within 7 days, give the local government notice of any change to the information.

**9 Identification for dogs in certain circumstances—Authorising local law, s 9**

For section 9 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the 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.



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**

### **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.

### **20 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, animals of the fish species are excluded from the application of the authorising local law.

### **21 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, no species of animal is declared to be a declared dangerous animal.

### **22 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) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable 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	<p>(a) More than 3 dogs over the age of 12 weeks on any premises.</p> <p>(c) However, the prohibition in paragraph (a) does not apply to the keeping of a working dog.</p> <p>(b) Any of the following breeds, and a cross breed of any of the following breeds, anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario.</p>
2	Cat	More than 3 cats over the age of 12 weeks on any premises .
3	Horse or donkey (other than a racehorse or a stallion)	A horse or donkey (other than a racehorse or a stallion) on an allotment with an area less than 2,000m <sup>2</sup> .
4	Cow or bull	A cow or bull on an allotment with an area less than 2,000m <sup>2</sup> except where the cow or bull is kept within a 'town common' designated by the local government for grazing cattle under 'common rights'.
5	Birds	More than 20 birds of the same or different species on any premises.
6	Pig	A pig on an allotment with an area less than 4,000m <sup>2</sup> .
7	Ostrich or emu	An ostrich or emu on an allotment with an area less than 4,000m <sup>2</sup> .
8.	Racing pigeons	1 or more racing pigeons on an allotment with an area less than 800m <sup>2</sup> .
9	Bees	A hive on an allotment with an area less than 400m <sup>2</sup> ; (see Code of Practice for Urban Bee Keeping in Queensland 1998).
10	Greyhound	More than 2 greyhounds over the age of 12 weeks on an allotment with an area less than 800m <sup>2</sup> .
11.	Racehorse	A racehorse on an allotment with an area less than 800m <sup>2</sup> .

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

- (a) the animal or animals were kept on the premises before the commencement of the authorising local law; and
- (b) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.

## 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</b>
1	Dog	(a) 3 dogs over the age of 12 weeks (other than a working dog) on any premises. (b) 1 or more dogs on non-residential premises. (c) A guard dog on any premises. (d) A dog kept on residential premises— ii. temporarily; but i. for longer than 1 month.
2	Cat	3 cats over the age of 12 weeks on any premises.
3	Horse or donkey (other than a racehorse or a stallion)	More than 1 horse or donkey (other than a racehorse or a stallion) on an allotment with an area less than 20,000m <sup>2</sup> .
4	Cow or bull	More than 1 cow or bull on an allotment with an area less than 20,000m <sup>2</sup> , except where the cow or bull is kept within a 'town common' designated by the local government for grazing cattle under 'common rights'.
5	Sheep, goat, alpaca or llama	(a) More than 1 sheep, goat, alpaca or llama on an allotment with an area less than 20,000m <sup>2</sup> . (b) Subject to paragraph (a), if the density of the animals kept on the allotment is greater than 1 animal per 800m <sup>2</sup> .
6	Birds other than nuisance birds	More than 5, but not more than 20, birds on an allotment with an area less than 20,000m <sup>2</sup> .
7	Nuisance bird	1 or more nuisance birds on an allotment with an area less than 20,000m <sup>2</sup> .
8.	Racing pigeons	1 or more racing pigeons on an allotment with an area of 800m <sup>2</sup> or more.
9	Bees	(a) More than 2 hives on an allotment with an area between 400 m <sup>2</sup> and 1,000 m <sup>2</sup> . (b) More than 5 hives on an allotment with an area between 1,001 m <sup>2</sup> and 2,000 m <sup>2</sup> (see Code of Practice for Urban Bee Keeping in Queensland 1998).
10.	Greyhound	(a) 3, 4 or 5 greyhounds over the age of 12 weeks on an

		<p>allotment with an area less than 10,000m<sup>2</sup>.</p> <p>(c) 6,7 or 8 greyhounds over the age of 12 weeks on an allotment with an area between 10,000m<sup>2</sup> and 100,000m<sup>2</sup>.</p> <p>(b) More than 8 greyhounds over the age of 12 weeks on an allotment with an area of more than 100,000m<sup>2</sup>.</p>
11	Racehorse	1 or more racehorses in an urban area.
12	Stallion	A stallion on an allotment within a 50 kilometre radius of the public office of the local government unless the stallion is a racehorse kept pursuant to an approval granted by the local government under the authorising local law.

## 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	Dog	Refer to the exemption in column 3.	Desexing of dogs is required if more than 2 dogs over the age of 12 weeks are kept on premises unless the owner or responsible person for the dogs is—  (b) a registered breeder; or (c) a recognised animal carer; or  (a) registered to show dogs.
2	Cat	Refer to exemption in column 3.	Desexing of cats is required if more than 2 cats over the age of 12 weeks are kept on premises unless the owner or responsible person for the cats is—  (b) a registered breeder; or (c) a recognised animal carer; or  (a) registered to show cats.

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

### **Section 8(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 making a noise or disturbance that causes 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.

## 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	Greyhound	<p>Each owner of, and responsible person for, a greyhound must—</p> <p>(a) ensure that the greyhound is kept—</p> <p>(i) without nuisance; and</p> <p>(ii) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice; and</p> <p>(b) not bring into, or permit the greyhound to be in, a public place unless the greyhound is muzzled so as to prevent the greyhound from biting.</p>
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, pig and other animals of a similar size	<p>Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of—</p> <p>(a) a residence on adjoining premises; or</p> <p>(b) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or</p> <p>(c) a place used for the storage of food (other than food kept in hermetically sealed packages).</p>
3	Budgerigar, canary and other birds of a similar size and cockatiel and other birds of a similar size and cockatoo, galah and other birds of a similar size	<p>Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that—</p> <p>(a) the bird is kept without nuisance; and</p> <p>(b) the bird is contained within an enclosed cage or aviary; and</p> <p>(c) the bird's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the bird is kept is</p>

		<p>thoroughly cleaned at least once each week; and</p> <p>(e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government—the bird is kept in accordance with the requirements of the code of practice.</p>
4	Pigeons	<p>Each owner of, and responsible person for, pigeons which are kept on premises must ensure that—</p> <p>(a) the pigeons are kept without nuisance; and</p> <p>(b) the pigeons contained within an enclosed cage or aviary; and</p> <p>(c) the pigeon's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the pigeons are kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) if a code of practice for the keeping of pigeons has been approved by the local government—the pigeons are kept in accordance with the requirements of the code of practice.</p>
5	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <p>(a) the bees are kept without nuisance; and</p> <p>(b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and</p> <p>(d) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of</p>

		practice.
6	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich and emu	<p>Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the bird is kept without nuisance; and</li> <li>(b) the bird is contained within an enclosure; and</li> <li>(c) the bird's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> <li>(i) thoroughly cleaned at least once each week; and</li> <li>(ii) located at the rear of, and behind, any residence situated on the premises; and</li> </ul> </li> <li>(e) the enclosure in which the bird is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> <li>(i) a residence on adjoining premises; or</li> <li>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or</li> <li>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</li> </ul> </li> <li>(f) the enclosure in which the bird is kept is not located less than 1 m from the side or rear boundaries of the premises.</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	<p>Within 10m of—</p> <p>(b) any playground apparatus which is provided for the use of minors in a public place which is a local government controlled area; or</p> <p>(c) a designated playground area in a public place which is a local government controlled area; or</p> <p>(a) a barbecue or other cooking facility in a public place which is a local government controlled area.</p>	Dogs

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

### **Section 11**

1. Ted Price Park, Gracemere (access via Breakspear Street and Holgate Close) but limited to the area designated as a dog off-leash area by signpost.
2. Duthie Park, North Rockhampton (access via Thozet Road, Marsh Avenue, Lawrence Avenue and Wigginton Street) but limited to the area and times designated by signpost and, in any event, not while the area is being used by animals participating in an obedience trial supervised by a body recognised for section 12(3)(d) of the authorising local law by the local government.
3. Rosel Park, South Rockhampton, opposite the Quay Street pound (access via Quay Street).
4. The bathing reserve at Farmborough beach, Yeppoon but only from the Bangalee boat ramp, Hinz Avenue, south to Barwells creek (access via Hinz Avenue) but only from Monday to Friday, excluding public holidays.
5. The bathing reserve at Fisherman's Beach, Emu Park, but only from the north beach access at Bell Park to Tanby Point (access via Hill Street) and only from Monday to Friday, excluding public holidays.
6. Subject to items 4 and 5, all bathing reserves and foreshore placed under the control of the local government, but only before 8.00am and after 4.00pm daily.
7. Victoria Park (Recreation Area), access via Lion Creek Road, Rockhampton, but limited to the area designated as a dog off-leash area by signpost.

## Schedule 8 Requirements for proper enclosures for animals

### Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	<p>(1) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(2) The area must be suitably fenced—</p> <p>(a) appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) so as to effectively enclose the animal on the land on which it is kept at all times.</p> <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence—</p> <p>(a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</p> <p>(b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</p> <p>(c) where the animal has the ability to dig — which includes a barrier installed directly below the fence to prevent the animal digging its way out; and</p> <p>(d) where the animal has the ability to climb — designed and constructed in such a way as to prevent the animal from climbing over the fence; and</p> <p>(e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.</p>
2	Horse	<p>(1) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 —</p> <p>(a) effectively enclose the horse so that the horse can not reach over or through the fence to adjoining land or any public place; and</p> <p>(b) where the animal is a stallion—the enclosure must</p>

		be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the stallion is kept to a standard approved by an authorised person.
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**Schedule 9      Requirements for keeping a dog in a koala  
area**

Section 14(1)

No requirements prescribed.

## **Schedule 10 Koala areas**

Section 14(2)

No area designated.

## **Schedule 11      Criteria for declared dangerous animals**

### **Section 15**

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.

## Schedule 12 Conditions for sale of animals

### Section 19

	<p style="text-align: center;"><b>Column 1</b> <b>Species or breed of animal</b></p>	<p style="text-align: center;"><b>Column 2</b> <b>Conditions that must be complied with when offering animal for sale</b></p>
1	Dogs and cats	<p>(1) A person who offers an animal of a species specified in column 1 item 1 for sale must keep and maintain a written register detailing —</p> <ul style="list-style-type: none"> <li>(a) the particulars and description of each animal offered for sale including breed, name, date of birth, identifying tag and any other form of identification; and</li> <li>(b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and</li> <li>(c) if the animal is sold or otherwise disposed of — the name and address of the new owner of the animal and the date of sale or disposal of the animal.</li> </ul> <p>(2) If section 44 of the Animal Management Act applies to an animal which is offered for sale by the person—the person must comply with the requirements of the section before the sale of the animal by the person.</p> <p>(3) If section 44 of the Animal Management Act does not apply to the animal offered for sale by the person—the person must supply a register to the local government, at least monthly, giving full details of —</p> <ul style="list-style-type: none"> <li>(a) all animals sold or otherwise disposed of including the name and address of the new owner of the animal; and</li> <li>(b) a full description of each animal sold or otherwise disposed of; and</li> <li>(c) the date of sale or disposal of each animal.</li> </ul> <p>(4) A person must not offer an animal of a species specified in column 1 item 1 for sale unless the animal has received all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.</p>



## Schedule 13 Dictionary

### Section 4

**allotment** means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in —

- (a) the same ownership; or
- (b) the same occupation.

**animal welfare agency** means—

- (a) the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated; and
- (b) the Animal Welfare League of Queensland Incorporated.

**Animal Management Act** see *Animal Management (Cats and Dogs) Act 2008*.

**bathing reserve** means a part of the seashore and adjacent land and sea placed under the control of the local government as a bathing reserve under section 26 of the *Local Government (Operations) Regulation 2010*.

**building** has the meaning given in the *Building Act 1975*.

**cat**—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a kitten regardless of age.

**designated playground area** means an area which is—

- (a) physically defined; and
- (b) constructed by the local government for recreational use by minors; and
- (c) provided with 1 or more items of playground apparatus.

*Example*—

A designated playground area may be an area which is—

- (a) enclosed by a fence or some other barrier; and
- (b) covered by bark chips or similar material; and
- (c) equipped with a swing, see-saw or similar playground apparatus.

**destroy**, an animal, includes causing it to be destroyed.

**dog**—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a puppy regardless of age.

**domestic purposes** means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

**environmental harm** has the meaning given in the *Environmental Protection Act 1994*.

**environmental nuisance** has the meaning given in the *Environmental Protection Act 1994*.

**foreshore** means foreshore placed under the control of the local government under section 25 of the *Local Government (Operations) Regulation 2010*.

**guard dog** means—

- (a) a dog released by a person on residential premises or non-residential premises without a handler for the primary purpose of acting as a deterrent to intruders; and
- (b) a dog released by a person on residential premises or non-residential premises without a handler if the dog has been trained to attack for the purpose of guarding either persons or property.

**horse** includes a pony and a miniature horse.

**identifiable animal** means an animal—

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

**keep** (an animal)—

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —
  - (i) feeds and cares for the animal on the land; and
  - (ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

**land** has the meaning given in the *Sustainable Planning Act 2009*.

**multi-residential premises** means each of —

- (a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share—
  - (i) a common wall; or
  - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (b) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

*Examples of multi-residential premises —*

Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

**non-residential premises** means premises other than residential premises.

**nuisance bird** means—

- (a) a rooster, goose, cockatoo, galah or peacock; and
- (b) another bird kept on premises which makes an audible noise which causes environmental harm or environmental nuisance to an occupier of other premises.

**occupier**, of premises—

- (a) means the person who has the control or management of the premises; and
- (b) includes the owner of the premises where there is no person in apparent occupation of the premises.

**premises** means any land, building or structure and includes any part thereof.

**racehorse** means a horse bred and trained for racing.

**recognised animal carer** means a person who is recognised as a carer of—

- (a) dogs by the Canine Control Council (Queensland); or
- (b) cats by the Queensland Feline Association Inc.; or
- (c) animals by an animal welfare agency; or
- (d) animals by another incorporated association which is recognised (as a body capable of recognition of animal carers) by the local government for the purposes of this definition.

**registered** has the meaning given in the authorising local law.

**registered breeder** means a person who is—

- (a) registered as a breeder of—
  - i. dogs with the Canine Control Council (Queensland); or
  - ii. cats with the Queensland Feline Association Inc.; or
- (b) recognised (as a registered breeder) by the local government for the purposes of this definition.

**residence** means a building, or part of a building, that is—

- (a) fixed to land; and
- (b) a self-contained unit used by, or intended for the exclusive residential use of, one household.

**residential premises** means premises used, or intended to be used, predominantly as a place of residence.

**sale** includes—

- (a) to sell; and
- (b) offer, or expose for sale; and
- (c) agree or attempt to sell; and
- (d) dispose of for negligible or no consideration; and
- (e) barter.

**stallion** means an uncastrated adult male horse.

**structure** has the meaning given in the *Local Government Act 2009*.

**urban area** means an area used, or intended to be used, predominantly as a place for the location of residential premises.

**working dog** has the meaning given in the *Animal Management Act*.

This and the preceding 27 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Livingstone Shire Council by resolution dated 2015.

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Chief Executive Office

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