

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.

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.

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

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(a) More than 3 dogs over the age of 3 months on an allotment with an area less than 40,000m².</p> <p>(b) More than 1 dog on premises which are multi-residential premises.</p> <p>(c) Any of the following breeds, and a crossbreed 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> <p>(d) For the avoidance of doubt, the prohibition in paragraph (a) does not apply to the keeping of working dogs on an allotment.</p>
2	Cat	<p>(a) More than 3 cats over the age of 3 months on an allotment.</p> <p>(b) More than 1 cat over the age of 3 months on premises which are multi-residential premises.</p>
3	Horse, donkey, camel, cow, bull or ox	<p>(a) An animal to which this item 3 applies on an allotment with an area less than 4,000 m².</p> <p>(b) More than 1 animal to which this item 3 applies on an allotment with an area between 4,000m² and 8,000m².</p> <p>(c) More than 2 animals to which this item 3 applies on an allotment with an area between 8,001m² and 12,000m².</p> <p>(d) More than 3 animals to which this item 3 applies on an allotment with an area between 12,001m² and 16,000m².</p> <p>(e) More than 4 animals to which this item 3 applies on an allotment with an area between 16,001m² and 20,000m².</p>
4	Sheep, goat, alpaca, llama or deer	<p>(a) An animal to which this item 4 applies on an allotment with an area less than 4,000m².</p> <p>(b) More than 2 animals to which this item 4 applies on an allotment with an area between 4,000m² and 8,000m².</p> <p>(c) More than 4 animals to which this item 4 applies on an allotment with an area between 8,001m² and 12,000m².</p>

		(d) More than 6 animals to which this item 4 applies on an allotment with an area between 12,001m ² and 16,000m ² . (e) More than 8 animals to which this item 4 applies on an allotment with an area between 16,001m ² and 20,000m ² .
5	Poultry	(a) A rooster on an allotment with an area less than 4,000m ² . (b) A density of roosters that is greater than 1 rooster per 4,000m ² . (c) 20 or more poultry (other than a rooster) on an allotment with an area less than 4,000m ² .
6	Pig	A pig on an allotment with an area less than 20,000m ² .
7	Duck, goose or turkey	3 or more birds to which this item 7 applies on an allotment with an area less than 4,000m ² .
8	Ostrich, emu or peacock	A bird to which this item 8 applies on an allotment with an area less than 4,000m ² .
9	Bees	(a) A hive on an allotment with an area less than 400m ² . (b) More than 2 hives on an allotment with an area of 400m ² or more, but less than 1,000m ² .
10	Cockatoo, galah or other bird of a similar size	A bird to which this item 10 applies on an allotment with an area less than 4,000m ² .

A prohibition described 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

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	(a) 3 dogs over the age of 3 months on an allotment with an area less than 40,000m ² . (b) For the avoidance of doubt, the approval requirement in paragraph (a) does not apply to the keeping of working dogs on an allotment.
2	Cat	3 cats over the age of 3 months on an allotment.
3	Horse, donkey or camel	No approval requirement described
4	Cow, bull or ox	No approval requirement described
5	Sheep, goat, alpaca, or llama	No approval requirement described
6	Poultry	No approval requirement described
7	Deer	No approval requirement described
8	Pig	No approval requirement described
9	Duck, goose or turkey	No approval requirement described
10	Ostrich, emu or peacock	No approval requirement described
11	Bees	No approval requirement described
12	Cockatoo, galah or other bird of a similar size	No approval requirement described
13	Budgerigar, canary or other bird of a similar size	No approval requirement described
14	Racing pigeons	No approval requirement described

¹ See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1.5 (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

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
	No species or breed of animal mentioned		

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

Section 8(1)

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; and
 - (g) ensure that the keeping of the animal on the premises does not cause an animal noise nuisance.

2. For the purposes of section 1(g), an animal causes an animal noise nuisance if it makes a noise which —
 - (a) occurs more than once; and
 - (b) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.

Example for section 2(b) —

A noise made by an animal which disrupts a person—

- (a) holding a conversation; or
- (b) watching television; or
- (c) listening to a radio or recorded material; or
- (d) sleeping.

In order for an animal noise nuisance under this section 2 to occur, it is not necessary that the

degree of interference from the noise is such as to be continuous, or to make it practicably impossible to—

- (a) hold a conversation; or
- (b) watch television; or
- (c) listen to a radio or recorded material at ordinary volumes; or
- (d) fall or stay asleep.

Any occurrence by which a person is woken from sleep, or by which a person is distracted or annoyed during the course of carrying out some other ordinary activity, in a way which would not occur in the absence of the animal noise, is a disruption to or an inhibition of an activity ordinarily carried out on residential premises. It is not necessary that the animal noise totally drowns out the sound of the conversation, television, radio or recorded material. It is sufficient if attention is merely diverted from this sound by the noise which is being made by the animal. It is not necessary that the animal noise be a repeated or ongoing interruption of sleep or that the animal noise results in the total shattering of sleep.

3. The criteria an authorised person must consider when deciding whether an animal makes a noise which disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises include—
- (a) has the local government received 3 complaints of a contravention of section 1(g) from 3 persons all of whom occupy separate premises in the same or an adjoining street to the premises the subject of the complaints; and
 - (b) has the local government received 2 complaints of a contravention of section 1(g) in circumstances where the land the subject of the complaints is not located in an area occupied predominantly by residential premises.

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	Greyhound	<p>Each owner of, and responsible person for, a greyhound must—</p> <p>(a) ensure that the dog 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 thoroughly cleaned at least once each week; and</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.
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 practice.</p>
6	Duck, drake, goose,	Each owner of, and responsible person for, a bird identified in

	turkey, rooster, peacock, peahen, ostrich and emu	<p>column 1 item 6 which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) the enclosure in which the bird is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> (i) a residence on adjoining premises; or (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 (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and (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.
7	Dogs, if the dogs are kept on premises at a kennel and cats, if the cats are kept on premises at a cattery	<p>Each owner of, and responsible person for, an animal kept on premises in the circumstances specified in column 1, item 7 must ensure that—</p> <ul style="list-style-type: none"> (a) the keeping of the animals on the premises— <ul style="list-style-type: none"> (i) does not detrimentally affect the amenity of neighbouring premises; and (ii) does not involve the storage in the open of goods, materials or activities associated with the keeping of the animals; and (iii) does not attract fly breeding or vermin infestation; and (b) the premises are suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions; and (c) only rain water from uncontaminated areas may drain directly into the storm water system; and (d) all spillages of wastes, contaminants and other materials are cleaned up immediately and are not

		<p>cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials to any storm water system or waters; and</p> <p>(e) the premises are kept free of vermin and conditions offering harbourage for vermin; and</p> <p>(f) all fixtures, fittings, equipment and facilities at the premises are maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(g) waste waters from the washing down of floors, surfaces, enclosures and other areas is collected, and drained to, an approved pre-treatment device before discharge to the sewerage system; and</p> <p>(h) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are provided; and</p> <p>(i) all waste containers are regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(j) the premises, including all buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the keeping of the animals is maintained at all times—</p> <p style="padding-left: 20px;">(i) in good working order and condition; and</p> <p style="padding-left: 20px;">(ii) in a clean and sanitary condition; and</p> <p>(k) all enclosures which form part of the operation of the premises are provided and maintained in a manner so as to—</p> <p style="padding-left: 20px;">(i) be clean and in a sanitary condition; and</p> <p style="padding-left: 20px;">(ii) prevent the escape of any animal kept in the enclosure; and</p> <p style="padding-left: 20px;">(iii) protect the safety of staff and the public; and</p> <p style="padding-left: 20px;">(iv) be in a state of good order and repair; and</p> <p style="padding-left: 20px;">(v) avoid injury to any animal kept in the enclosure; and</p> <p style="padding-left: 20px;">(vi) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and</p> <p style="padding-left: 20px;">(vii) be impervious and able to be effectively cleaned and sanitised; and</p> <p style="padding-left: 20px;">(viii) ensure the comfort of any animal kept in the enclosure and prevent the spread of disease; and</p> <p>(l) animal feed is stored in insect and vermin proof</p>
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		<p>containers; and</p> <p>(m) if a code of practice for the operation of a cattery or a kennel has been approved by the local government—the cattery or kennel is operated in accordance with the requirements of the code of practice.</p>
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Schedule 6 Prohibition of animals in public places

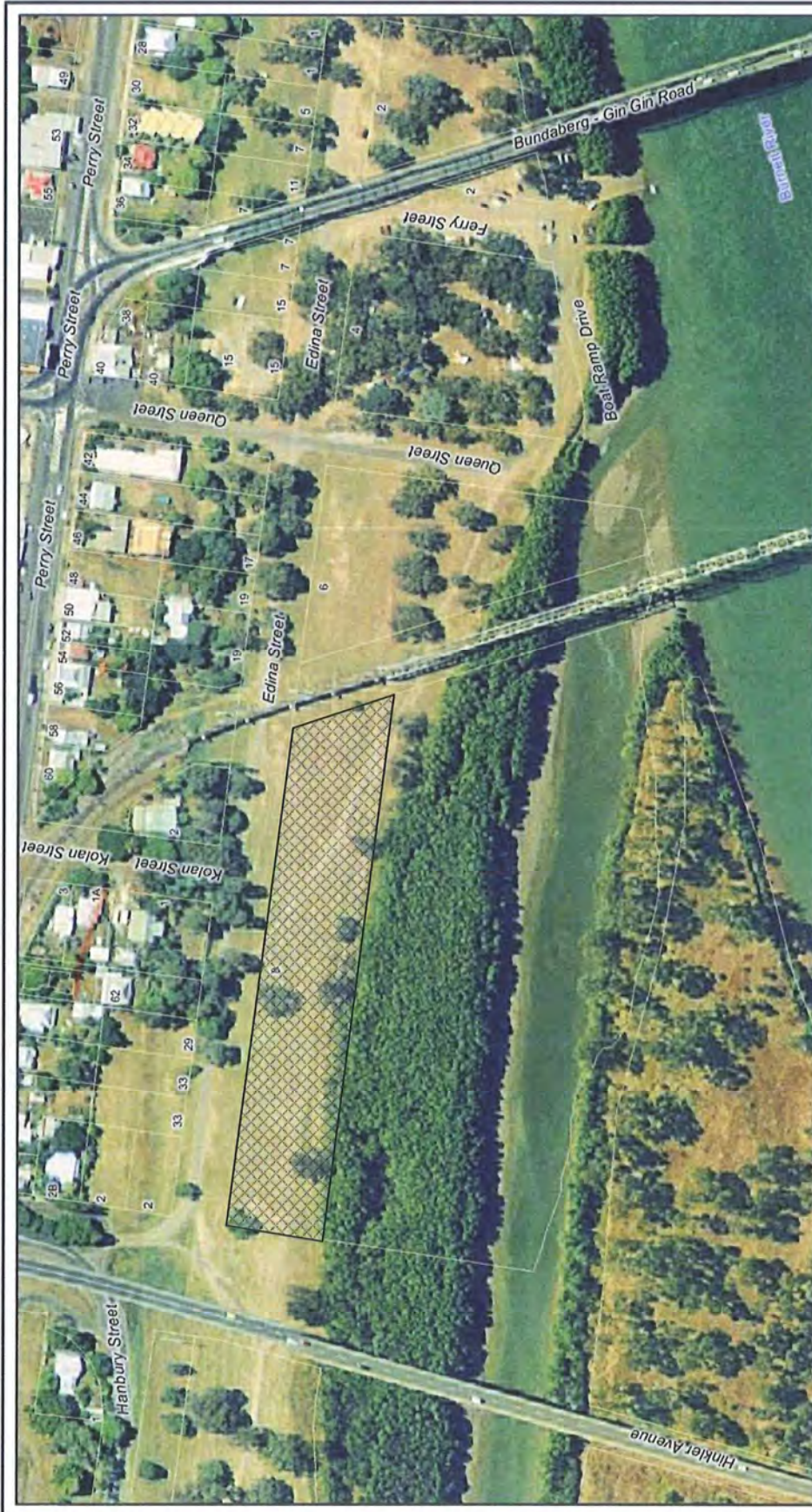
Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	<p>All bathing reserves placed under the control of the local government other than—</p> <p>(a) each off-leash exercise area identified in schedule 7; and</p> <p>(b) each foreshore placed under the control of the local government.</p> <p>For the avoidance of doubt, a dog is permitted on a foreshore under the control of the local government—</p> <p>(a) provided the dog is under effective control (see section 12(3) of the authorising local law); or</p> <p>(b) off-leash, if the foreshore is identified as a dog off-leash area in schedule 7.</p>	Dogs.
2	<p>All bathing reserves placed under the control of the local government other than foreshore placed under the control of the local government.</p>	Horses.

Schedule 7 Dog off-leash areas

Section 11

1. The area of land indicated by a bold line circumscribing an area hatched in black on the map attached to this Schedule 7 at Edina Street, North Bundaberg and commonly known as Lions Park, North Bundaberg.
2. The area of land indicated by a bold line circumscribing an area hatched in black on the map attached to this Schedule 7 at the northern end of Fred Courtice Avenue, Bargara and commonly known as Neilson Park, Bargara.
3. The bathing reserve and foreshore at Woodgate but limited to —
 - (a) the bathing reserve and foreshore from a point 50m south of the most southerly pedestrian access to the bathing reserve to a point 200m north of the Burrum River entrance; and
 - (b) the bathing reserve and foreshore from a point seawards of the most northerly residence abutting the bathing reserve to the Theodolite Creek entrance.



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Lions Park
 North Bundaberg
 Scale = 1:2,849
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Neilson Park - Northern End

Fred Courice Avenue

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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> <ul style="list-style-type: none"> (a) appropriate to the species and breed of the animal to be enclosed; and (b) so as to effectively enclose the animal on the land on which it is kept at all times. <p>(3) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> (a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and (b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and (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 (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 (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.
2	Horse	<p>(1) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 —</p> <ul style="list-style-type: none"> (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 (b) where the animal is a stallion—the enclosure must 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 areas²

Section 14(2)

No area designated.

² “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

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

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	No species or breed of animal mentioned	No conditions specified

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 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 2011*.

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.

cattery has the meaning given in the planning scheme of the local government.

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.

foreshore means foreshore placed under the control of the local government under section 25 of the *Local Government (Operations) Regulation 2011*.

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.

kennel has the meaning given in the planning scheme of the local government.

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

local government public health risk has the meaning given in the *Public Health Act 2005*.

multi-residential premises means —

- (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.

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.

pig includes a micro pig and a mini pig.

planning scheme has the meaning given in the *Sustainable Planning Act 2009*.

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

registered has the meaning given in the Animal Management Act.

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.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

stallion means an uncastrated adult male horse.

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

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vermin means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—

- (i) a protected animal within the meaning of the *Nature Conservation Act 1992*;
or
- (ii) a local government public health risk.

waste has the meaning given in the *Environmental Protection Act 1994*.

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

This and the preceding 29 pages bearing my initials is a certified copy of *Subordinate Local Law No. 2 (Animal Management) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the 13th day of December 2011.

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Chief Executive Officer