

Winton Shire Council

Subordinate Local Law No. 2 (Animal Management) 2024

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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) 2024*.

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 animals, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

2A Repeal

Subordinate Local Law No. 2 (Animal Management) 2011 is repealed.

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) Additionally, in this subordinate local law—

designated town area means an area within the boundaries marked by a bold white or red line on a map or aerial photo in schedule 11.

allotment means a single parcel of land, or several contiguous parcels of land in the same ownership or occupation.

assistance dog means a dog trained to perform identifiable physical tasks and behaviours to assist a person with a disability to reduce the person's need for support.

guard/security dog means a dog which is released on commercial premises without a handler for the purpose or apparent purpose of acting as a deterrent to intruders.

noise nuisance, for an animal, means noise made by an animal kept by a person in the local government's area that—

- (a) occurs more than once; and
- (b) unreasonably disrupts or inhibits an activity ordinarily carried out on a residential premises.

Example for paragraph (b):

The persistent barking, howling or whining of a dog which disrupts a person—

- holding a conversation; or
- listening to audio content recording (such as television, radio or digitally streamed broadcasts); or
- from sleeping at night.

residential complex means a complex comprising more than 2 joined residential units.

Part 2 Keeping of animals

5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

- (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.
- (2) However, the prohibitions in schedule 1 do not apply to keeping an animal in either of the following circumstances—
 - (a) the animal is temporarily kept contrary to the prohibition in schedule 1 due to an emergency situation that has put the animal's welfare at risk (for example, fire or extreme or adverse weather), provided—
 - (i) an authorised person has authorised the keeping of the animal contrary to the prohibition; and
 - (ii) the animal is kept in a location and under conditions as directed by an authorised person; and
 - (iii) the animal is removed from the location when directed by an authorised person; or
 - (b) keeping of the animal is explicitly authorised by the terms of an approval granted under *Local Law No. 1 (Administration) 2011*, other than an approval for the prescribed activity of 'keeping of animals'.

Example for paragraph (b)—

An approval holder for a temporary entertainment event has written permission in the approval letter to keep a stallion on an allotment in the designated town area for the duration of the event.

6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

- (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.

- (2) However, a requirement for an approval in schedule 2 does not apply to keeping an animal in either of the following circumstances—
- (a) The animal is temporarily kept at a place due to an emergency situation that has put the animal's welfare at risk (for example, fire or extreme or adverse weather), provided—
 - (i) an authorised person has authorised the keeping of the animal; and
 - (ii) the animal is kept in a location and under conditions as directed by an authorised person; and
 - (iii) the animal is removed from the location when directed by an authorised person; or
 - (b) the keeping of the animal is explicitly authorised by the terms of an approval granted under *Local Law No. 1 (Administration) 2011*, other than an approval for the prescribed activity of 'keeping of animals'.

Example for paragraph (b)—

An approval holder for a temporary entertainment event (e.g. a sheep dog trial) has written permission in the approval letter to keep several sheep on an allotment in the designated town area for the duration of the event.

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(2) 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)

- (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.
- (2) However, a prohibition in subsection (1) does not apply where an animal is in a public place in any of the following circumstances—

- (a) the owner or responsible person is temporarily keeping an animal at the public place due to an emergency situation that has put the animal's welfare at risk (for example, fire or extreme or adverse weather) and—
 - (i) an authorised person has authorised the keeping of the animal at the place; and
 - (ii) the animal is kept at the place in accordance with directions of an authorised person; and
 - (iii) the animal is removed from the place when directed by an authorised person; or
- (b) the keeping of the animal is explicitly authorised by the terms of an approval granted under *Local Law No. 1 (Administration) 2011*.

Example for paragraph (b)—

An approval holder for a temporary entertainment event involving horses has written permission in the approval letter to keep a horse at a park where it would otherwise be prohibited, but only for the duration of the event.

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.

12 Animal faeces in public places—Authorising local law, s 13

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—*This list has been intentionally left blank.*¹

13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

14 Koala conservation—Authorising local law, s 15

This section has been intentionally left blank.

15 Criteria for declared dangerous animals—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 9.

Part 4 Seizure, impounding or destruction of animals

16 Place of care for impounded animals—Authorising local law, s 24

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be the place nominated by a resolution of the local government.

¹ Note that it is a requirement to pick up dog faeces under section 13, *Local Law No. 2 (Animal Management) 2011*.

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

For section 32(1)(b) of the authorising local law, any animal that is not cattle, a goat, a horse, a pig, a sheep or another livestock animal may be sold by private agreement, destroyed, or disposed of in some other way without being destroyed.

18 Register of impounded animals—Authorising local law, s 33(3)

For section 33(3) of the authorising local law, the register of impounded animals will be kept 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 10 must comply with the conditions set out in column 2 of schedule 10.

Dictionary

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, the following species of animal are excluded from the application of the authorising local law— *This list has been intentionally left blank.*

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, an animal of the following species is a declared dangerous animal— *This list has been intentionally left blank.*

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 registered with the local government—5 days; or
 - (b) if the animal is not registered with the local government—3 days;
- and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

Schedule 1 Prohibition on keeping animals²

section 5

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog (including an assistance dog ³)	<p>1 It is prohibited to keep more than 2 dogs over the age of 12 weeks on an allotment with an area less than 800m² in a designated town area</p> <p>2 It is prohibited to keep any of the following breeds, and crossbreeds 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>3 It is prohibited to keep more than 2 guard/security dogs over the age of 12 weeks on an allotment in a designated town area</p>
2	Cat	It is prohibited to keep more than 2 cats over the age of 12 weeks on an allotment with an area less than 800m ² in a designated town area
3	Cattle (excluding a bull)	<p>1 It is prohibited to keep any cattle over the age of 12 months on an allotment with an area less than 5000m² in a designated town area</p> <p>2 It is prohibited to keep more than 2 cattle under the age of 12 months on an allotment with an area less than 5000m² in a designated town area</p>
4	Stallion, bull	It is prohibited to keep a stallion or bull on an allotment with an area less than 5000m ² in a designated town area
5	Mule, donkey, buffalo, camel, deer, llama, alpaca	It is prohibited to keep any of these animals on an allotment with an area less than

² Section 5(2) provides exceptions where these prohibitions do not apply, relating to emergency situations or circumstances where another approval permits the keeping of the animal in a place temporarily.

³ See *Guide, Hearing and Assistance Dogs Act 2009*.

		5000m ² in a designated town area
6	Sheep, goat	<p>1 It is prohibited to keep any of these animals on an allotment with an area less than 800m² in a designated town area</p> <p>2 It is prohibited to keep a ram or billy goat aged over 12 months on an allotment with an area less than 5000m² in a designated town area</p>
7	Pig	It is prohibited to keep a pig on an allotment with an area less than 5000m ² in a designated town area
8	Cockatoo, galah, corella, cockatiel	It is prohibited to keep more than 2 of these birds (whether comprising one species or a combination of the species) on an allotment with an area less than 2500m ² in a designated town area
9	Budgerigar, canary, finch, lovebird, parrot	It is prohibited to keep more than 10 of these birds (whether comprising one species or a combination of the species) on an allotment with an area less than 800m ² in a designated town area
10	Emu, ostrich	It is prohibited to keep any of these birds in a designated town area
11	Peacock, peahen, guinea fowl	It is prohibited to keep any of these birds on an allotment with an area less than 800m ² in a designated town area
12	Rooster	It is prohibited to keep a rooster in a designated town area for a purpose other than showing and breeding
13	Hen	It is prohibited to keep more than 5 hens on an allotment with an area less than 800m ² in a designated town area
14	Goose, turkey	It is prohibited to keep more than 2 of these birds (whether comprising one species or a combination of the species) on an allotment with an area less than 800m ² in a designated town area
15	Duck	It is prohibited to keep more than 4 ducks on an allotment with an area less than 800m ² in a designated town area

Schedule 2 Requirement for approval to keep animals⁴

section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval ⁵
1	Dog	1 An approval is required to keep more than 2 dogs (including an assistance dog ⁶) over the age of 12 weeks on an allotment in a designated town area ⁷ 2 An approval is required to keep 1 or more guard/security dogs over the age of 12 weeks on an allotment in a designated town area ⁷
2	Cat	An approval is required to keep more than 2 cats over the age of 12 weeks on an allotment in a designated town area ⁷
3	Cattle (excluding a bull)	An approval is required to keep cattle in a designated town area ⁷
4	Bull	An approval is required to keep a bull in a designated town area ⁷
5	Stallion	An approval is required to keep a stallion in a designated town area ⁷
6	Horse	An approval is required to keep more than 2 horses on an allotment in a designated town area
7	Sheep, goat	An approval is required to keep more than 2 of these animals (whether comprising one species or a combination of the species) in a designated town area ⁷
8	Mule, donkey, buffalo, camel,	An approval is required to keep any of these

⁴ Section 6(2) provides exceptions where the requirements for approval in this schedule do not apply, relating to emergency situations or circumstances where another approval permits the keeping of the animal in a place temporarily.

⁵ See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1 (Administration) 2023* 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).

⁶ See *Guide, Hearing and Assistance Dogs Act 2009*

⁷ Also, see Schedule 1, which prohibits outright the keeping of any or a specified number of these animals in defined circumstances.

	deer, llama, alpaca	animals in a designated town area ⁷
9	Honey bee	<ol style="list-style-type: none"> 1 An approval is required to keep more than 5 hives on an allotment with an area greater than 800m² but less than or equal to 2000m² in a designated town area 2 An approval is required to keep more than 10 hives on an allotment with an area greater than 2000m² in a designated town area
10	Cockatoo, galah, corella, cockatiel	An approval is required to keep more than 2 of these birds (whether comprising one species or a combination of the species) on an allotment in a designated town area ⁷
11	Budgerigar, canary, finch, lovebird, parrot	An approval is required to keep more than 20 of these birds (whether comprising one species or a combination of the species) in a designated town area ⁷
12	Pigeon	<ol style="list-style-type: none"> 1 An approval is required to keep more than 10 pigeons on an allotment with an area less than 800m² in a designated town area 2 An approval is required to keep more than 20 pigeons on an allotment with an area equal to or greater than 800m² in a designated town area
13	Peacock, peahen, guinea fowl, pheasant	An approval is required to keep more than 2 of these birds (whether comprising one species or a combination of the species) on an allotment in a designated town area ⁷
14	Rooster	An approval is required to keep a rooster in a designated town area ⁷
15	Hen	An approval is required to keep more than 10 hens on an allotment in a designated town area ⁷
16	Goose, turkey	An approval is required to keep more than 2 of these birds (whether comprising one species or a combination of the species) on an allotment in a designated town area ⁷
17	Duck	An approval is required to keep more than 4 ducks on an allotment in a designated town area ⁷

Schedule 3 Requirement to desex animal

section 7

This schedule has been intentionally left blank.

Schedule 4 Minimum standards for keeping animals generally

section 8(1)

Cleanliness

- 1 Waste waters from animal enclosures must be drained in a nuisance free and pollution free manner.
- 2 In an enclosure built for the purpose of housing an animal, any excreta, offensive material or food scraps must be collected at least once each day and placed into a waterproof and flyproof receptacle.
- 3 The contents of receptacles for excreta, offensive material and food scraps must be removed twice weekly.
- 4 Animal food must be stored in impervious flyproof and verminproof receptacles or impervious flyproof and verminproof storeroom facilities which are to be maintained in a reasonable condition.

Enclosures⁸

- 5 An enclosure built for the purpose of housing an animal must be kept in a clean and sanitary condition, in good repair and appearance, and free from flies, rats, other vermin and offensive odours.
- 6 An enclosure must provide adequate space and features for any animal to be kept in and to display natural behaviours in.
- 7 An enclosure or area where animals are kept must be thoroughly cleaned once a week and effectively treated with an insecticide at least twice in a year.

Welfare

- 8 Animals must be provided with and have access to adequate shelter, including protection from extremes of temperatures, clean drinking water and appropriate food.
- 9 Prompt veterinary or other appropriate treatment must be provided to an animal in cases of disease or injury.
- 10 Any handling of an animal, including any confinement or transportation, must be appropriate.

Management

- 11 An animal must be kept in a way that ensures it does not—
 - (a) cause a noise nuisance;⁹ or
 - (b) expose the health and safety of other persons and animals to significant risk; or

⁸ Note schedule 8 requirements for proper enclosures for animals contains additional requirements about enclosures for the purpose of effective containment of animals.

⁹ A definition of **noise nuisance** made by an animal is provided in section 4.

- (c) create a reasonable apprehension in the minds of other persons of a significant risk to the health and safety of persons and animals;
or
- (d) cause a loss of amenity; or
- (e) cause pollution or other harm to the local environment.

Schedule 5 Minimum standards for keeping particular animals

section 8(1)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Guard/security dog	<p>1 A guard/security dog must be confined in an enclosure, including any open, secure fenced area, that—</p> <ul style="list-style-type: none"> (a) is adequate to prevent the dog from escaping; and (b) is constructed to a standard approved by the local government from time to time; and (c) securely separates the animal from any area the public may have access to. <p>2 A warning sign must be prominently and permanently displayed adjacent to each entrance to a property where a guard/security dog is present, with the words “BEWARE–GUARD/SECURITY DOG ON PREMISES” in lettering not less than 50mm in height and on a background so as to be readily legible.</p>
2	Declared dangerous dog, declared menacing dog or restricted dog (as defined within the <i>Animal Management (Cats and Dogs) Act 2008</i>)	<p>1 The enclosure for the dog must be constructed in such a manner that a visitor cannot access it without the assistance of an adult occupier of the premises.</p> <p>2 The enclosure for the dog must meet the following requirements—</p> <ul style="list-style-type: none"> (a) there must be a minimum floor area of 10 m² for each dog; (b) the walls, roof and gate of the enclosure must be constructed of— <ul style="list-style-type: none"> (i) brick, timber, iron, or similar solid materials; or (ii) chain mesh manufactured from 3.15 mm wire to form a uniform 50 mm mesh or weldmesh manufactured from 4 mm wire with a maximum mesh spacing of

		<p>50 mm; or</p> <p>(iii) a combination of the materials mentioned in clauses (i) and (ii);</p> <p>(c) the mesh size and design is such that people, particularly small children, cannot fit body parts such as hands into the enclosure;</p> <p>(d) the floor of the enclosure must be constructed of concrete and be graded to a drain for the removal of effluent.</p>
3	Cat	A person who keeps a cat must ensure that at all times when not confined inside a dwelling or cage the cat wears a bell that emits sufficient noise to alert prey to its movement or any alternative device, collar or fitting prescribed by a policy of the local government from time to time.
4	Horse, cattle, mule, donkey, buffalo, deer, camel, llama, alpaca, sheep, goat	A person who keeps any of these animals must take reasonable measures to position the animal's enclosure, and to confine the animal within the enclosure, so as to prevent the animal from causing unreasonable disturbance to the residents of adjoining premises.
5	Honey bee	<p>1 Honey bees must be kept in accordance with the terms of the <i>Australian Honey Bee Industry Biosecurity Code of Practice 2016</i>, and any successive versions of that Code, or alternatively, any other Code of Practice or industry guidelines referenced by the local government from time to time.</p> <p>2 A bee hive must be positioned—</p> <p>(a) not less than 10 metres from a residence on an adjoining property; and</p> <p>(b) to the rear of any dwelling on the allotment.</p>
6	Cockatoo, galah, corella, cockatiel	An enclosure for a bird must be positioned so as to prevent the bird from being within 10 metres of a residence on an adjoining property.

7	Pigeon	<p>1 Pigeons must be kept in accordance with the <i>Queensland Racing Pigeon Federation Inc. Australia – Code of Practice 2000</i> and any successive versions of that Code, or alternatively, any other Code of Practice or industry guidelines referenced by the local government from time to time.</p> <p>2 An enclosure for a pigeon is to be positioned—</p> <ul style="list-style-type: none"> (a) so as to prevent the pigeon from being within 10 metres of any residence on an adjoining property; and (b) to the rear of any dwelling on the allotment.
8	Rooster, hen, peacock, peahen, guinea fowl, pheasant, goose, turkey, duck	<p>Any of these birds must be confined in an enclosure that is—</p> <ul style="list-style-type: none"> (a) positioned so as to prevent the bird from being within— <ul style="list-style-type: none"> (i) 2 metres of a boundary with an adjoining property; and (ii) 10 metres of any residence on an adjoining property; and (b) to the rear of any dwelling on the allotment.

Schedule 6 Prohibition of animals in public places¹⁰

section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	Land under local government control where sport organised by a sporting club, school or other entity is played	All animals are prohibited
2	The following parks: <ul style="list-style-type: none"> • Barry Wilson Memorial Park • Hollow Log Park • Patricia Bucknell Memorial Park • The Eric Lenton Memorial Sports and Recreation Ground 	All horses are prohibited
3	In, or within 15 metres of, a designated children's playground, any playground equipment, barbecue, shelter or picnic table in a park or reserve whether or not the facility is being used at the time	All dogs are prohibited, except assistance dogs ¹¹
4	Cemeteries, public swimming pool	All animals are prohibited, except assistance dogs

¹⁰ Section 10(2) provides exceptions where these prohibitions do not apply, relating to emergency situations or circumstances where another approval permits the keeping of the animal in a place temporarily.

¹¹ See *Guide, Hearing and Assistance Dogs Act 2009*.

Schedule 7 Dog off-leash areas

section 11

This schedule has been intentionally left blank.

Schedule 8 Requirements for proper enclosures for animals¹²

section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals	<p>1 The owner of an animal must provide a proper enclosure to contain the animal on the owner's premises.</p> <p>2 A proper enclosure—</p> <ul style="list-style-type: none"> (a) must be suitably fenced; and (b) must be of an appropriate size for the species and breed of the animal to be enclosed; and (c) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and (d) must provide adequate shelter for all the animals it houses; and (e) must have gates which are kept closed and latched except when in actual immediate use. <p><i>Suitably fenced</i> means a fence constructed of strong materials and designed in such a way to prevent the animal from—</p> <ul style="list-style-type: none"> (a) escaping over, under, through or around the fence; and (b) protruding over, under, through or around the fence; and (c) threatening to attack a person or animal over, under, through or around the fence; and (d) attacking a person or animal over, under, through or around the fence.

¹² Note additional requirements for enclosures are contained in schedule 4 minimum standards for keeping animals.

Schedule 9 Criteria for declared dangerous animals

section 15

The criteria for an authorised person to declare an animal, other than a dog, as dangerous are—

- (a) whether the animal has attacked a person;
- (b) whether the animal has attacked another animal;
- (c) whether the animal has caused fear of attack in a person;
- (d) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed;
- (e) whether the animal has exhibited behaviour, witnessed by, or communicated to, an authorised person that, in the opinion of an authorised person, gives rise to concern that it is likely to either attack a person or animal or cause fear to a person.

Schedule 10 Conditions for sale of animals

section 19

This schedule has been intentionally left blank.

Schedule 11 Designated Town Area

section 4

Winton Designated Town Area



Middleton Designated Town Area



Corfield Designated Town Area

