

Gold Coast City Council



Subordinate Local Law No. 12 (Animal Management) 2013

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Subordinate Local Law No. 12 (Animal Management) 2013
made, in accordance with the provisions of the *Local Government Act 2009*,
by Council of the City of Gold Coast by resolution dated the 12 March 2013

Dale Dickson
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GOLD COAST CITY COUNCIL

Subordinate Local Law No. 12 (Animal Management) 2013

Contents

- Part 1 Preliminary 1**
 - 1 Short title 1
 - 2 Object..... 1
 - 3 Definitions—the dictionary 1

- Part 2 Keeping of dogs..... 1**
 - Division 1 Permit requirements for dogs..... 1**
 - 4 Requirement for permit — Local Law, s6 1
 - Division 2 Registration requirements for dogs..... 2**
 - 5 Requirement for registration — Local Law, s8..... 2
 - 6 Registration requirements generally for dogs — Local Law, s9 2
 - 7 Registration device exemption — Local Law, s10(2) 3
 - 8 Identification in particular circumstances — Local Law , s10(3)..... 3
 - Division 3 Prohibition on keeping of dogs 3**
 - 9 Prohibition on keeping more than 2 dogs — Local Law, s11(1)..... 3
 - Division 4 Prohibition on possession of dog of prohibited breed..... 4**
 - 10 Prohibition on possession of dog of prohibited breed — Local Law, s12..... 4

- Part 3 Keeping of cats 5**
 - Division 1 Permit requirements for cats 5**
 - 11 Requirement for permit — Local Law, s6 5
 - Division 2 Registration requirements for cats 6**
 - 12 Requirement for registration — Local Law, s8 6
 - 13 Registration requirements generally for cats — Local Law, s9 6
 - 14 Registration device exemption — Local Law, s10(2) 6
 - 15 Identification in particular circumstances — Local Law , s10(3)..... 7
 - Division 3 Prohibition on keeping of cats 7**
 - 16 Prohibition on keeping more than 2 cats — Local Law, s11(1) 7

- Part 4 Keeping of horses, cattle and other animals of a similar size 8**
 - 17 Application of this part..... 8
 - 18 Requirement for permit — Local Law, s6 8
 - 19 Prohibition on keeping of animals to which this part applies — Local Law, s11(1)8

Part 5	Keeping of sheep, goats, pigs and other animals of a similar size.....	9
	20 Application of this part.....	9
	21 Requirement for permit — Local Law, s6	9
	22 Prohibition on keeping of animals to which this part applies — Local Law, s11(1)	9
Part 6	Keeping of budgerigars, canaries and other birds of a similar size .	10
	23 Application of this part.....	10
	24 Requirement for permit — Local Law, s6	10
Part 7	Keeping of cockatiels and other birds of a similar size	10
	25 Application of this part.....	10
	26 Requirement for permit — Local Law, s6	10
Part 8	Keeping of cockatoos, galahs and other birds of a similar size.....	11
	27 Application of this part.....	11
	28 Requirement for permit — Local Law, s6	11
Part 9	Keeping of pigeons	11
	29 Application of this part.....	11
	30 Requirement for permit — Local Law, s6	11
Part 10	Keeping of bees	12
	31 Application of this part.....	12
	32 Requirement for permit — Local Law, s6	12
Part 11	Keeping of geese, ducks and turkeys.....	12
	33 Application of this part.....	12
	34 Requirement for permit — Local Law, s6	12
	35 Prohibition on keeping of birds to which this part applies — Local Law, s11(1)..	13
Part 12	Keeping of roosters, peacocks, ostriches and emus	13
	36 Application of this part.....	13
	37 Prohibition on keeping of birds to which this part applies — Local Law, s11(1)..	13
Part 13	Keeping of domestic hens	13
	38 Application of this part.....	13
	39 Requirement for permit — Local Law, s6	13
	40 Prohibition on keeping of birds to which this part applies — Local Law, s11(1)..	14
Part 14	Keeping of rats and mice	14
	41 Application of this part.....	14
	42 Requirement for permit — Local Law, s6	14

Part 15	Animal breeder permit.....	14
	43 Application of this part.....	14
	44 Requirement for permit — Local Law, s6	15
Part 16	Kennel permit.....	15
	45 Application of this part.....	15
	46 Requirement for permit—Local Law, s6	16
Part 17	Pet shop permit.....	16
	47 Pet shop permit—Local Law, s6	16
Part 18	Guard dog permit.....	16
	48 Requirement for permit — Local Law, s6	16
Part 19	Animal carer permit.....	17
	49 Requirement for permit — Local Law, s6	17
Part 20	Minimum standards for the keeping of animals.....	17
	50 Minimum standards for the keeping of all animals — Local Law, s14(1)	17
	51 Minimum standards for the keeping of greyhounds — Local Law, s14(1)	18
	52 Minimum standards for the keeping of horses, sheep etc — Local Law, s14(1).	18
	53 Minimum standards for the keeping of budgerigars, cockatoos etc — Local Law, s14(1)	19
	54 Minimum standards for the keeping of pigeons — Local Law, s14(1).....	20
	55 Minimum standards for the keeping of bees — Local Law, s14(1)	20
	56 Minimum standards for the keeping of geese, domestic hens etc — Local Law, s14(1)	21
	57 Minimum standards for the keeping of rats and mice — Local Law, s14(1).....	21
Part 21	Permits	22
	Division 1 Permit applications	22
	58 Excess animals permit.....	22
	59 Permit application requirements — Local Law, s16(2)	22
	60 Specific permit application requirements—Local Law, s16(2).....	23
	Division 2 Criteria and conditions for granting permits.....	23
	61 Permit criteria for excess animals permit for dogs — Local Law, s17(g)	23
	62 Permit conditions for excess animals permit for dogs — Local Law, s19(3).....	24
	63 Permit criteria for excess animals permit for cats — Local Law, s17(g).....	24
	64 Permit conditions for excess animals permit for cats — Local Law, s19(3)	25
	65 Permit conditions for excess animals permit for cats and dogs (more than 4) — Local law, s19(3)	26

66	Permit criteria for geese, ducks etc — Local Law, s17(g)	27
67	Permit criteria for rats and mice — Local Law, s17(g)	28
68	Permit conditions for rats and mice — Local Law, s19(3)	28
69	Permit conditions for other animals — Local Law, s19(3)	29
70	Permit criteria for animal breeder permit — Local Law, s17(g)	29
71	Permit conditions for animal breeder permit — Local Law, s19(3)	30
72	Permit criteria for Kennel permit and pet shop permit — Local Law, s17(g)	37
73	Permit conditions for Kennel permit — Local Law, s19(3)	38
74	Permit conditions for pet shop permit — Local Law, s19(3)	39
75	Permit criteria for guard dog permit — Local Law, s17(g)	40
76	Permit conditions for guard dog permit — Local Law, s19(3)	41
77	Permit conditions for animal carer permit — Local Law, s19(3)	42
Part 22	Term of permit	43
78	Term of permit — Local Law, s18(1)	43
Part 23	Control of animals	44
79	Proper enclosure for effective control purposes — Local Law, s25(7)	44
80	Conditions prescribed for parks, reserves etc — Local Law, s30(1)(b)	44
81	Further conditions prescribed for parks, reserves etc — Local Law, s30(1)(b)	45
82	Conditions prescribed for off leash dog exercise areas — Local Law, s31(1)	45
83	Temporary prohibition for dog off leash exercise areas — Local Law, s31(1)	45
84	Exemption for specified dogs	46
Part 24	Duty to provide proper enclosure	46
85	Proper enclosure requirements generally — Local Law, s32(3)	46
86	Horse enclosure requirements — Local Law, s32(3)	47
Part 25	Destruction of animals	47
87	Destruction at request of keeper — Local Law, s42(3)	47
Part 26	Impounding of animals	47
88	Acceptance of animals at animal pound — Local Law, s44(2)	47
89	Sale, disposal or destruction of impounded animals — Local Law, s53(1)	48
Part 27	Miscellaneous	48
90	Sale of cats and dogs — Local Law, s67(2)	48
91	Prescribed period	49
92	Minimum standards and codes of practice	49
93	Permit conditions and codes of practice	49
94	Interaction with <i>Sustainable Planning Act 2009</i>	49

Gold Coast City Council Subordinate Local Law No. 12 (Animal Management) 2013

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 12 (Animal Management) 2013*.

2 Object

- (1) The object of this subordinate local law is to supplement *Local Law No. 12 (Animal Management) 2013* to establish a comprehensive legislative scheme.
- (2) The objects of the legislative scheme are—
 - (a) to regulate the keeping of animals—
 - (i) to protect the community against risk of injury and damage; and
 - (ii) to ensure that animals do not create a nuisance, or a hazard to health or safety; and
 - (iii) to prevent pollution and other environmental damage resulting from the keeping of animals and to protect the amenity of the local environment; and
 - (iv) to ensure that animals are kept and used in a way that is consistent with the rights and expectations of the local community; and
 - (b) to provide for—
 - (i) the proper control of animals in public places and koala conservation areas; and
 - (ii) the management of dangerous animals other than dogs; and
 - (iii) the seizure and destruction of animals in certain circumstances; and
 - (c) to regulate the breeding of cats and dogs; and
 - (d) to provide for the establishment and administration of animal pounds.

3 Definitions—the dictionary

The dictionary in the schedule (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Keeping of dogs

Division 1 Permit requirements for dogs

4 Requirement for permit — Local Law, s6

- (1) This section specifies the circumstances in which a permit to keep a dog or dogs is required.
- (2) A permit is required to keep more than 2 dogs on—
 - (a) land; or
 - (b) multi-residential premises.

Example for paragraph (b)—

If a boarding house is divided into 4 residences all of which are located directly adjacent to each other, each of the 4 residences would constitute multi-residential premises for the purposes of this subordinate local law and a permit would be required to keep 3 dogs on any of the 4 multi-residential premises.

- (3) However, a permit under subsection (2) is not required to keep dogs if—
 - (a) there exists, in respect of the keeping of the dogs—
 - (i) a current animal breeder permit¹; or
 - (ii) a current animal carer permit; or
 - (iii) a current guard dog permit; or
 - (iv) a current pet shop permit²; or
 - (b) the dogs are kept for the purposes of the operation of a Kennel³ under the planning scheme of the local government; or
 - (c) the dogs are kept at an animal refuge conducted by an animal welfare agency.

Division 2 Registration requirements for dogs

5 Requirement for registration — Local Law, s8

- (1) Registration of dogs is required under section 44 of the Animal Management Act.
- (2) However, for the purposes of section 44, a dog does not include a dog that is less than 12 weeks old.

6 Registration requirements generally for dogs — Local Law, s9

- (1) An application for registration —
 - (a) if the dog is kept or to be kept pursuant to an animal carer permit at a place other than an animal refuge conducted by an animal welfare agency — must be made by the holder of the animal carer permit; and
 - (b) must be made in compliance with sections 46 (What owner must do) and 47 (What registration form must state) of the Animal Management Act.

¹ See definition of *animal breeder permit* in the dictionary.

² See definition of *pet shop permit* in the dictionary.

³ Under the planning scheme keepers of dogs should note that a material change of use for a Kennel will require a development approval under the *Sustainable Planning Act 2009*. The planning scheme defines “Kennel” as any premises used or intended to be used for keeping, boarding or breeding more than four dogs or four cats. The term includes a cattery, breeding kennels, coursing kennels and show kennels. It does not include the keeping of domestic pets ancillary to the use of a dwelling.

- (2) If a registration device for a dog is lost or destroyed, the keeper of the dog must apply to the local government for a replacement registration device.
- (3) An application for replacement of a lost or destroyed registration device must be made to the local government in the prescribed form and accompanied by the prescribed fee.

7 Registration device exemption — Local Law, s10(2)

- (1) A registered dog is not required to wear a registration device if a current exemption is in force for the dog under subsection (2).
- (2) The local government may issue a certificate of exemption for a dog if satisfied —
 - (a) the dog is being kept for show purposes; and
 - (b) the dog is registered with the Canine Control Council; and
 - (c) the keeper genuinely believes that the wearing of a collar would adversely affect the dog's coat for show purposes.
- (3) The local government may refuse to issue a certificate of exemption under subsection (2) unless the keeper of the dog produces to the local government —
 - (a) a certificate of registration for the dog from the Canine Control Council; and
 - (b) evidence, for example, by way of statutory declaration, that the keeper of the dog genuinely believes that the wearing of a collar would adversely affect the dog's coat for show purposes.
- (4) An authorised person may, by notice in writing to the keeper of a dog for which a certificate of exemption has been issued under subsection (2), revoke the exemption.

8 Identification in particular circumstances — Local Law , s10(3)

- (1) For the purposes of section 45 of the Animal Management Act, the prescribed identification for a dog is an identifying tag supplied by the local government for the dog —
 - (a) stating the registration number of the dog; and
 - (b) indicating that the identifying tag has been issued by the local government; and
 - (c) containing other information the local government considers appropriate.
- (2) The identifying tag must be attached to a collar worn by the dog.

Division 3 Prohibition on keeping of dogs

9 Prohibition on keeping more than 2 dogs — Local Law, s11(1)

- (1) A person must not keep more than 2 dogs on land in the area.
- (2) The prohibition in subsection (1) applies regardless of the age of the dogs.
- (3) The prohibition in subsection (1) does not apply to the keeping of more than 2 dogs on land if —
 - (a) there exists, in respect of the keeping of the dogs on the land—

- (i) a current excess animals permit for the keeping of the dogs⁴; or
- (ii) a current animal breeder permit; or
- (iii) a current animal carer permit; or
- (iv) a current guard dog permit; or
- (v) a current pet shop permit; or
- (b) the dogs are kept on the land for the purposes of the operation of a Kennel under the planning scheme of the local government; or
- (c) the dogs are kept at an animal refuge conducted by an animal welfare agency.

Division 4 Prohibition on possession of dog of prohibited breed

10 Prohibition on possession of dog of prohibited breed — Local Law, s12

- (1) The local government prohibits anyone in its local government area, other than an exempted person, from possessing a dog of a prohibited breed.
- (2) The prohibition in subsection (1) does not apply if—
 - (a) the prohibited dog—
 - (i) was registered with the local government on 11th September, 2003; and
 - (ii) is kept substantially in accordance with the requirements of chapter 4, part 3, division 2 of the Animal Management Act pertaining to the keeping of a restricted dog⁵; and
 - (b) the local government has issued to the keeper of the prohibited dog a restricted dog permit and—
 - (i) the restricted dog permit has not expired; and
 - (ii) the local government has not at any time refused a renewal application for the restricted dog permit.
- (3) Also, the prohibition in subsection (1) does not apply if—
 - (a) the prohibited dog;
 - (i) was registered with the local government on 11th September, 2004; and
 - (ii) is kept substantially in accordance with the requirements of chapter 4, part 3, division 2 of the Animal Management Act pertaining to the keeping of a restricted dog; and
 - (b) the keeper of the restricted dog applies to the local government for a restricted dog permit; and
 - (c) the local government decides to grant the permit application and issues the keeper with a restricted dog permit under section 77 of the Animal Management Act; and

⁴ See definition of *excess animals permit* in the dictionary.

⁵ See definition of *restricted dog* in the dictionary.

- (d) the restricted dog permit has not expired; and
 - (e) the local government has not at any time refused a renewal application for the restricted dog permit.
- (4) For the purposes of section 12(2) of the local law, ***prohibited breed***, for a dog, means a dog—
- (a) of a breed as follows—
 - (i) dogo Argentino;
 - (ii) fila Brasileiro;
 - (iii) Japanese tosa;
 - (iv) American pit bull terrier or pit bull terrier;
 - (v) Perro de Presa Canario or Presa Canario; or
 - (b) that is a crossbreed of a breed mentioned in paragraph (a).
- (5) In this section—
- prohibited dog*** means a dog of a prohibited breed;
- permit application*** has the meaning given in the Animal Management Act;
- renewal application*** has the meaning given in the Animal Management Act;
- restricted dog permit*** has the meaning given in the Animal Management Act.

Part 3 Keeping of cats

Division 1 Permit requirements for cats

11 Requirement for permit — Local Law, s6

- (1) This section specifies the circumstances in which a permit to keep a cat or cats is required.
- (2) A permit is required to keep more than 2 cats on—
 - (a) land; or
 - (b) multi-residential premises.
- (3) However, a permit under subsection (2) is not required to keep cats if—
 - (a) there exists, in respect of the keeping of the cats—
 - (i) a current animal breeder permit; or
 - (ii) a current animal carer permit; or
 - (iii) a current pet shop permit; or
 - (b) the cats are kept for the purposes of the operation of a Kennel under the planning scheme of the local government; or
 - (c) the cats are kept at an animal refuge conducted by an animal welfare agency.

Division 2 Registration requirements for cats

12 Requirement for registration — Local Law, s8

- (1) Registration of cats is required under section 44 of the Animal Management Act.
- (2) However, for the purposes of section 44, a cat does not include a cat that is less than 12 weeks old.

13 Registration requirements generally for cats — Local Law, s9

- (1) An application for registration —
 - (a) must be made by—
 - (i) a person who is—
 - (A) at least 18 years of age; and
 - (B) the owner of the cat; or
 - (ii) if the cat is kept or to be kept pursuant to an animal carer permit at a place other than an animal refuge conducted by an animal welfare agency — the holder of the animal carer permit; and
 - (b) must be made in compliance with sections 46 (What owner must do) and 47 (What registration form must state) of the Animal Management Act.
- (2) If a registration device for a cat is lost or destroyed, the keeper of the cat must apply to the local government for a replacement registration device.
- (3) An application for replacement of a lost or destroyed registration device must be made to the local government in the prescribed form and accompanied by the prescribed fee.

14 Registration device exemption — Local Law, s10(2)

- (1) A registered cat is not required to wear a registration device if a current exemption is in force for the cat under subsection (2).
- (2) The local government may issue a certificate of exemption for a cat if satisfied—
 - (a) that—
 - (i) the cat is being kept for show purposes; and
 - (ii) the cat is registered with—
 - (A) the Queensland Feline Association Inc; or
 - (B) another association recognised by the local government for the purposes of this section; and
 - (iii) the keeper genuinely believes that the wearing of a collar would adversely affect the cat's coat for show purposes; or
 - (b) that the wearing of a collar is likely to be a serious risk to the health of the cat.
- (3) The local government may refuse to issue a certificate of exemption under—
 - (a) subsection (2)(a) unless the keeper of the cat produces to the local government—

- (i) a certificate of registration for the cat from—
 - (A) the Queensland Feline Association Inc; or
 - (B) another association recognised by the local government for the purposes of this section; and
 - (ii) evidence, for example, by way of statutory declaration, that the keeper of the cat genuinely believes that the wearing of a collar would adversely affect the cat's coat for show purposes;
 - (b) subsection (2)(b) unless the keeper of the cat produces to the local government a signed veterinary surgeon's certificate for the cat stating that wearing a registration device, for example, a tag for the collar of the cat, is likely to be a serious risk to the health of the cat.
- (4) An authorised person may, by notice in writing to the keeper of a cat for which a certificate of exemption has been issued under subsection (2), revoke the exemption.

15 Identification in particular circumstances — Local Law , s10(3)

- (1) For the purposes of section 45 of the Animal Management Act, the prescribed identification for a cat is an identifying tag supplied by the local government for the cat —
 - (a) stating the registration number of the cat; and
 - (b) indicating that the identifying tag has been issued by the local government; and
 - (c) containing other information the local government considers appropriate.
- (2) The identifying tag must be attached to a collar worn by the cat.

Division 3 Prohibition on keeping of cats

16 Prohibition on keeping more than 2 cats — Local Law, s11(1)

- (1) A person must not keep more than 2 cats on land in the area.
- (2) The prohibition in subsection (1) applies regardless of the age of the cats.
- (3) The prohibition in subsection (1) does not apply to the keeping of more than 2 cats on land if—
 - (a) there exists, in respect of the keeping of the cats on the land—
 - (i) a current excess animals permit for the keeping of the cats⁶; or
 - (ii) a current animal breeder permit; or
 - (iii) a current animal carer permit; or
 - (iv) a current pet shop permit; or
 - (b) the cats are kept on the land for the purposes of the operation of a Kennel under the planning scheme of the local government; or
 - (c) the cats are kept at an animal refuge conducted by an animal welfare

⁶ See definition of *excess animals permit* in the dictionary.

agency.

Part 4 Keeping of horses, cattle and other animals of a similar size

17 Application of this part

This part applies to a horse, donkey, cow, bull, ox or deer and other domesticated animals of a similar size⁷.

18 Requirement for permit — Local Law, s6

- (1) A permit is required to keep an animal to which this part applies if the area available to the animal is —
 - (a) more than 4,000m² but less than 40,000m²; and
 - (b) less than the relevant limit.
- (2) The area available to an animal to which this part applies kept on an allotment is the area of the allotment.
- (3) The area available to an animal to which this part applies is less than the relevant limit if it is less than the area required to allow 4,000m² for each animal to which this part applies kept on the allotment.

Examples —

1. Suppose that 8 animals to which this part applies are to be kept on an allotment with an area of 25,000m². This would allow 3,125m² for each animal. Therefore a permit would be required.
 2. Suppose that 6 animals to which this part applies are to be kept on an allotment with an area of 25,000m². This would allow 4,166m² for each animal. Therefore a permit would not be required.
- (4) However, an excess animals permit authorising the keeping of 1 animal to which this part applies on an allotment may be granted if—
 - (a) the area available to the animal is between 2,000m² and 4,000m²; and
 - (b) the animal was kept on the allotment immediately before the commencement of this subordinate local law; and
 - (c) the keeping of the animal on the allotment immediately before the commencement of this subordinate local law did not contravene any provision of the Repealed Local Law.

19 Prohibition on keeping of animals to which this part applies — Local Law, s11(1)

- (1) A person must not keep an animal to which this part applies on an allotment with an area of 4,000m² or less.

⁷ Keepers of animals to which this part applies should note that a material change of use for *Animal Husbandry* or *Rural Industry* will require a development approval under the *Sustainable Planning Act 2009*. See definitions of *Animal Husbandry* and *Rural Industry* in the dictionary.

- (2) The prohibition in subsection (1) does not apply if—
- (a) the animal to which this part applies was kept on an allotment with an area between 2,000m² and 4,000m² immediately before the commencement of this subordinate local law; and
 - (b) the keeping of the animal on the allotment immediately before the commencement of this subordinate local law did not contravene any provision of the Repealed Local Law; and
 - (c) the keeper of the animal is the holder of an excess animals permit authorising the keeping of the animal on the allotment granted under section 17 of the local law.

Part 5 Keeping of sheep, goats, pigs and other animals of a similar size

20 Application of this part

This part applies to a sheep, goat or pig and other animals of a similar size⁸.

21 Requirement for permit — Local Law, s6

- (1) A permit is required to keep an animal to which this part applies if the area available to the animal is—
- (a) more than 2,000m² but less than 40,000m²; and
 - (b) less than the relevant limit.
- (2) The area available to an animal to which this part applies kept on an allotment is the area of the allotment.
- (3) The area available to an animal to which this part applies is less than the relevant limit if it is less than the area required to allow 4,000m² for each animal to which this part applies kept on the allotment.

Examples —

1. Suppose that 8 animals to which this part applies are to be kept on an allotment with an area of 25,000m². This would allow 3,125m² for each animal. Therefore a permit would be required.
2. Suppose that 6 animals to which this part applies are to be kept on an allotment with an area of 25,000m². This would allow 4,166m² for each animal. Therefore a permit would not be required.

22 Prohibition on keeping of animals to which this part applies — Local Law, s11(1)

A person must not keep an animal to which this part applies on an allotment with an area of 2,000m² or less.

⁸ See footnote 7.

Part 6 Keeping of budgerigars, canaries and other birds of a similar size

23 Application of this part

This part applies to budgerigars, canaries and other birds of a similar size⁹.

24 Requirement for permit — Local Law, s6

- (1) A permit is required to keep birds to which this part applies if—
 - (a) more than 4 birds to which this part applies are to be kept on an allotment with an area less than 300m²; or
 - (b) more than 4 birds to which this part applies are to be kept on multi-residential premises¹⁰; or
 - (c) more than 20 birds to which this part applies are to be kept on an allotment with an area less than 2,000m²; or
 - (d) more than 30 birds to which this part applies are to be kept on the same allotment.
- (2) However, a permit is not required under subsection (1) if—
 - (a) the keeper of the birds is a member of an avicultural club or association that has a code of practice for the keeping of birds of the relevant species; and
 - (b) the code of practice has been approved by the local government.

Part 7 Keeping of cockatiels and other birds of a similar size

25 Application of this part

This part applies to cockatiels and other birds of a similar size¹¹.

26 Requirement for permit — Local Law, s6

- (1) A permit is required to keep birds to which this part applies if—
 - (a) more than 2 birds to which this part applies are to be kept on an allotment with an area less than 300m²; or
 - (b) more than 2 birds to which this part applies are to be kept on multi-residential premises; or
 - (c) more than 10 birds to which this part applies are to be kept on an allotment with an area less than 2,000m²; or

⁹ Keepers of birds to which this part applies should note that a material change of use for *Animal Husbandry* will require a development approval under the *Sustainable Planning Act 2009*. See definition of *Animal Husbandry* in the dictionary.

¹⁰ See definition of *multi-residential premises* in the dictionary.

¹¹ See footnote 9.

- (d) more than 30 birds to which this part applies are to be kept on the same allotment.
- (2) However, a permit is not required under subsection (1) if—
 - (a) the keeper of the birds is a member of an avicultural club or association that has a code of practice for the keeping of birds of the relevant species; and
 - (b) the code of practice has been approved by the local government.

Part 8 Keeping of cockatoos, galahs and other birds of a similar size

27 Application of this part

This part applies to cockatoos, galahs and other birds of a similar size¹².

28 Requirement for permit — Local Law, s6

A permit is required to keep birds to which this part applies if—

- (a) more than 1 bird to which this part applies is to be kept on an allotment with an area less than 300m²; or
- (b) more than 1 bird to which this part applies is to be kept on multi-residential premises; or
- (c) more than 2 birds to which this part applies are to be kept on an allotment with an area less than 2,000m²; or
- (d) more than 4 birds to which this part applies are to be kept on the same allotment.

Part 9 Keeping of pigeons

29 Application of this part

This part applies to pigeons¹³.

30 Requirement for permit — Local Law, s6

- (1) A permit is required to keep pigeons if—
 - (a) more than 2 pigeons are to be kept on an allotment with an area less than 300m²; or
 - (b) more than 2 pigeons are to be kept on multi-residential premises; or
 - (c) more than 20 pigeons are to be kept on an allotment with an area less than 2,000m²; or

¹² See footnote 9.

¹³ See footnote 9.

- (d) more than 30 pigeons are to be kept on the same allotment.
- (2) However, a permit is not required under subsection (1) if—
 - (a) the keeper of the pigeons is a member of a pigeon racing club or association that has a code of practice for the keeping of pigeons; and
 - (b) the code of practice has been approved by the local government.

Part 10 Keeping of bees

31 Application of this part

This part applies to bees.

32 Requirement for permit — Local Law, s6

A permit is required to keep bees unless —

- (a) the keeper of the bees is a member of a recognised bee keeper's association that has a code of practice for the keeping of bees; and
- (b) the code of practice has been approved by the local government; and
- (c) the keeper of the bees produces to the local government evidence that the keeper is —
 - (i) a registered beekeeper under the *Apiaries Act 1982*; or
 - (ii) the holder of a permit to keep bees granted under the *Apiaries Act 1982*.

Part 11 Keeping of geese, ducks and turkeys

33 Application of this part

This part applies to any of the following —

- (a) a duck or drake;
- (b) a goose or gander;
- (c) a turkey hen or turkey cock¹⁴.

34 Requirement for permit — Local Law, s6

A permit is required to keep birds to which this part applies if —

- (a) 1 bird to which this part applies is to be kept on an allotment with an area of 800m² or less; or
- (b) 1 bird to which this part applies is to be kept on multi-residential

¹⁴ See footnote 9.

premises¹⁵; or

- (c) more than 6 birds to which this part applies are to be kept on an allotment with an area of more than 800m² but less than 2,000m²; or
- (d) more than 10 birds to which this part applies are to be kept on the same allotment.

35 Prohibition on keeping of birds to which this part applies — Local Law, s11(1)

- (1) A person must not keep more than 1 bird to which this part applies on —
 - (a) an allotment with an area of 800m² or less; or
 - (b) multi-residential premises.
- (2) A person must not keep more than 30 birds to which this part applies on the same allotment.

Part 12 Keeping of roosters, peacocks, ostriches and emus

36 Application of this part

This part applies to any of the following —

- (a) a rooster;
- (b) a peacock or peahen;
- (c) an ostrich;
- (d) an emu¹⁶.

37 Prohibition on keeping of birds to which this part applies — Local Law, s11(1)

A person must not keep a bird to which this part applies on an allotment if the allotment has an area less than 4,000m² for each bird to which this part applies kept on the allotment.

Part 13 Keeping of domestic hens

38 Application of this part

This part applies to domestic hens.

39 Requirement for permit — Local Law, s6

¹⁵ See definition of *multi-residential premises* in the dictionary.

¹⁶ See footnote 9.

A permit is required to keep a bird to which this part applies if the bird is to be kept on multi-residential premises.

40 Prohibition on keeping of birds to which this part applies — Local Law, s11(1)

A person must not keep —

- (a) a bird to which this part applies on an allotment with an area of 600m² or less; or
- (b) more than 6 birds to which this part applies on an allotment unless—
 - (i) the allotment has an area between 601m² and 2,000m²; and
 - (ii) the area available to each bird is not less than the area required to allow 100m² for each bird kept on the allotment.

Examples—

1. 7 domestic hens may be kept on an allotment with an area of 700m².
2. 18 domestic hens may be kept on an allotment with an area of 1800m².

Part 14 Keeping of rats and mice

41 Application of this part

This part applies to rats and mice.

42 Requirement for permit — Local Law, s6

- (1) A permit is required to keep an animal to which this part applies on premises if—
 - (a) more than 10 mice are to be kept on the premises; or
 - (b) more than 4 rats are to be kept on the premises; or
 - (c) the animals are to be kept on the premises for the purpose of—
 - (i) selling them; or
 - (ii) giving them away; or
 - (iii) using them as a food source for other animals.
- (2) This section is in addition to, and does not derogate from, laws regulating the use or development of land.

Part 15 Animal breeder permit

43 Application of this part

- (1) This part applies to any of the following —
 - (a) dogs;
 - (b) cats.

- (2) However, this part does not apply to a declared dangerous dog or a restricted dog.¹⁷
- (3) This part does not apply if the keeping of the animals to which this part applies is the conduct of an animal refuge by an animal welfare agency.

44 Requirement for permit — Local Law, s6

- (1) A permit (an *animal breeder permit*) is required to keep animals to which this part applies if—
 - (a) a person keeps on land—
 - (i) 1 or more entire dogs (each a *breeding dog*); or
 - (ii) 1 or more entire cats (each a *breeding cat*); or
 - (iii) a combination of 1 or more breeding dogs and 1 or more breeding cats; and
 - (b) the person allows or encourages—
 - (i) a breeding dog to breed with another entire dog; or
 - (ii) a breeding cat to breed with another entire cat; and
 - (c) the person—
 - (i) offers 1 or more of the progeny of the breeding dog or the breeding cat for sale; or
 - (ii) otherwise disposes of 1 or more of the progeny of the breeding dog or the breeding cat.
- (2) For the avoidance of doubt, a person requires a animal breeder permit to keep animals in the circumstances specified in subsection (1) regardless of whether the person is—
 - (a) the holder of a current Kennel permit; or
 - (b) the holder of a current pet shop permit; or
 - (b) the operator of a Kennel under the planning scheme of the local government.

Part 16 Kennel permit

45 Application of this part

- (1) This part applies to any of the following—
 - (a) dogs;
 - (b) cats.
- (2) However, this part does not apply to a declared dangerous dog or a restricted dog.
- (3) This part applies regardless of the age of the animal.
- (4) This part does not apply if the keeping of animals to which this part applies is the

¹⁷ See section 69 (Prohibition on breeding) of the Animal Management Act.

conduct of an animal refuge by an animal welfare agency.

46 Requirement for permit—Local Law, s6

A permit (a *Kennel permit*) is required to operate a Kennel on land.

Part 17 Pet shop permit

47 Pet shop permit—Local Law, s6

- (1) A permit (a *pet shop permit*) is required to keep animals if the animals are kept for the purposes of the operation of a pet shop.
- (2) This section is in addition to, and does not derogate from laws regulating the use or development of land.
- (3) This section does not apply if no animals other than dogs and cats are kept at the pet shop and, in respect of the keeping of the animals, there exists a current animal breeder permit.
- (4) For the avoidance of doubt, this section applies if—
 - (a) animals, other than cats and dogs are kept at the pet shop; and
 - (b) cats or dogs are kept at the pet shop; and
 - (c) in respect of the keeping of the cats or dogs at the pet shop, there exists a current animal breeder permit.
- (5) This section applies subject to sections 13 (Supplier must ensure cat or dog is implanted), 66 (Prohibition on supply of restricted dog) and 67 (Prohibition on supply of declared dangerous dog or menacing dog) of the Animal Management Act.

Part 18 Guard dog permit

48 Requirement for permit — Local Law, s6

- (1) A permit (a *guard dog permit*) is required by a person if—
 - (a) the person releases a dog on residential premises or non-residential premises in the area of the local government without a handler for the primary purpose of acting as a deterrent to intruders; or
 - (b) the person releases a dog on residential premises or non-residential premises in the area of the local government without a handler and the dog has been trained to attack for the purpose of guarding either persons or property.

Examples —

1. A person who operates a business as a security provider may release a dog on premises without a handler for the purpose of acting as a deterrent to intruders. The person may regularly rotate or replace the dog which is released on the premises to act as a deterrent to intruders. A guard dog permit is required by the person who operates the business and releases 1 or more dogs on premises without a handler for the primary purpose of acting as a deterrent to intruders.

2. The expectation of the community is that 1 or more dogs will be kept at premises used for residential purposes. A dog kept at premises used for residential purposes may act as a deterrent to intruders. However, under normal circumstances, dogs are kept at premises used for residential purposes as a family pet and that is the primary purpose of the keeping of the dog. Alternatively, the nature and temperament of the dog may be such that—
 - (a) the primary purpose of the keeping of the dog is not as a family pet, but rather, to act as a deterrent to intruders; and
 - (b) given the nature and temperament of the dog, a guard dog permit is required by the person responsible for the release of the dog on the premises.
- (2) In the absence of evidence in rebuttal thereof, if a person releases a dog on non-residential premises in the area of the local government without a handler, the person is presumed to have released the dog for the primary purpose of acting as a deterrent to intruders.
- (3) A guard dog permit is not required to keep—
 - (a) a police dog; or
 - (b) a regulated dog.

Part 19 Animal carer permit

49 Requirement for permit — Local Law, s6

- (1) A permit (an *animal carer permit*) is required to keep an animal on premises if—
 - (a) the animal is kept on the premises primarily to protect or preserve the health or welfare of the animal; and
 - (b) the person who keeps the animal on the premises—
 - (i) receives no financial reward for keeping the animal on the premises; and
 - (ii) is the holder of a current animal carer registration from an animal welfare agency; and
 - (c) the animal is kept at the premises for not longer than 3 months.
- (2) However, an animal carer permit must not be granted to keep on premises an animal to which part 4, 5, 9, 10 or 12 applies.

Part 20 Minimum standards for the keeping of animals

50 Minimum standards for the keeping of all animals — Local Law, s14(1)

- (1) This section specifies the minimum standards to be complied with by a person who keeps an animal on premises.¹⁸

¹⁸ See also sections 81 (Obligation to comply with permit conditions under sch 1), 93 (Owner's obligation if proposed declaration notice in force), 97 (Declared dangerous dogs) and 98 (Declared menacing dogs) of the Animal Management Act. The owner and each responsible person for a declared dangerous dog, declared

- (2) The keeper of the animal must —
 - (a) ensure that the animal is adequately identified so that the keeper'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.

51 Minimum standards for the keeping of greyhounds — Local Law, s14(1)

- (1) This section specifies the minimum standards to be complied with by a person who keeps a greyhound.
- (2) The keeper of the greyhound must ensure that the dog is kept—
 - (a) without nuisance; and
 - (b) 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.

52 Minimum standards for the keeping of horses, sheep etc — Local Law, s14(1)

- (1) This section specifies the minimum standards to be complied with by a person who keeps an animal to which part 4 or 5 applies on premises.
- (2) The keeper of the animal must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of—
 - (a) a residence on an adjoining allotment; or
 - (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 keeper of the animal; or
- (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
- (3) However, the minimum standard specified in subsection (2) does not apply to the keeping of the animal on the premises if—
- (a) the animal was kept on the premises immediately before the commencement of this subordinate local law; and
- (b) the keeping of the animal on the premises immediately before the commencement of this subordinate local law did not contravene a minimum standard prescribed under the Repealed Local Law¹⁹.
- (4) The keeper of the animal must take all reasonable steps to prevent the animal from making a dust or odour nuisance that affects the occupier of—
- (a) adjoining premises; or
- (b) premises in the vicinity of the premises on which the animal is ordinarily kept.
- (5) If the animal is a horse—the keeper of the animal must ensure that—
- (a) all excreta and waste of the animal is collected and disposed of in a manner which does not—
- (i) result in an odour nuisance; or
- (ii) result in environmental harm; or
- (iii) endanger the health or safety of any person or another animal; or
- (iv) attract fly breeding or vermin infestation; and
- (b) any enclosure in which the animal is kept including, for example, a stable, is properly maintained—
- (i) in a clean and sanitary condition; and
- (ii) free of any fly or odour nuisance; and
- (iii) free of any vermin infestation; and
- (c) the animal's food is kept in a properly sealed vermin proof container.

53 Minimum standards for the keeping of budgerigars, cockatoos etc — Local Law, s14(1)

- (1) This section specifies the minimum standards to be complied with by a person who keeps a bird to which part 6, 7 or 8 applies on an allotment.
- (2) The keeper of the bird must ensure that—
- (a) the bird is kept without nuisance; and
- (b) the bird is contained within an enclosed cage or aviary; and
- (c) the bird's food is kept in a properly sealed, vermin proof container; and

¹⁹ See section 38 of *Gold Coast City Council Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007*.

- (d) the cage or aviary in which the bird is kept—
 - (i) is thoroughly cleaned at least once each week; and
 - (ii) is not located less than 1m from any side or rear boundary of the allotment.
- (e) if a code of practice for the keeping of birds of the relevant species has been approved by the local government — the birds are kept in accordance with the requirements of the code of practice.

54 Minimum standards for the keeping of pigeons — Local Law, s14(1)

- (1) This section specifies the minimum standards to be complied with by a person who keeps pigeons.
- (2) The keeper of the pigeons must ensure that—
 - (a) the pigeons are kept without nuisance; and
 - (b) 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; and
 - (c) the pigeon's food is kept in a properly sealed, vermin proof container; and
 - (d) the cage or aviary in which the pigeons are kept is —
 - (i) thoroughly cleaned at least once each week; and
 - (ii) located at the rear of, and behind, any residence situated on the allotment.

55 Minimum standards for the keeping of bees — Local Law, s14(1)

- (1) This section specifies the minimum standards to be complied with by a person who keeps bees on premises.
- (2) The keeper of the bees must ensure that—
 - (a) the bees are kept without nuisance; and
 - (b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of —
 - (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 keeper of the bees; or
 - (iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and
 - (c) 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; and
 - (d) each beehive constructed for the purpose of keeping bees is adequately identified so that the keeper's name, address and telephone number are readily ascertainable.

56 Minimum standards for the keeping of geese, domestic hens etc — Local Law, s14(1)

- (1) This section specifies the minimum standards to be complied with by a person who keeps a bird to which part 11 or 13 applies on an allotment.
- (2) The keeper of the bird must ensure that—
 - (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—
 - (i) thoroughly cleaned at least once each week; and
 - (ii) located at the rear of, and behind, any residence situated on the allotment.
- (3) The keeper of the bird must ensure that the enclosure in which the bird is kept is not located within a radius of 10m of—
 - (a) a residence on an adjoining allotment; or
 - (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 keeper of the bird; or
 - (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
- (4) However, the minimum standard specified in subsection (3) does not apply to the keeping of the bird on the allotment if—
 - (a) the bird was kept on the allotment immediately before the commencement of this subordinate local law; and
 - (b) the keeping of the bird on the allotment immediately before the commencement of this subordinate local law did not contravene a minimum standard prescribed under the Repealed Local Law²⁰.
- (5) The keeper of the bird must ensure that the enclosure in which the bird is kept is not located less than 1m from any side or rear boundary of the allotment.
- (6) The keeper of a bird to which part 13 applies must ensure that—
 - (a) the enclosure in which the bird is kept is not attached to any residence situated on the allotment; and
 - (b) the bird is not kept in the whole, or any part of, the building comprising the residence.

57 Minimum standards for the keeping of rats and mice — Local Law, s14(1)

- (1) This section specifies the minimum standards to be complied with by a person who keeps an animal to which part 14 applies.
- (2) The keeper of the animal must ensure that—

²⁰ See section 43(e)(iv) of *Gold Coast City Council Subordinate Local Law No. 12 (Keeping and Control of Animals) 2007*.

- (a) the animal is kept in an enclosure from which it cannot escape; and
 - (b) the animal is kept without nuisance; and
 - (c) the animal's food is kept in a properly sealed, vermin proof container; and
 - (d) the enclosure in which the animal is kept is properly maintained in a clean and sanitary condition.
- (3) The keeper of the animal must take all reasonable steps to prevent the animal from causing a nuisance or disturbance to the occupiers of adjoining premises.

Part 21 Permits

Division 1 Permit applications

58 Excess animals permit

An excess animals permit is a permit granted by the local government authorising the keeping of animals under 1 or more or all of—

- (a) parts 2 to 11 inclusive;
- (b) part 13;
- (c) part 14.

Example—

1 excess animals permit may authorise the keeping of—

- (a) dogs under part 2; and
- (b) cats under part 3; and
- (c) canaries under part 6; and
- (d) mice under part 14.

59 Permit application requirements — Local Law, s16(2)

An application for a permit authorising the keeping of an animal or animals under the local law must —

- (a) be in the prescribed form; and
- (b) include or be accompanied by —
 - (i) the prescribed fee; and
 - (ii) written evidence that each necessary development approval has been obtained; and
 - (iii) if the applicant is not the owner of the premises on which the animal is to be kept — the written permission of the owner of the premises to the keeping of the animal on the premises; and
 - (iv) where the animal is to be kept on multi-residential premises and the keeper of the animal is entitled to make use of an area used in common with others (a *common area*) for the purpose of keeping the animal — the written permission of the person or body which

manages or controls the common area to use the common area for the purpose of keeping the animal; and

- (v) if the animal is required to be registered under the local law or the Animal Management Act — evidence that the animal is currently registered with the local government.

60 Specific permit application requirements—Local Law, s16(2)

- (1) If a permit is required to keep a horse on an allotment under section 18, the application for the permit must be accompanied by a plan (*land management plan*) in which the applicant specifies how the applicant proposes to comply with, for the keeping of the horse on the allotment, each of—
 - (a) the minimum standards to be complied with by a person who keeps an animal on premises specified in section 50; and
 - (b) the minimum standards to be complied with by a person who keeps a horse on premises specified in section 52.
- (2) An application for a pet shop permit must include or be accompanied by—
 - (a) a layout plan for the premises; and
 - (b) written evidence that each necessary development approval for the operation of the pet shop has been obtained.

Division 2 Criteria and conditions for granting permits

61 Permit criteria for excess animals permit for dogs — Local Law, s17(g)

In deciding whether to grant a permit authorising a person to keep dogs under section 4, the local government may have regard to the following criteria (in addition to those stated in section 17 of the local law) —

- (a) whether the premises on which the dogs are to be kept is appropriately sized so that the dogs can be effectively and comfortably kept; and
- (b) whether a residence exists on the land; and
- (c) whether a proper enclosure is maintained on the premises in accordance with the requirements of section 32 of the local law; and
- (d) whether the applicant for the permit or some other suitable person to supervise the dogs will be resident on the land on which the dogs are to be kept; and
- (e) whether the dogs will be properly supervised; and
- (f) whether each dog identified in the application is registered; and
- (g) if section 14 of the Animal Management Act applies to the applicant for the permit — whether the applicant for the permit has complied with the requirements of the section; and
- (h) if the application is for authority to keep more than 4 dogs on the premises—
 - (i) whether the applicant is a suitable person to hold the permit; and

- (ii) whether the operation of the regulated activity on the premises is likely to—
 - (A) cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; or
 - (B) effect the amenity of the surrounding area; or
 - (C) have a deleterious effect on the local environment or cause pollution or other environmental damage.

62 Permit conditions for excess animals permit for dogs — Local Law, s19(3)

An excess animals permit authorising a person to keep dogs under section 4 will ordinarily be subject to the following conditions —

- (a) if the permit authorises the keeping of 3 dogs—a condition requiring that if 1 of the dogs identified in the permit departs the premises identified in the permit, then the permit shall be deemed to have lapsed; and
- (b) a condition requiring that the holder of the permit take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and

Example —

Persistent barking, howling or whining of a dog may result in a nuisance or disturbance to the occupiers of other premises.

- (c) a condition requiring that the holder of the permit ensure that any enclosure in which the dogs are kept is properly drained and that run-off is kept off adjoining land; and
- (d) a condition requiring that the holder of the permit ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person; and
- (e) a condition requiring that the holder of the permit ensure that any enclosure in which the dogs are kept is maintained in —
 - (i) a clean and sanitary condition and disinfected regularly; and
 - (ii) an aesthetically acceptable condition; and
- (f) a condition requiring that each dog be fitted with an approved microchip; and
- (g) a condition limiting the permit to the dogs identified in the permit; and
- (h) a condition requiring the holder of the permit to—
 - (i) desex each dog within 3 months of the issue of the permit if the dog is aged 6 months or over; and
 - (ii) otherwise, desex each dog within 3 months after the dog reaches 6 months of age; and
 - (iii) produce to the local government evidence, by way of, for example, a statutory declaration, that the dog has been desexed.

63 Permit criteria for excess animals permit for cats — Local Law, s17(g)

In deciding whether to grant a permit authorising a person to keep cats under section 11, the local government may have regard to the following criteria (in addition to those stated in section 17 of the local law) —

- (a) whether the premises on which the cats are to be kept is appropriately sized so that the cats can be effectively and comfortably kept; and
- (b) whether a residence exists on the land; and
- (c) whether a proper enclosure is maintained on the premises in accordance with the requirements of section 32 of the local law; and
- (d) whether the applicant for the permit or some other suitable person to supervise the cats will be resident on the land on which the cats are to be kept; and
- (e) whether the cats will be properly supervised; and
- (f) whether the cats have been desexed; and
- (g) whether the cats have been fitted with an approved microchip; and
- (h) if section 14 of the Animal Management Act applies to the applicant for the permit — whether the applicant for the permit has complied with the requirements of the section; and
- (i) if the application is for authority to keep more than 4 cats on the premises—
 - (i) whether the applicant is a suitable person to hold the permit; and
 - (ii) whether the operation of the regulated activity on the premises is likely to—
 - (A) cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; or
 - (B) effect the amenity of the surrounding area; or
 - (C) have a deleterious effect on the local environment or cause pollution or other environmental damage.

64 Permit conditions for excess animals permit for cats — Local Law, s19(3)

An excess animals permit authorising a person to keep cats under section 11 will ordinarily be subject to the following conditions —

- (a) if the permit authorises the keeping of 3 cats — a condition requiring that if 1 of the cats identified in the permit departs the premises identified in the permit, then the permit shall be deemed to have lapsed; and
- (b) a condition requiring that each cat be fitted with an approved microchip; and
- (c) a condition limiting the permit to the cats identified in the permit; and
- (d) a condition requiring the holder of the permit to—
 - (i) subject to paragraph (d)(iii), desex each cat within 2 months of the issue of the permit if the cat is aged 2 months or over; and
 - (ii) subject to paragraph (d)(iii), otherwise, desex each cat within 2 months after the cat reaches 2 months of age; and
 - (iii) if the holder of the permit delivers to the local government a certificate of a veterinary surgeon stating that, for a specified period,

the desexing of the cat is likely to be a serious risk to the cat's health—desex the cat within 2 months after the end of the specified period; and

- (iv) produce to the local government evidence, by way of, for example, a statutory declaration, that the cat has been desexed.

65 Permit conditions for excess animals permit for cats and dogs (more than 4) — Local law, s19(3)²¹

- (1) This section specifies the conditions that will ordinarily be imposed in an excess animals permit authorising the keeping of—
 - (a) more than 4 dogs; or
 - (b) more than 4 cats; or
 - (c) more than 4 dogs and more than 4 cats.
- (2) For the avoidance of doubt, the conditions prescribed in this section will ordinarily be imposed in addition to the conditions stated in—
 - (a) for the keeping of dogs—section 62; and
 - (b) for the keeping of cats—section 64.
- (3) The operation of the regulated activity must—
 - (a) not detrimentally affect the amenity of the neighbouring premises; and
 - (b) be 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) not involve the storage in the open of goods or materials associated with the operation of the regulated activity; and
 - (d) not attract fly breeding or vermin infestation; and
 - (e) be kept free of vermin and conditions offering harbourage for vermin.
- (4) Only rain water from uncontaminated areas may drain directly into the stormwater drainage system of the local government.
- (5) All spillages of wastes, contaminants and other materials must be cleaned up immediately and must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials to any stormwater drainage system or waters.
- (6) All fixtures, fittings, equipment and facilities used in the operation of the regulated activity must be maintained in a clean, tidy, sanitary and hygienic condition.
- (7) Waste waters from the washing down of floors, surfaces, enclosures and other areas must be collected and drained to an approved pre-treatment device before discharge to the sewerage system.
- (8) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the regulated activity must be provided in the manner and location approved by an authorised person.

²¹ See also sections 13 (Supplier must ensure cat or dog is implanted) and 14 (Owner must ensure cat or dog is implanted) of the Animal Management Act.

- (9) All waste containers must be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (10) The operation of the regulated activity, including all premises, buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the operation of the regulated activity, must be maintained at all times —
 - (a) in good working order and condition; and
 - (b) in a clean and sanitary condition.
- (11) All enclosures which form part of the operation of the regulated activity must be provided and maintained in such a manner so as to—
 - (a) be clean and in a sanitary condition; and
 - (b) prevent the escape of any animal kept in the enclosure; and
 - (c) protect the safety of staff and the public; and
 - (d) be in a state of good order and repair; and
 - (e) avoid injury to any animal kept in the enclosure; and
 - (f) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and
 - (g) be impervious and able to be effectively cleaned and sanitised; and
 - (h) ensure the comfort of any animal kept in the enclosure and the prevention of disease.
- (12) Animal feed must be stored in insect and vermin proof containers.
- (13) The operator of the regulated activity must keep and maintain a written register detailing —
 - (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
 - (b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and
 - (c) if any animal is sold or otherwise disposed of — the name and address of the new keeper of the animal and the date of sale or disposal of the animal.
- (14) If a code of practice for the operation of the regulated activity has been approved by the local government — the holder of the permit must operate the regulated activity in accordance with the requirements of the code of practice.
- (15) The holder of the permit may be required to desex each animal—
 - (a) if the animal is a dog— as required by section 62(h); and
 - (b) if the animal is a cat — as required by section 64(d).’.

66 Permit criteria for geese, ducks etc — Local Law, s17(g)

In deciding whether to grant a permit authorising a person to keep a bird to which part 11 applies, the local government may have regard to the following criteria (in addition to those stated in section 17 of the local law) —

- (a) where the bird is to be kept on multi-residential premises —
 - (i) whether the keeper of the bird is entitled to make use of a common area; and
 - (ii) whether the keeper has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the bird; and
 - (iii) whether the keeper has the written permission of the person or body which manages or controls the common area to use the common area or a part of the common area, as the case may be, for the purpose of keeping the bird; and
- (b) where the bird is to be kept on premises other than multi-residential premises and the keeper is not the owner of the premises — whether the keeper has the written permission of the owner of the premises to keep the bird on the premises.

67 Permit criteria for rats and mice — Local Law, s17(g)

In deciding whether to grant a permit authorising a person to keep animals to which part 14 applies, the local government may have regard to the following criteria (in addition to those stated in section 17 of the local law)—

- (a) whether a residence exists on the premises; and
- (b) whether a proper enclosure is maintained on the premises from which the animals can not escape; and
- (c) whether the applicant for the permit or some other suitable person to supervise the animals will be resident on the premises on which the animals are to be kept; and
- (d) whether the animals will be properly supervised; and
- (e) whether the applicant has been refused a similar type of permit by the local government or another local government; and
- (f) whether the applicant is a suitable person to hold the permit; and
- (g) whether the keeping of the animals on the premises is likely to—
 - (i) cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; or
 - (ii) affect the amenity of the surrounding area; or
 - (iii) have a deleterious effect on the local environment or cause pollution or other environmental damage.

68 Permit conditions for rats and mice — Local Law, s19(3)

A permit to keep animals to which part 14 applies will ordinarily be subject to the following conditions—

- (a) a condition specifying the maximum number of animals which may be kept at the premises at any 1 time; and
- (b) a condition requiring that the holder of the permit keep the animals in an enclosure from which they cannot escape.

69 Permit conditions for other animals — Local Law, s19(3)

- (1) This section applies to a permit to keep 1 or more animals.
- (2) However, this section does not apply to a permit to keep —
 - (a) 1 or more dogs (other than greyhounds); or
 - (b) 1 or more cats.
- (3) Where this section applies, a permit to keep 1 or more animals will ordinarily be subject to—
 - (a) a condition requiring that each animal must be kept in accordance with—
 - (i) the minimum standards specified in section 50; and
 - (ii) the minimum standards specified for the relevant species, breed or type of animal in part 20; and
 - (b) if the animals are identified in the permit—a condition limiting the permit to the animals identified in the permit.

70 Permit criteria for animal breeder permit — Local Law, s17(g)

In deciding whether to grant an animal breeder permit, the local government may have regard to the following criteria (in addition to those stated in section 17 of the local law) —

- (a) whether a residence exists on the land; and
- (b) whether a proper enclosure is maintained on the land in accordance with the requirements of section 32 of the local law; and
- (c) whether the applicant for the permit or some other suitable person to supervise the animals will be resident on the land on which the animals are to be kept; and
- (d) whether the animals will be properly supervised; and
- (e) if the application for the permit relates to the keeping of cats — whether the applicant will be able to contain the cats within the land identified in the application; and
- (f) whether the applicant has been refused a similar type of permit by the local government or another local government; and
- (g) whether the applicant is a suitable person to hold an animal breeder permit; and

Example —

The local government may have regard to the applicant's compliance history with the requirements of the local law and this subordinate local law. The local government may have regard to the fact that the applicant for the permit has committed 1 or more offences against the local law in the 12 month period prior to receipt of the application.

- (h) if section 14 of the Animal Management Act applies to the applicant for the permit — whether the applicant for the permit has complied with the requirements of the section.

71 Permit conditions for animal breeder permit — Local Law, s19(3)²²

- (1) This section specifies the conditions that will ordinarily be imposed in each of—
- (a) an animal breeder permit; and
 - (b) if part 15 and part 16 apply—a Kennel permit; and
 - (c) if part 15 and part 17 apply—a pet shop permit.
- (2) In this section —
- (a) ***animal of a litter*** means an animal from a litter which is the progeny of an animal kept on land pursuant to—
 - (i) an animal breeder permit; or
 - (ii) a Kennel permit; or
 - (iii) a pet shop permit; and
 - (b) an animal of a litter may be a kitten or a puppy.

Example—

The progeny of a breeding dog or a breeding cat.

- (3) The holder of the permit must ensure that any enclosure in which an animal, including an animal of a litter, is kept —
- (a) is maintained in a sanitary condition; and
 - (b) is provided with a sleeping area for the animal that—
 - (i) is weather proof, that is, sheltered from sun, wind and rain; and
 - (ii) is raised off the floor of the enclosure in which the animal is kept; and
 - (iii) does not become damp; and
 - (iv) has sufficient clean, dry and comfortable bedding for the animal appropriate to the species and breed of the animal; and
 - (c) allows the animal to move around freely and urinate and defecate away from the sleeping and eating areas of the animal within the enclosure; and
 - (d) is free of any dangerous structure or object that may cause injury to the animal; and
 - (e) is secure so as to prevent access to the animal by persons other than the holder of the permit and persons authorised by the holder of the permit; and
 - (f) has an area which is appropriately sized so as to be capable of effectively and comfortably housing the animal kept in the enclosure; and
 - (g) is constructed of materials which are of sufficient strength to prevent the animal from escaping from the enclosure; and
 - (h) is drained so that the animal kept in the enclosure does not have continuous or extended contact with any part of the floor of the enclosure which is wet; and
 - (i) has a floor which is non-porous or coated with a non-toxic material so as to

²² See also sections 13 (Supplier must ensure cat or dog is implanted) and 14 (Owner must ensure cat or dog is implanted) of the Animal Management Act.

facilitate the proper cleaning of the floor and prevent the transmission of any infectious disease between animals; and

Example—

A wood, chipboard, brick, dirt or grass floor is not acceptable for the main living area of the enclosure, but would be acceptable for the exercise area for the animal kept within the enclosure.

- (j) is equipped with items and areas sufficient to provide the animal with enrichment and exercise appropriate to the species of the animal.
- (4) The holder of the permit must keep 1 separate enclosure on the land available for—
- (a) each animal that is suspected of, or diagnosed as having, an infectious disease; and
 - (b) each animal which is whelping or kitting; and
 - (c) each female animal with a litter.
- (5) The holder of the permit must ensure that each cat is provided with a litter tray containing a sufficient depth of material to comfortably accommodate the cat.

Example—

Commercial cat litter or sand in a litter tray which is of a sufficient size and depth to comfortably accommodate the cat.

- (6) If cats and dogs are kept on the land identified in the permit and the animals have not been socialised with each other—the holder of the permit must keep and maintain facilities for the animals so that —
- (a) the dogs are separated from the cats; and
 - (b) the proximity in which the animals are kept does not cause stress to the animals.
- (7) Where groups of animals are housed together on the land — the holder of the permit must ensure that each animal housed in a group is kept free of intimidation from any other animal housed in the group.
- (8) If an animal kept on the land is particularly sensitive to changes in temperature—the animal must be provided with appropriate heating and cooling.

Example—

An elderly animal, kitten, puppy or pregnant animal may be provided with an enclosed container with a doorway which gives the animal the opportunity to regulate temperature by perching on top of the container or sheltering within the container.

- (9) This subsection specifies the minimum dimensions for an enclosure in which 1 or more cats may be kept.

Number of Cats	Minimum area (square metre)	Minimum length (metre)	Minimum width (metre)	Minimum height (metre)
1 cat (night confinement or maximum of 8 hours)	.48	1.2	0.4	0.6
1 cat	2.25	1.5	1.5	1.8
1 stud cat ²³	4.4	2.1	2.1	1.8
2 cats	4.32	2.4	1.8	1.8
3 or 4 cats (maximum of 4 cats)	12.25	3.5	3.5	1.8

- (10) The table in this subsection specifies the minimum dimensions for an enclosure for the keeping of dogs.

Height of the dog measured at the shoulder of the dog	Minimum area	Minimum width	Minimum height	Increased floor area for each pup aged between 8 and 16 weeks
(centimetre)	(square metre)	(metre)	(metre)	(square metre)
70 and above	15	2.40	1.80	1.5
40 to 70	10	1.80	1.80	1.0
20 to 40	6	1.40	1.20	0.5
5 to 20	4	1.0	1.20	0.5

The table in this subsection applies to the keeping of—

- (a) 1 adult dog; or
 - (b) 1 female dog and a litter of the dog up to 8 weeks of age.
- (11) However, if 2 or more adult dogs are kept in 1 enclosure, the minimum dimensions for the enclosure specified in the table in subsection (10) must be increased by 1.5m² for each dog kept in the enclosure.
- (12) The holder of the permit must take specified action to prevent the animals, including each animal of a litter, from making a noise or disturbance that may cause a nuisance or disturbance to the occupiers of other premises.

Example —

If the permit relates to the keeping of dogs — barking, howling or whining of a dog may result in a nuisance or disturbance to the occupiers of other premises.

- (13) A permit condition may require the holder of the permit to provide and maintain a soundproof enclosure for each animal kept on the land which causes, or is likely to cause, a noise nuisance.
- (14) A substance or liquid which may harm the health or safety of an animal kept on the land must not be stored or used on the land in a manner which permits the animal to access or consume the substance or liquid.
- (15) The holder of the permit must provide and maintain for each animal—
- (a) access to fresh water; and
 - (b) a diet appropriate to the individual needs of the animal.
- (16) The holder of the permit must provide and maintain on the land —
- (a) an area for the storage of food for the animals which prevents—
 - (i) the deterioration or contamination of the food; and

²³ Each stud cat must have an individual enclosure with an area set aside within the enclosure for the introduction of a visiting female cat and a high shelf to which the stud cat may retreat after mating.

- (ii) water from entering the food; and
 - (iii) vermin or insects from accessing the food; and
 - (b) an area for the storage of equipment and consumables used for the cleaning of enclosures on the land which is not accessible by any animal kept on the land.
- (17) All enclosures, animal food preparation areas, and animal food utensils must be—
- (a) cleaned daily; and
 - (b) disinfected weekly; and
 - (c) if the enclosure, area or utensils are used for the keeping, storage or treatment of an animal — cleaned and disinfected prior to use by another animal.
- (18) Any enclosure in which an animal, including an animal of a litter, is kept must be properly drained and run-off must be kept off premises adjoining the land.
- (19) Each cat litter tray must be —
- (a) checked, scooped and replenished daily; and
 - (b) changed, washed and disinfected at least once every 3 days.
- (20) Animal faeces must be collected—
- (a) at least daily; and
 - (b) more frequently if the number of animals kept, or the conditions of the housing of the animals, necessitates collection more often than daily.
- (21) Collection drains on the land must be cleaned at least daily.
- (22) The holder of the permit must collect and dispose of promptly in a hygienic manner—
- (a) all animal droppings, soiled litter, bedding and animal food waste; and
 - (b) any deceased animal.
- (23) The holder of the permit must ensure that animal management and training methods used by the holder on the land do not compromise the physical development, health or welfare of any animal, including an animal of a litter, kept on the land.

Examples—

1. Each animal, including each animal of a litter, must be socialised so as to—
 - (a) encourage confident and friendly behaviour with people and other animals; and
 - (b) discourage timidity and aggression to persons and other animals.
 2. The permit holder should provide each animal with safe experiences with a range of people, other animals, places and objects.
 3. Dogs, and in particular puppies, should be socialised with both adult and juvenile dogs, not just other puppies.
 4. When exercising an animal the permit holder should—
 - (a) allow the animal to run freely and choose and control its environment; and
 - (b) include daily play sessions with people and other animals of the same species as the animal.
- (24) The holder of the permit must, on request, advise the local government of the

veterinary surgeon to whom animal health issues about the animals will be referred.

- (25) The holder of the permit must monitor the health, well-being and grooming of each animal daily.

Example—

The holder of the permit must seek advice from a veterinary surgeon if any animal appears sick, injured or in distress.

- (26) The holder of the permit must ensure that each animal, including each animal of a litter, receives all necessary vaccinations, inoculations and treatments—
- (a) which are appropriate according to the age of the animal; and
 - (b) in any event, before the animal is offered for sale or otherwise disposed of by the holder of the permit.

Example—

Each animal must be vaccinated, wormed and treated for external parasites, including fleas, up to date according to protocols accepted by a veterinary surgeon.

- (27) The euthanasia of any animal must only be carried out by a veterinary surgeon.
- (28) The holder of the permit must not mate an animal if the animal has a known hereditary disease or disorder that causes, or may cause, pain or discomfort to —
- (a) the animal; or
 - (b) an animal of a litter of the animal.
- (29) To avoid unwanted pregnancy, the holder of the permit must keep a cycling, entire, fertile, female cat isolated from all male cats other than during a planned mating of the female cat.
- (30) To avoid unwanted pregnancy, the holder of the permit must keep a cycling, entire, fertile, female dog isolated from all male dogs other than during a planned mating of the female dog.
- (31) A permit condition may require the holder of the permit to desex an entire female animal which the holder of the permit has retired from breeding.
- (32) The holder of the permit must regularly monitor the health of each pregnant animal, especially during the last weeks of pregnancy, and ensure that the animal receives all necessary treatments which are appropriate according to the age and condition of the animal.

Example—

If there is evidence that whelping or kitting has commenced, but there is no progress within 30 minutes, the animal must be examined by a veterinary surgeon.

- (33) If an animal is giving birth, the holder of the permit must—
- (a) isolate the animal from all other animals; and
 - (b) at least 1 week prior to the expected date of birth, provide the animal with a clean and adequately sized container and bedding; and
 - (c) promptly after completion of the birth, clean the birthing area and replace all bedding used by the animal.
- (34) The holder of the permit must complete the weaning of an animal before the animal is sold or otherwise disposed of by the holder.

- (35) The holder of the permit must not sell or otherwise dispose of an animal of a litter to a minor.
- (36) The holder of the permit must not sell an animal of a litter which is a cat, or otherwise dispose of the cat, unless the cat is at least 10 weeks of age.
- (37) The holder of the permit must not sell an animal of a litter which is a dog, or otherwise dispose of the dog, unless the dog is at least 8 weeks of age.
- (38) If the holder of the permit advertises an animal, including an animal of a litter, for sale or disposal — the advertisement must specify the number allocated to the permit by the local government.
- (39) The holder of the permit must not sell or otherwise dispose of an animal which is a cat, or an animal of a litter of a cat, unless —
 - (a) prior to the sale or disposal, the holder obtains from a veterinary surgeon a certificate stating, or other evidence of, either of the following—
 - (i) that the animal has been desexed; or
 - (ii) that desexing the animal is likely to be a serious risk to the animal's health; or
 - (b) the animal is sold or otherwise disposed of to the holder of a current animal breeder permit.
- (40) If the holder of the permit sells or otherwise disposes of an animal, including an animal of a litter, to a person (the *receiver*) — the holder of the permit must give written notice to the receiver of —
 - (a) the number allocated to the permit by the local government; and
 - (b) particulars of —
 - (i) the typical lifespan of the animal; and
 - (ii) the common physical and behavioural characteristics for the age and breed of the animal; and
 - (c) the standard of care appropriate for the animal, including specific information about —
 - (i) diet; and
 - (ii) containment; and
 - (iii) socialisation; and
 - (iv) exercise and play; and
 - (v) training; and
 - (d) the medical and health care history of the animal, including particulars of all vaccinations, inoculations and treatments that have been carried out on the animal; and
 - (e) the obligations of the receiver as the keeper of the animal under each of —
 - (i) the local law; and
 - (ii) the Animal Management Act.

Examples—

1. The obligation to hold a permit.

2. The obligation to comply with minimum standards.
 3. Animals to be kept under effective control.
 4. The duty to provide a proper enclosure.
 5. The registration obligation.
 6. The registration renewal obligation.
- (41) The holder of the permit must keep and maintain a written register (an ***animal breeder register***) which records details of the activities of the holder under the permit —
- (a) during the term of the permit; and
 - (b) for a minimum of 3 years after the end of the term of the permit.
- (42) The animal breeder register must detail —
- (a) the particulars and description of each animal kept on the land including breed, name, date of birth, identifying tag and any other form of identification; and
 - (b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out for each animal; and
 - (c) if any animal is sold or otherwise disposed of — the name and address of the new keeper of the animal and the date of sale or disposal of the animal; and
 - (d) if any animal is, or has been, implanted with a permanent identification device — particulars of the permanent identification device for the animal; and
 - (e) for each animal of a litter of an animal kept on the land—
 - (i) the dam of the litter; and
 - (ii) the sire of the litter; and
 - (iv) the breed of each animal of the litter; and
 - (v) the date of birth of each animal of the litter; and
 - (vi) the date of mating of the parents of the litter; and
 - (vii) the date of the birth of each animal of the litter; and
 - (viii) the sex of each animal of the litter; and
 - (ix) the distinguishing marks or other form of identification of each animal of the litter; and
 - (x) if any animal of the litter is implanted with a permanent identification device — particulars of the permanent identification device of the animal; and
 - (xi) if an animal of the litter is sold or otherwise disposed of — the name and address of the new keeper of the animal and the date of sale or disposal of the animal; and
 - (xii) in the event of the death of an animal of the litter — the date of death and the cause of death of the animal; and
 - (xiii) a medical history for each animal of the litter listing vaccinations, inoculations and treatments of the animal that have been carried out

- for the animal; and
- (f) if an animal kept on the land was not born on the land — for the acquisition of the animal by the holder of the permit —
 - (i) the date of the acquisition; and
 - (ii) the person from whom the animal was acquired by the holder of the permit.
- (43) The holder of the permit must —
- (a) keep and maintain records about the activities of the permit holder; and
 - (b) produce the records for inspection promptly after receipt of a request from an authorised person; and
 - (c) permit the authorised person to take copies of, or extracts from, the records; and
 - (d) keep the records —
 - (i) at specified premises; and
 - (ii) for a specified period.
- (44) The records that the holder of the permit must keep and maintain for the purposes of subsection (43) include, without limitation, details of procedures and protocols adopted and implemented by the holder of the permit in relation to —
- (a) cleaning and disinfecting enclosures, food preparation and storage areas and animal husbandry equipment; and
 - (b) vermin management; and
 - (c) emergencies.
- (45) A permit condition may require the holder of a permit who keeps a cat or dog which is on heat to keep the animal in an enclosure which is—
- (a) appropriate to the species and breed of the animal to be enclosed; and
 - (b) constructed of materials which are of sufficient strength to prevent any other animal from entering the enclosure.
- (46) A permit condition may specify the maximum number of breeding dogs and breeding cats which may be kept on the land at any 1 time.
- (47) If a code of practice for the keeping of breeding cats, breeding dogs or animals of a litter has been approved by the local government — the holder of the permit must keep the animals in accordance with the requirements of the code of practice.

72 Permit criteria for Kennel permit and pet shop permit — Local Law, s17(g)

In deciding whether to grant a Kennel permit or a pet shop permit, the local government may have regard to the following criteria (in addition to those stated in section 17 of the local law) —

- (a) whether a residence exists on the land; and
- (b) whether a proper enclosure is maintained on the land in accordance with the requirements of section 32 of the local law; and
- (c) whether the applicant for the permit or some other suitable person to supervise the animals will be resident on the land on which the animals are

to be kept; and

- (d) whether the animals will be properly supervised; and
- (e) whether the applicant has been refused a similar type of permit by the local government or another local government; and
- (f) whether the applicant is a suitable person to hold the permit; and

Example —

The local government may have regard to the applicant's compliance history with the requirements of the local law and this subordinate local law. The local government may have regard to the fact that the applicant for the permit has committed 1 or more offences against the local law in the 12 month period prior to receipt of the application.

- (h) if section 14 of the Animal Management Act applies to the applicant for the permit — whether the applicant for the permit has complied with the requirements of the section.

73 Permit conditions for Kennel permit—Local Law, s19(3)

- (1) This section specifies the conditions that will ordinarily be imposed in a Kennel permit.
- (2) For the avoidance of doubt, if part 15 applies, the conditions that will ordinarily be imposed in a Kennel permit are—
 - (a) the conditions specified in section 71; and
 - (b) the conditions specified in each of subsections (3) to (16) inclusive.
- (3) The operation of the Kennel must not detrimentally affect the amenity of neighbouring premises.
- (4) The Kennel must be suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions.
- (5) The operation of the Kennel must not involve the storage in the open of goods, materials or activities associated with the operation of the Kennel.
- (6) Only rain water from uncontaminated areas may drain directly into the storm water system.
- (7) All spillages of wastes, contaminants and other materials must be cleaned up immediately and must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any storm water system or waters.
- (8) The operation of the Kennel must not attract fly breeding or vermin infestation.
- (9) The Kennel must be kept free of vermin and conditions offering harbourage for vermin.
- (10) All fixtures, fittings, equipment and facilities at the Kennel must be maintained in a clean, tidy, sanitary and hygienic condition.
- (11) Waste waters from the washing down of floors, surfaces, enclosures and other areas must be collected and drained to an approved pre-treatment device before discharge to the sewerage system.
- (12) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises must be provided in the manner and location approved by an authorised person.

- (13) All waste containers must be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (14) The Kennel, including all premises, buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the operation of the Kennel, must be maintained at all times —
 - (a) in good working order and condition; and
 - (b) in a clean and sanitary condition.
- (15) Animal feed must be stored in insect and vermin proof containers.
- (16) If a code of practice for the operation of a Kennel has been approved by the local government — the holder of the permit must operate the Kennel in accordance with the requirements of the code of practice.
- (17) The holder of the permit must —
 - (a) desex each animal kept for the purposes of the operation of the Kennel within 3 months of the issue of the permit if the animal is aged 6 months or over; and
 - (b) otherwise, desex each animal within 3 months after the animal reaches 6 months of age; and
 - (c) produce to the local government evidence, by way of, for example, a statutory declaration, that the animal has been desexed.
- (18) All enclosures which form part of the operation of the Kennel must be provided and maintained in such a manner so as to—
 - (a) be clean and in a sanitary condition; and
 - (b) prevent the escape of any animal kept in the enclosure; and
 - (c) protect the safety of staff and the public; and
 - (d) be in a state of good order and repair; and
 - (e) avoid injury to any animal kept in the enclosure; and
 - (f) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and
 - (g) be impervious and able to be effectively cleaned and sanitised; and
 - (h) ensure the comfort of any animal kept in the enclosure and the prevention of disease.

74 Permit conditions for pet shop permit—Local Law, s19(3)

- (1) This section specifies the conditions that will ordinarily be imposed in a pet shop permit.
- (2) For the avoidance of doubt, if part 15 applies, the conditions that will ordinarily be imposed in a pet shop permit are—
 - (a) the conditions specified in section 71; and
 - (b) the conditions specified in each of subsections (6) to (12) inclusive.
- (3) The holder of the permit must keep and maintain a written register detailing—
 - (a) the particulars and description of each animal kept at the premises including

- breed, name, identifying tag and any other form of identification; and
 - (b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and
 - (c) the place of origin of each animal kept at the premises.
- (4) The holder of the permit must ensure that each animal receives all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.
 - (5) No animal is to be sold unless all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal have been implemented.
 - (6) The premises must be maintained in a clean and sanitary condition at all times.
 - (7) Any excreta, offensive material or food scraps must be collected at least once each day and placed in a fly proof approved refuse receptacle for disposal.
 - (8) If section 44 of the Animal Management Act applies to the keeping of an animal—the holder of the permit must comply with the requirements of the section before the sale of the animal by the holder.
 - (9) All animal food must be stored in sealed vermin proof containers.
 - (10) The holder of the permit must comply with any request or direction of an authorised person requiring action considered necessary to keep the premises free of nuisance.
 - (11) Waste waters from the premises must be drained in a nuisance free manner or as directed by an authorised person.
 - (12) If a code of practice for the operation of a pet shop has been approved by the local government — the holder of the permit must operate the pet shop in accordance with the requirements of the code of practice.
 - (13) The holder of the permit must —
 - (a) desex each dog and each cat kept for the purposes of the operation of the pet shop within 3 months of the issue of the permit if the animal is aged 6 months or over; and
 - (b) otherwise, desex each dog and each cat within 3 months after the animal reaches 6 months of age; and
 - (c) produce to the local government evidence, by way of, for example, a statutory declaration, that the animal has been desexed.

75 Permit criteria for guard dog permit — Local Law, s17(g)

In deciding whether to grant a guard dog permit, the local government may have regard to the following criteria (in addition to those stated in section 17 of the local law) —

- (a) whether the dog will be properly supervised on each of—
 - (i) the premises on which the dog is to be kept; and
 - (ii) if the dog is to be released on premises without a handler—the premises on which the dog is to be released; and
- (b) whether an enclosure which is adequate to prevent the dog from escaping

- from the premises exists on each of—
- (i) the premises on which the dog is to be kept; and
 - (ii) if the dog is to be released on premises without a handler—the premises on which the dog is to be released; and
- (c) whether the applicant has taken adequate measures to prevent the dog from escaping from each of—
- (i) the premises on which the dog is to be kept; and
 - (ii) if the dog is to be released on premises without a handler—the premises on which the dog is to be released; and
- (d) whether the dog has been fitted with an approved microchip.²⁴

76 Permit conditions for guard dog permit — Local Law, s19(3)

- (1) This section specifies the conditions that will ordinarily be imposed in a guard dog permit.
- (2) The conditions in subsection (3) apply if—
 - (a) a dog identified in a guard dog permit is on the premises on which the dog is ordinarily kept; or
 - (b) a dog identified in a guard dog permit is released on premises without a handler.
- (3) The holder of the permit must—
 - (a) ensure that the dog is kept in an enclosure on the premises which is —
 - (i) of a standard approved by an authorised person; and
 - (ii) adequate to prevent the dog from escaping from the premises; and
 - (b) take such measures and do all such acts as may be required by an authorised person so as to prevent the dog from escaping from the premises; and
 - (c) display conspicuously at all times at each entrance to the premises a warning sign which has been approved by an authorised person; and

Example —

A notice in white lettering on a black background, not less than 50mm in height and readily legible with the words —

“BEWARE – DANGEROUS GUARD DOG”.

 - (d) ensure that at all times when the dog is on the premises, the dog wears a local government approved guard dog collar and an identifying tag issued by the local government; and
 - (e) ensure that at all times when the premises are open to access by the public and the dog is on the premises, the dog is —
 - (i) securely muzzled to prevent it from biting; and

²⁴ See also sections 81 (Obligation to comply with permit conditions under sch 1), 93 (Owner’s obligation if proposed declaration notice in force), 97 (Declared dangerous dogs) and 98 (Declared menacing dogs) of the Animal Management Act. The owner and each responsible person for a declared dangerous dog, declared menacing dog and restricted dog must comply with permit conditions specified in schedule 1 of the Animal Management Act.

- (ii) kept in a proper enclosure which —
 - (A) is located on the premises so as not to be accessible by the public; and
 - (B) has self closing and self latching gates; and
 - (C) does not include any driveway gate or other vehicle entry gate; and
 - (D) if it includes any other type of perimeter entry gate or gates, the gate or gates are kept securely locked whenever not in immediate use; and
 - (E) is childproof; and
 - (F) is appropriately sized so as to be capable of effectively and comfortably housing the dog; and
 - (G) is suitably fenced²⁵, appropriate to the species and breed of dog to be enclosed; and
- (f) ensure that any enclosure in which the dog is kept is properly drained and that run-off is kept off adjoining premises; and
- (g) ensure that excreta, food scraps and other material that is, or is likely to become, offensive, is collected daily and if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person; and
- (h) ensure that any enclosure in which the dog is kept is maintained in a clean and sanitary condition and disinfected regularly; and
- (i) ensure that—
 - (i) the dog is not brought into a public place unless the dog is securely muzzled to prevent it from biting; and
 - (ii) the dog is kept without nuisance to the occupiers of other premises; and
 - (iii) at all times when the dog is kept or released on premises, the holder displays prominently at the premises a warning sign which provides 24 hour contact details for the holder including, but not limited to, a 24 hour contact telephone number for the holder of the permit; and
 - (iv) each dog identified in the permit is fitted with an approved microchip; and
- (j) limit the keeping of dogs under the permit to the dog or dogs identified in the permit.

77 Permit conditions for animal carer permit — Local Law, s19(3)

- (1) This section specifies the conditions that will ordinarily be imposed in an animal carer permit.
- (2) If the animal carer permit is granted for the keeping of 1 or more dogs, the conditions that will ordinarily be imposed are—
 - (a) the conditions specified in section 62(c) to (e) inclusive; and

²⁵ See definition of *suitably fenced* in the dictionary.

- (b) a condition limiting the permit to a specified number of dogs.
- (3) If the animal carer permit is granted for the keeping of 1 or more cats on premises, the conditions that will ordinarily be imposed are conditions requiring that—
 - (a) the premises on which the cats are kept must be appropriately sized so that the cats can be effectively and comfortably kept; and
 - (b) a residence must exist on the premises; and
 - (c) a proper enclosure must be maintained on the premises in accordance with the requirements of section 32 of the local law; and
 - (d) the holder of the permit or some other suitable person must supervise the cats and be resident on the premises; and
 - (e) the cats must be properly supervised; and
 - (f) the keeping of the cats on the premises must not—
 - (i) cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; or
 - (ii) affect the amenity of the surrounding area; or
 - (iii) have a deleterious effect on the local environment or cause pollution or other environmental damage; and
 - (g) cat food must be stored in insect and vermin proof containers.
- (4) If the animal carer permit is granted for the keeping of 1 or more birds to which part 6, 7 or 8 applies, the conditions that will ordinarily be imposed are compliance with the minimum standards specified in section 53(2).
- (5) If the animal carer permit is granted for the keeping of 1 or more birds to which part 11 or 13 applies, the conditions that will ordinarily be imposed are compliance with the minimum standards specified in section 56(2) to (5) inclusive.

Part 22 Term of permit

78 Term of permit — Local Law, s18(1)

- (1) The term for which a permit is granted will ordinarily be—
 - (a) if the permit is an animal breeder permit—3 years; or
 - (b) if the permit is a guard dog permit—1 year; or
 - (c) if the permit is a Kennel permit or a pet shop permit—an unlimited term; or
 - (d) if the permit is an animal carer permit—a maximum of 1 year.
- (2) The term for which an excess animals permit is granted will ordinarily be—
 - (a) the life of the animal identified in the permit; or
 - (b) if there is more than 1 animal identified in the permit— the life of the last surviving animal identified in the permit.
- (3) However, the local government may fix some other term for a permit if it is desirable to do so —
 - (a) to provide common expiry dates for permits; or

- (b) for some other reason.

Part 23 Control of animals

79 Proper enclosure for effective control purposes — Local Law, s25(7)²⁵

- (1) For the purposes of section 25(7) of the local law, a proper enclosure is an area which is appropriately sized so as to be capable of effectively and comfortably housing the dog—
 - (a) for a restricted access workplace area—within the restricted access workplace area; or
 - (b) for a place other than an off leash dog exercise area, a restricted access workplace area or the premises at which the dog is ordinarily kept—within the place.
- (2) The area must be suitably fenced—
 - (a) appropriate to the species and breed of the dog to be enclosed; and
 - (b) so as to effectively enclose the dog in, as the case may be, the restricted access workplace area or place.
- (3) For the purposes of this section, *suitably fenced* means enclosed by a fence —
 - (a) constructed of materials which are of sufficient strength to prevent the dog from escaping over, under or through the fence; and
 - (b) of a height which is sufficient to prevent the dog jumping or climbing over the fence; and
 - (c) where the dog has the ability to dig — which includes a barrier installed directly below the fence to prevent the dog digging its way out; and
 - (d) where the dog has the ability to climb — designed and constructed in such a way as to prevent the dog 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, as the case may be, the restricted access workplace area or place.

80 Conditions prescribed for parks, reserves etc — Local Law, s30(1)(b)

- (1) This section applies subject to sections 27, 29 and 31 of the local law and section 81.
- (2) A person must not allow an animal to be brought on to a park, reserve, foreshore or bathing reserve unless the keeper of the animal has the written approval of the local government to take the animal on to the park, reserve, foreshore or bathing reserve specified in the approval.
- (3) The local government may grant an approval under subsection (2) if the grant of the approval is consistent with the objects of the local law.
- (4) An approval under subsection (2) may be granted on conditions the local

²⁵ See also schedule 1, section 4 of the Animal Management Act which specifies permit conditions about an enclosure for a relevant dog.

government considers appropriate.

- (5) However, the conditions of the approval must be consistent with the objects of the local law.

81 Further conditions prescribed for parks, reserves etc — Local Law, s30(1)(b)

- (1) This section applies subject to sections 27, 29 and 31 of the local law.
- (2) If a person brings a dog on to a park, reserve, foreshore or bathing reserve, the person must not bring or permit the dog to be brought—
- (a) within 10m of any playground apparatus which is provided for the use of minors in, as the case may be, the park, reserve, foreshore or bathing reserve; or
 - (b) on to a designated playground area in, as the case may be, the park, reserve, foreshore or bathing reserve.

82 Conditions prescribed for off leash dog exercise areas — Local Law, s31(1)²⁶

The conditions applicable to the bringing of a dog on to an off leash dog exercise area are that the keeper of the dog must —

- (a) immediately collect and dispose of all of the dog's excreta, waste and other offensive material in waste receptacles provided by the local government for that purpose; and
- (b) not bring on to the off leash dog exercise area a regulated dog; and
- (c) if the keeper is not 16 years of age — ensure that the dog is under the immediate supervision of a person of the age of 18 years or older at all times when the dog is on the off leash dog exercise area.

83 Temporary prohibition for dog off leash exercise areas — Local Law, s31(1)

- (1) If an animal control area is an off leash dog exercise area and the local government is satisfied that a temporary prohibition on the use of the area as an off leash dog exercise area is necessary because of a particular event, or conditions temporarily applying in the area, the local government may temporarily prohibit the use of the area as an off leash dog exercise area.

Examples for subsection (1)—

The local government might temporarily prohibit the use of an area as an off leash dog exercise area if building work that is being carried out on or adjacent to the area makes it impracticable to use the area as an off leash dog exercise area.

The local government might also temporarily prohibit the use of an area as an off leash dog exercise area if the area is to be used for the purposes of a festival, event or public assembly.

- (2) For the avoidance of doubt, a power under subsection (1) may be exercised by resolution of the local government.

²⁶ See also schedule 1, section 3 of the Animal Management Act which specifies permit conditions about muzzling and effective control in public for a relevant dog.

- (3) If the local government prohibits the use of an area as an off leash dog exercise area under subsection (1)—
 - (a) notice of the prohibition must, as a minimum, be displayed at a prominent place within the off leash dog exercise area; and
 - (b) the temporary prohibition on the use of the area as an off leash dog exercise area only takes effect when notice of the prohibition is placed at each public entrance to the area.
- (4) A temporary prohibition on the use of an area as an off leash dog exercise area under subsection (1) cannot remain in force for more than 2 months.

84 Exemption for specified dogs

Section 81 does not apply to a handler relying upon the handler's—

- (a) assistance dog; or
- (b) guide dog; or
- (c) hearing dog.

Part 24 Duty to provide proper enclosure

85 Proper enclosure requirements generally — Local Law, s32(3)²⁷

- (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.
- (2) The area must be suitably fenced—
 - (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.
- (3) For the purposes of this section *suitably fenced* means enclosed by a fence —
 - (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.

²⁷ See also schedule 1, section 4 of the Animal Management Act which specifies permit conditions about an enclosure for a relevant dog.

86 Horse enclosure requirements — Local Law, s32(3)

A proper enclosure for the keeping of a horse must, in addition to the requirements specified in section 85 —

- (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

Example for paragraph (a) —

The enclosure should be constructed so that the horse can not eat foliage growing on adjoining land or cause a nuisance to a person passing the enclosure along an adjoining footpath.

- (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.

Part 25 Destruction of animals

87 Destruction at request of keeper — Local Law, s42(3)

The procedure for accepting animals for destruction at the request of the keeper is—

- (a) the keeper of the animal must —
 - (i) complete a prescribed form which—
 - (A) authorises the local government to destroy the animal; and
 - (B) indemnifies the local government in respect of the destruction of the animal; and
 - (ii) pay the prescribed fee for destruction at the time the animal is handed to the authorised person; and
- (b) details of the seizure must be recorded in the Register of Impounded Animals; and
- (c) the keeper of an animal seized for destruction pursuant to section 41(2)(d) of the local law may reclaim the animal, however the prescribed fee for destruction may be forfeited; and
- (d) if a dog which is reclaimed is not registered, the owner of the dog must comply with section 46 of the Animal Management Act before the dog is released by the local government.

Part 26 Impounding of animals

88 Acceptance of animals at animal pound — Local Law, s44(2)

- (1) The animals which will be accepted at an animal pound, otherwise than pursuant to an impounding under the local law, are —
 - (a) dogs; and

- (b) cats; and
 - (c) horses; and
 - (d) cattle.
- (2) For the avoidance of doubt, animals other than dogs, cats, horses and cattle may be accepted at an animal pound pursuant to an impounding under the local law.

89 Sale, disposal or destruction of impounded animals — Local Law, s53(1)

For the purposes of section 53(1)(b) of the local law —

- (a) horses and cattle will be offered for sale by public auction; and
- (b) all animals other than horses and cattle may be sold by private agreement, disposed of in some other way or destroyed without being offered for sale by public auction or tender.

Part 27 Miscellaneous

90 Sale of cats and dogs — Local Law, s67(2)

- (1) This section specifies—
- (a) the conditions to be complied with by a person who offers a dog or a cat for sale; and
 - (b) circumstances in which a person is prohibited from selling or offering a dog or a cat for sale.
- (2) A person must not offer a dog or a cat under 6 months of age for sale unless the person is —
- (a) the holder of a current animal breeder permit; or
 - (b) the holder of a current Kennel permit or
 - (c) the holder of a current pet shop permit; or
 - (d) authorised to operate a Kennel under the planning scheme of the local government; or
 - (e) an animal welfare agency conducting an animal refuge.
- (3) The person must keep and maintain a written register detailing —
- (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
 - (b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and
 - (c) if any animal is sold or otherwise disposed of — the name and address of the new keeper of the animal and the date of sale or disposal of the animal.
- (4) 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.

- (5) 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—
- (a) all animals sold or otherwise disposed of including the name and address of the new keeper of the animal; and
 - (b) a full description of each animal sold or otherwise disposed of; and
 - (c) the date of sale or disposal of each animal.
- (6) The person must not offer an animal for sale unless the animal has received all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.

91 Prescribed period

For the purposes of the schedule (Dictionary) of the local law, the prescribed period within which an impounded animal may be reclaimed is—

- (a) if the animal is a horse, cow, registered dog or other identifiable animal — 5 business days; and
- (b) if the animal is an unregistered dog or an animal which is not an identifiable animal — 3 business days.

92 Minimum standards and codes of practice

If a minimum standard prescribed in part 20 and a code of practice approved by the local government under this subordinate local law are inconsistent about a requirement, the code of practice is invalid to the extent of the inconsistency if it imposes a less onerous obligation or lower standard on the keeper of an animal than the obligation or standard imposed on the keeper by the prescribed minimum standard.

93 Permit conditions and codes of practice

If a condition of a permit granted under this local law and a code of practice approved by the local government under this subordinate local law are inconsistent about a requirement, the code of practice is invalid to the extent of the inconsistency if it imposes a less onerous obligation or lower standard on the keeper of an animal than the obligation or standard imposed on the keeper by the condition of the permit.

94 Interaction with *Sustainable Planning Act 2009*

No prohibition or restriction on the keeping of animals imposed under this subordinate local law derogates from an authorisation conferred by a development approval.

Schedule Dictionary

section 3

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 breeder permit see section 44.

animal breeder register see section 71.

animal carer permit see section 49.

animal carer registration means a document or registration issued by an animal welfare agency in which the animal welfare agency approves the holder of the document keeping 1 or more animals primarily to protect or preserve the health or welfare of the animal.

Animal Husbandry has the meaning given in the planning scheme²⁸.

Animal Management Act has the meaning given in the local law.

animal of a litter see section 71.

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; and
- (c) another incorporated association which—
 - (i) has objects similar to the objects of one of the incorporated associations referred to in paragraphs (a) or (b); and
 - (ii) is recognised as an animal welfare agency by the local government.

approved microchip (for an animal) —

- (a) means a microchip which—
 - (i) is capable of being read by the local government's microchip reader; and
 - (ii) bears an electronic code which permanently identifies the animal for identification purposes; and
- (b) includes a permanent identification device.

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

bathing area has the meaning given in *Gold Coast City Council Local Law No. 30*

²⁸ The planning scheme defines **Animal Husbandry** as any premises used or intended for use for the keeping or farming of more than ten mammals. The term includes stables, emu, ostrich, dairy and goat farms and veterinary establishments associated with these. It does not include a Cattery, Kennels, piggery, poultry farm, Rural Industry or lot feeding, nor does it include the keeping of domestic animals.

(Bathing Reserves) 2004.

breeding cat see section 44(1)(a).

breeding dog see section 44(1)(a).

cat—

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

childproof means, for an enclosure, that the exterior walls of the enclosure are designed to prevent a dog in the enclosure being able to bite a child outside the enclosure.

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

common area see section 59(b)(iv).

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.

dog—

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

domestic hen means female domestic fowl other than a bird to which part 11 or 12 applies.

domestic purposes means the purposes of—

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

development approval means a development approval under the *Sustainable Planning Act 2009*.

entire has the meaning given in the local law.

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

excess animals permit see section 58.

guard dog permit see section 48.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler, of an assistance dog, guide dog or hearing dog, has the meaning given in

the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

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 keeper of the animal.

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

Kennel permit see section 46.

land management plan see section 60(1).

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

local law means *Local Law No. 12 (Animal Management) 2013*.

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

mice includes a house mouse (*Mus musculus*).

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.

permanent identification device has the meaning given in the Animal Management Act.

pet shop means a shop or a stall at a market at which animals are offered for sale.

pet shop permit see section 47(1).

planning scheme means the planning scheme of the local government.

police dog has the meaning given in the *Police Powers and Responsibilities Act 2000*.

prohibited breed see section 10(4).

rat includes—

- (a) a black rat (*Rattus rattus*); and
- (b) a sewer rat (*Rattus norvegicus*).

receiver see section 71.

regulated dog has the meaning given in the local law.

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

Repealed Local Law has the meaning given in the local law.

residence has the meaning given in the local law.

restricted dog has the meaning given in the local law.

Rural Industry has the meaning given in the planning scheme²⁹.

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

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

stallion means an uncastrated adult male horse.

stormwater drain has the meaning given in the *Local Government Act 2009*.

suitably fenced—

- (a) for effective control purposes— see section 79(3); and
- (b) for proper enclosure requirements generally— see section 85(3).

vehicle has the meaning given in the *Transport Operations (Roads 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.

veterinary surgeon has the meaning given in the Animal Management Act.

waste has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

waste container means a weatherproof container for the storage of waste that—

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leakproof; and

²⁹ The planning scheme defines **Rural Industry** as any premises used, or intended for use, for the purposes of any industry handling, treating, processing and packing primary products produced on the land on which it is situated other than to a standard suitable for transport. The term includes sawmilling, when carried out in a rural area, a wholesale nursery, a turf farm, a piggery, a poultry farm, intensive lot feeding operations, servicing of and the storage of fuel for plant or equipment used for agricultural, rural industry or forestry purposes. The term does not include a shop, stall or retail sale of any products. It does not include any industry that processes mainly materials or produce sourced externally from the land on which it is situated.

(f) minimises the loss of material into the environment.

waste water means a liquid waste.