



Mareeba
SHIRE COUNCIL

Mareeba Shire Council

Subordinate Local Law No. 2 (Animal Management) 2018

CONSOLIDATED VERSION NO. 3

Current as at 20 December 2024

Mareeba Shire Council

Subordinate Local Law No. 2 (Animal Management) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2018*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
 - (c) the control of animals in public places; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2018* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law, unless otherwise defined in the dictionary in Schedule 11 of this subordinate local law.

Part 2 Keeping of animals

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

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

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

For section 6(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

7 Animals that must be desexed—Authorising local law, s 7

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

8 Minimum standards for keeping animals—Authorising local law, s 8(1)

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

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

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

Part 3 Control of animals**10 Public places where animals are prohibited—Authorising local law, s 10(1)**

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

11 Dog off-leash areas—Authorising local law, s 11(1)

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

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

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—

Intentionally left blank.

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

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

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

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

Part 4 Seizure, impounding or destruction of animals**15 Place of care for impounded animals—Authorising local law, s 24**

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

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

For section 32(1)(b) of the authorising local law, the following animals may be sold by private agreement, destroyed or disposed of in some other way without being destroyed—

- (a) dogs;
- (b) cats;
- (c) birds and noisy birds;
- (d) pigs, sheep, goats and other small animals.

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

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

Part 5 Miscellaneous

18 **Conditions regarding sale of animals—Authorising local law, s 42(1)**

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 10 must comply with the conditions set out in column 2 of schedule 10.

19 **Animals excluded from application of the local law—Authorising local law, schedule**

For the purposes of the definition of *animal* in the schedule to the authorising local law, the following species of animal are excluded from the application of the local law—

- (a) fish;
- (b) insects; and
- (c) amphibians.

20 **Species that are declared dangerous animals—Authorising local law, schedule**

For the purposes of the definition of *declared dangerous animal* in the schedule to the authorising local law, no species of animal is a declared dangerous animal.

21 **Prescribed period for reclaiming animals—Authorising local law, schedule**

For the purposes of the definition of *prescribed period* in the schedule to the authorising local law, the prescribed period is—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days.

Schedule 1 Prohibition on keeping animals

section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	(a) Keeping more than 2 dogs is prohibited on a property that is 450m ² or less, or within a residential unit in an urban area.
2	Cat	(a) Keeping more than 2 cats is prohibited on a property that is 450m ² or less, or within a residential unit in an urban area.
3	Poultry	(a) Keeping poultry is prohibited on a property that is 450m ² or less, or within a residential unit in an urban area. (b) Keeping more than 10 poultry is prohibited on a property that is greater than 450m ² but less than 20,000m ² in an urban area. (c) Keeping more than 50 poultry is prohibited on a property that is 20,000m ² or more in an urban area.
4	Rooster	(a) Keeping a rooster is prohibited on a property that is 20,000m ² or less, or within a residential unit in an urban area. (b) Keeping more than 1 rooster is prohibited on a property that is 20,000m ² or more in an urban area.
5	Noisy bird	(a) Keeping a noisy bird is prohibited on a property that is 450m ² or less, or within a residential unit, in an urban area. (b) Keeping more than 2 noisy birds is prohibited on a property in an urban area.
6	Caged bird	(a) Keeping more than 10 caged birds is prohibited on a property that is 450m ² or less, or within a residential unit in an urban area. (b) Keeping more than 60 caged birds is prohibited on a property in an urban area.
7	Stock (excluding horses)	(a) Keeping stock (excluding horses) is prohibited on a property that is 10,000m ² or less, or within a residential unit in an urban area.
8	Pigs	(a) Keeping a pig is prohibited on a property that is

		20,000m ² or less in an urban area.
9	Horses	(a) Keeping a horse is prohibited on a property that is 450m ² or less or within a residential unit in an urban area.

Schedule 2 Requirement for approval to keep animals

section 6

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	<p>(a) An approval is required to keep more than 2 dogs over the age of 12 weeks on a property that is 451m² or more in an urban area.</p> <p>(b) An approval is required to keep a dog at an approved camping ground or caravan park.</p>
2	Cat	<p>(a) An approval is required to keep more than 2 cats over the age of 12 weeks on a property that is 451m² or more in an urban area.</p>
3	Stock	<p>(a) An approval is required to keep more than 2 head of stock on a property that is 10,000m² or more in an urban area.</p>
4	Pigs	<p>(a) An approval is required to keep a pig on a property that is 20,000m² or more in an urban area.</p>
5	Horses	<p>(a) An approval is required to keep a horse on a property that is 451m² or more but less than 10,000m² in an urban area.</p> <p>(b) An approval is required to keep more than 2 horses on a property that is 10,000m² or more in an urban area.</p>

¹ See *Local Law No.1 (Administration) 2018* and *Subordinate Local Law No.1 (Administration) 2018* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
1	<i>This table has been intentionally left blank.</i>		

Schedule 4 Minimum standards for keeping animals generally

section 7(1)

1. The person keeping the animal must ensure that—
 - (a) the animal does not—
 - (i) cause a nuisance; or
 - (ii) expose the health and safety of other persons and animals to significant risk; or
 - (iii) create a reasonable apprehension in the minds of other persons of a significant risk to health and safety of persons, other animals or that animal; and
 - (b) waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land; and
 - (c) excreta, food scraps, and other material that is, or is likely to become, offensive is collected at least once in each day and, if not immediately disposed of, is kept in a fly proof container; and
 - (d) any enclosure in which an animal is kept is kept in a clean and sanitary condition, free from dust and odour and properly maintained in an aesthetically acceptable condition; and
 - (e) the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
 - (f) any animal food is stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom facility; and
 - (g) all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food; and
 - (h) any enclosure used for the purpose of keeping an animal is thoroughly cleaned each week and effectively treated with an insecticide at least twice a year; and
 - (i) upon discovering the existence of a dead animal, immediately dispose of the remains of the dead animal so as not to cause a nuisance. The remains must not be disposed of on or in a public place.
2. For subsection 1(a)(i), a nuisance occurs if an authorised officer considers there is sufficient evidence that people in nearby properties are being affected by the activity of the offending animal.

Examples—

Animal noise is a nuisance if it disrupts a person—

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

An odour is a nuisance if caused by—

- (a) *an animal enclosure not being cleaned regularly; or*
- (b) *the waste from an animal enclosure not being disposed in an acceptable manner.*

Schedule 5 Minimum standards for keeping particular animals

section 7(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1.	Horse, Cattle, Donkey, Sheep, Goat and other animals of a similar size	<p>(a) If a stable is constructed—</p> <ul style="list-style-type: none"> (i) a covered receptacle for manure or other offensive matter must be kept in the stable; and (ii) the inside face of all external walls and all faces of interior walls of a stable must be lime washed or painted at least once in every year; and (iii) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and (iv) any part of a stable (except a stable used exclusively for milk cows) must not be within a distance of 130 metres of a dairy produce premises or milking shed; and (v) the stable must be constructed in accordance with provisions of the <i>Building Act 1975</i> and any applicable codes as defined by that Act; and (vi) any part of a stable must not be situated— <ul style="list-style-type: none"> (A) 10m from an adjoining boundary of an allotment that is 2,000m² or more; and (B) 1m from any dwelling; and (C) 15m from any structure in which food for human consumption is processed or stored; and (D) 6m from a roadway; and <p>(b) The keeper must not deposit manure in any way that may pollute or be likely to pollute water which is used or is likely to be used for human consumption or for dairy purposes.</p>
2.	Poultry	<p>(a) Fowl houses, fowl pens and runs are not to be situated—</p> <ul style="list-style-type: none"> (i) within 10m of a dwelling or place where food is kept, processed or stored; and (ii) within 2m of any property boundary or a road; and <p>(b) Poultry food must be stored in a vermin proof receptacle.</p>
3.	Pig	<p>(a) The interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray.</p> <p>(b) Any part of a sty or other enclosure in which a pig is kept must</p>

		<p>not be situated—</p> <ul style="list-style-type: none">(i) 10m from an adjoining boundary; and(ii) 15m from any dwelling; and(iii) 15m from any structure in which food for human consumption is processed or stored; and(iv) 6m from a roadway; and(v) 20m from any watercourse, well or bore.
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Schedule 6 Prohibition of animals in public places

section 9

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1		<i>This table has been intentionally left blank.</i>

Schedule 7 Dog off-leash areas

section 10

This schedule has been intentionally left blank.

Schedule 8 Requirements for proper enclosures for animals

section 12

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1.	All Animals	<p>(a) To the reasonable satisfaction of an authorised person the enclosure—</p> <ul style="list-style-type: none"> (i) must be suitably fenced to contain the animal; (ii) must be of a size appropriate to the species and breed of the animal to be enclosed; (iii) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and (iv) must contain adequate shelter for all animals kept in the enclosure; and <p>(b) The enclosure's gates must be closed and latched except when in actual immediate use.</p> <p>(c) For the purpose of sub-paragraph (a), "suitably fenced" means a fence constructed of strong materials and designed in such a way to the prevent the animal from—</p> <ul style="list-style-type: none"> (i) escaping over, under, through or around the fence; (ii) protruding over, under, through or around the fence; and (iii) attacking a person or animal over, under, through or around the fence. <p>(d) Keeping an animal on a leash or tether does not constitute a proper enclosure.</p>
2.	Dogs	<p>(a) If the dog is able to jump or climb the fence, the fence or enclosure must be constructed in such a way as to prevent the dog from jumping or climbing over the fence.</p> <p>(b) If the dog is a digger, a barrier must be installed directly below the fence or enclosure which is adequate to prevent the dog from digging and escaping under the fence.</p>
3.	Guard dogs	<p>(a) The enclosure must—</p> <ul style="list-style-type: none"> (i) be constructed to a standard approved by an authorised person; and (ii) clearly display a warning sign, approved by an authorised

		<p>person to the entrance to the property where the guard dog is being kept. The sign must prominently and permanently display in lettering not less than 50mm in height on a background of a type and colour to ensure that the lettering is readily legible, the following—</p> <p><i>"Beware – Guard dog (or dogs) on premises"</i></p> <p>(b) The guard dog must be confined in a secure enclosure at all times when the public has access to the property where the dog is being kept.</p>
4.	Noisy birds	<p>(a) The cages/enclosures must—</p> <ul style="list-style-type: none"> (i) not be sited within 25 metres of any residence on adjoining premises; (ii) be sited at least 2 metres from the boundary of any adjoining premises; (iii) not, in combination with all buildings on the allotment, exceed 50% of the area of the allotment; and (iv) be located at the rear of the premises behind the residence (if any) situated on the premises.
5.	Poultry (other than rooster)	<p>(a) The enclosure must—</p> <ul style="list-style-type: none"> (i) be sited no closer than 2 metres from the property boundary; (ii) be located at the rear of the premises behind the residence (if any) situated on the premises; (iii) be constructed to prevent any such bird from being within 10 metres of any dwelling (except any dwelling on the premises); and (iv) be constructed to prevent any such bird from being within 10 metres of any premises used for the manufacture, preparation or storage of food for human consumption (other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the birds).
6.	Rooster	<p>(a) The enclosure must not be sited closer than 25 metres from the property boundaries.</p> <p>(b) The enclosure must be constructed to prevent any such bird from going within 25 metres of any dwelling (except any dwelling on the premises).</p> <p>(c) The enclosure must also be constructed to prevent any such bird from going within 25 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the birds) used for the manufacture, preparation or storage of food for human consumption.</p>

Schedule 9 Criteria for declared dangerous animals

section 13

1. A dangerous animal declaration may be made for an animal only if the animal—
 - (a) has attacked, or acted in a way that caused fear to, a person or another animal; or
 - (b) may, in the opinion of an authorised person, having regard to the way the animal behaved towards a person or another animal, attack, or act in a way that causes fear to another person or animal.
2. To avoid any doubt, an animal may be declared a dangerous animal if the animal attacked and caused no bodily harm to the person or animal attacked.

Schedule 10 Conditions for sale of animals

section 17

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	All animals	<p>(a) The animal must be in good health and free from disease; and</p> <p>(b) The animal must have been vaccinated and have received worm treatment; and</p> <p>(c) The area where the animal is held for sale must be clean and sanitary and free of vermin harbourage.</p>

Schedule 11 Dictionary

birds means all birds other than noisy birds, poultry and roosters.

lot has the meaning given in the *Planning Act 2016*, schedule 2.

noisy birds means a cacophonous bird of the galah, cockatoo, magpie, peacock or currawong variety but does not include a rooster.

planning scheme means the planning scheme of the local government.

poultry includes any species of chickens (including bantam chickens), geese, ducks, guinea fowls, turkeys, pheasants or quails (excluding roosters).

property means—

- (a) a lot; or
- (b) if a person owns and occupies 2 or more adjoining lots – the parcel of land comprising all of the lots owned by the person.

residential unit means a residence in a residential development and includes a unit, flat, apartment, duplex, townhouse or similar residence.

Example—

- a residential unit within a retirement village.

stock means an animal that is a member of any of the following groups of animals—

- (a) buffalo;
- (b) cattle;
- (c) deer;
- (d) goats;
- (e) sheep;
- (f) the family Camillidae;

Examples of members of the Camillidae family – alpacas, Arabian camels, llamas

- (g) the family Equidae.

Examples of members of the family Equidae – horses, ponies, donkeys, mules, zebras.

urban area means—

- (a) an area identified as an area intended for an urban purpose, or for an urban purpose in the future, on a map in a planning scheme that—
 - (i) identifies the area using cadastral boundaries; and
 - (ii) is used exclusively or mainly to assess development applications;

Example of a map for paragraph (a)— a zoning map

- (b) any area within the local government area which is designated as one of the following zones in the planning scheme—
 - (i) Low Density Residential Zone;
 - (ii) Medium Density Residential Zone;
 - (iii) Rural Residential Zone;
 - (iv) Emerging Community Zone.

Endnotes

1 Key

Key to abbreviations in list of amending local laws and annotations

Key		Explanation	Key		Explanation
amd	=	amended	prec	=	preceding
amdt	=	amendment	prev	=	previous
ch	=	chapter	prov	=	provision
dict	=	dictionary	pt	=	part
div	=	division	renum	=	renumbered
hdg	=	heading	rep	=	repealed
ins	=	inserted	s	=	section
num	=	numbered	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	sub	=	substituted
para	=	paragraph	tbl	=	table

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 1 (Animal Management) 2019</i>	1 February 2019	
2	<i>Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019</i>	1 November 2019	
3	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024</i>	20 December 2024	

3 List of amending local laws

Amending Subordinate Local Law No. 1 (Animal Management) 2019

Commenced on 1 February 2019

Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019

Commenced on 1 November 2019

Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024

Commenced on 20 December 2024

4 List of Annotations

Part 1 Preliminary

s4 amd 2019 No. 2 s 11

Schedule 1 Prohibition on keeping animals

s 1(a) amd 2019 No. 1 s 5

s 1(a) om, ins 2024 No. 1 s 13(1)

s 2(a) amd 2019 No. 1 s 5

s 2(a) om, ins 2024 No. 1 s 13(2)

s 3(a) amd 2019 No. 1 s 5

s 3 om, ins 2024 No. 1 s 13(3)

s 4 om, ins 2024 No. 1 s 13(4)

s 5 om, ins 2024 No. 1 s 13(5)

s 6 om, ins 2024 No. 1 s 13(6)

s 7, 8, 9 renum 2019 No. 2 s 12

s 7(a) om, ins 2024 No. 1 s 13(7)

s 8(a) om, ins 2024 No. 1 s 13(8)

s 9(a) om, ins 2024 No. 1 s 13(9)

Schedule 2 Requirement for approval to keep animals

s 1 om, ins 2024 No. 1 s 14(1)

s 2 om, ins 2024 No. 1 s 14(2)

s 3 om, ins 2024 No. 1 s 14(3)

s 4 om, ins 2024 No. 1 s 14(4)

s 5 om, ins 2024 No. 1 s 14(5)

Schedule 5 Minimum standards for keeping particular animals

tbl om, ins 2024 No. 1 s 15(1)

Schedule 8 Requirement for proper enclosures for animals

tbl om, ins 2024 No. 1 s 16(1)

Schedule 9 Criteria for declared dangerous animals

s 1(b) ins 2024 No. 1 s 17(1)

Schedule 11 Dictionary

dict ins 2024 No. 1 s 18(1)

dict om, ins 2024 No. 1 s 18(2)