

MCKINLAY SHIRE COUNCIL

LOCAL LAW POLICY NO. 5

KEEPING AND CONTROL OF ANIMALS

This local law policy is to be read with Local Law No. 5 (Keeping and Control of Animals).

1. Citation

This local law policy may be cited as Local Law Policy No. 5 (Keeping and Control of Animals).

2. Objects

The objects of this Local Law Policy are to provide detailed information called upon by Local Law No. 5 (Keeping and Control of Animals) to regulate the keeping of animals:

- (a) to protect the community against risk of injury and damage; and
- (b) to ensure that animals do not create a nuisance, or a hazard to health or safety; and
- (c) to prevent pollution and other environmental damage resulting from the keeping of animals and to protect the amenity of the local environment; and
- (d) to ensure that animals are kept and used in a way that is consistent with the rights and expectations of the local community.

3. Definitions

"poultry" includes any species of fowl, duck, goose, turkey or guinea fowl.

"township" is defined as land within the town common area of Julia Creek.

4. Local Law - Section 4 - Definitions

- (1) For the purposes of Section 4 of the Local Law all animals except dogs, cats, poultry, horses, cattle, donkeys, bees, goats, sheep and pigs are excluded from the definition of "animal".
- (2) For the purposes of Section 4 of the Local Law, the following breeds and types of dog are included in the definition of "dangerous dog":
 - (b) **Bull Terrier** - Dogs of a breed known as Bull Terrier which include Bull Terrier Types and dogs which in the opinion of an authorised person have a "predominate breed" of Bull Terrier or Bull Terrier Type.
 - (c) **Greyhound** - Dogs of the breed known as Greyhound which include cross breed Greyhounds which in the opinion of an authorised person have a "predominate breed" of Greyhound, excluding these dogs registered with the Greyhound Racing Authority (Qld).

5. Local Law - Section 6(1) - Requirement to hold permit

For the purposes of Section 6(1) of the Local Law, a permit is required to keep the following animals within the township:

- (a) Dangerous dogs as defined in Section 4 of the Local Law;
- (b) Dogs over 3 months (if the total number exceeds 2);
- (c) Depastured horses,
- (d) Depastured cattle;
- (e) Depastured goats.

6. Local Law - Section 8 - Requirement to register animal

- (1) For the purposes of Section 8(1) of the Local Law the keeper of a dog is required to have that dog registered.
- (2) For the purposes of section 8(2) of the Local Law the time period within which a keeper of a dog must apply to have the dog registered is 7 days from:
 - (a) the dog turning three months; or
 - (b) the day the keeper commences to keep a dog older than three months; or
 - (c) the day a dog older than three months is brought into the township.

7. Local Law - Section 9(2) - Obligation to register

For the purposes of Section 9(2) of the Local Law, a registered animal is required to have fixed to its collar a **registration disc** issued by the local government.

8. Local Law - Section 10(e) - Application to register

For the purposes of Section 10(e) of the Local Law, an application for the registration of an animal must include or be accompanied by:

- (a) a statement by the keeper of the animal as to whether the animal is desexed;
- (b) the address where the animal is to be kept;
- (c) consent in writing from the owner of the land where the animal is to be kept if not kept on land under the control of the keeper of the animal.

9. Local Law - Section 11(1) - Prohibited animals

For the purposes of Section 11(1) of the Local Law, the following animals are prohibited in the township:

- (a) Stallions;
- (b) Bulls;
- (c) Pigs;
- (d) Rams;
- (e) Bees.

10. Local Law - Section 13(1) - Minimum standards

For the purposes of Section 13(1) of the Local Law, the minimum standards for the keeping of animals within the township, and the townships of Nelia, Kynuna and McKinlay is as follows:

- (1) All animals:
 - (a) any land, enclosure or building in which an animal is kept must be kept in compliance with the sections of Part 17 (Vermin Control) of the *Health Regulation 1996*;
 - (b) an enclosure in which an animal is kept must be maintained in a clean and sanitary condition, in good repair and appearance, and free from flies, rats, other vermin and offensive odours;
 - (c) an enclosure in which an animal is kept must be built and maintained in such a way as to prevent the animal from escape;
 - (d) an enclosure must provide adequate space for any animal to be kept therein;
 - (e) the keeper of the animal must thoroughly clean the enclosure every day of manure and offensive matter produced by the animals on the premises and such manure and other offensive matter shall be placed into a wet-proof receptacle approved by an authorised person;
 - (f) all receptacles are to be covered at all times and their contents shall be removed every second day or more often if directed by an authorised person and then disposed of in such a manner so as not to be a nuisance or injurious or prejudicial to health;
 - (g) the keeper of the animal must provide and maintain impervious rat-proof receptacles and other impervious rat-proof storeroom facilities for the storage of feed to the satisfaction of the authorised person;
 - (h) animals must be provided with and have access to adequate shelter, clean drinking water and appropriate food to maintain the animals' good health;
 - (i) an enclosure in which an animal is kept must be effectively treated with insecticide at least twice a year;
- (2) Horses, Cattle, Donkeys and Goats:
 - (a) Stables:
 - i) a receptacle for manure or other offensive matter must be kept in the stable;
 - ii) the inside face of all external walls and all faces of interior walls of a stable must be limewashed or painted at least once in every year;
 - iii) the interior of a stable must be sprayed once at least in every 3 months with a germicidal spray;

- 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;
- v) any part of a stable must not be within the distance set out in the following table with respect to the features listed:

FEATURE	DISTANCE
Front boundary	9 metres
Side or rear boundaries	1.5 metres
Any dwelling house	9 metres
Any other building or structure	3 metres

- (b) The keeper of any horse, cattle, donkey or goat must not keep such an animal or deposit the dung of such an animal in any way so as to pollute or be likely to pollute water which is used or is likely to be used for human consumption or in dairy.

(3) Poultry:

- (a) fowl houses, fowl pens and runs are not to be situated within 9 metres of a dwelling or place where food is kept, processed or stored on any property boundary or a road;
- (b) poultry food is kept in a mouse-proof receptacle (save only for food actually put out for poultry to eat)

(4) Swine:

- (a) the interior of the enclosure where swine are kept must be sprayed at least once in every 3 months with a germicidal spray;
- (b) premises on which there is an enclosure must be provided with such means of storage and disposal of manure as approved by an authorised person;
- (c) any part of an enclosure must not be within the distance set out in the following table with respect to the features listed:

FEATURE	DISTANCE
Boundary of adjoining land in other Occupation	10 metres
Any Dwelling	15 metres
Any structure in which food for human consumption is stored (whether in the same occupation or not)	15 metres
Road	9 metres
Any watercourse, wells or bores	20 metres

11. Local Law - Section 16(1) - Term of permit

For the purposes of Section 16(1) of the Local Law, a permit is granted or renewed until the next 30 June following the date the permit is granted or renewed.

12. Local Law - Section 17(3) - Conditions of permits

For the purposes of Section 17(3) of the Local Law the following conditions may be imposed on a permit:

- (a) the animal must be sufficiently fed and watered;
- (b) the animal must have adequate protection from the weather;
- (c) the animal must be restrained by enclosures, fences or be tethered so as to effectively prevent the animal from straying off the premises;
- (d) the inside face of all external walls and all faces of interior walls of a stable must be limewashed or painted to the satisfaction of an authorised person;
- (e) the animal must not create a dust nuisance that is likely to affect an adjoining owner of land.