

LG301*

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

Town of Kwinana
DOGS LOCAL LAW 2010

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Kwinana resolved on 10 November 2010 to adopt the following local law.

The *Town of Vincent Dogs Local Law 2007* as published in the *Government Gazette* on 21 November 2007 is adopted as a local law of the Town of Kwinana with the modifications as set out below.

1. Preliminary

Wherever the words "Town of Vincent" is mentioned in the local law substitute with the words "Town of Kwinana".

2. Part 1 amended

- (a) Delete clause 1.1 and its heading and insert—

1.1 Citation

This local law may be cited as the *Town of Kwinana Dogs Local Law 2010*.

- (b) Delete clause 1.4 and its heading and insert—

1.4 Repeal

The *Town of Kwinana Dogs Local Law* published in the *Government Gazette* on 1 February 2002 is repealed.

3. Part 5 amended

- (a) Delete clause 5.1 and its heading and insert—

5.1 Places where dogs are prohibited absolutely

- (1) Subject to section 8 of the Act and section 66J of the *Equal Opportunities Act 1984*, dogs are prohibited absolutely from entering or being in any of the following places—

- (a) a public building, shop or business premises, with the exception of a shop or business premises where dogs are sold; unless permitted by a sign;
- (b) a theatre or picture gardens;
- (c) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*;
- (d) a public swimming pool;
- (e) a building site or premises where every part of the fence and every gate or door in the fence, is not of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through the fence, gate or door;
- (f) land which has been set apart by the local government as a children's playground;
- (g) Kwinana Golf Course—Reserve No. 25309; and
- (h) all beaches within the local government

- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

- (b) Delete subclause 5.2(1) and insert—

- (1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act the following are dog exercise areas,

- (a) the places set out in Schedule 4; and
- (b) Chisham Oval, Parmelia—Reserve 365622—Bushland Only

4. Part 6 amended

- (a) Delete subclause 6.1(3) and insert—

- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if—

- (a) the excrement is removed immediately by that person and disposed of on private land with the consent of the occupier or in such other manner as the local government may approve; or

- (b) they dispose of the dog excrement into a receptacle or bin on a park, reserve or land, specifically provided for holding dog excrement by the local government.

5. Schedules 1—5 amended

- (a) Delete Schedule 1 heading and insert—

SCHEDULE 1

Dog Act 1976

Local Government Act 1995

Town of Kwinana Dogs Local Law 2010

Application for a licence for an approved kennel establishment

- (b) Delete Schedule 2 heading and insert—

SCHEDULE 2

Dog Act 1976

Local Government Act 1995

Town of Kwinana Dogs Local Law 2010

Conditions of a licence for an approved kennel establishment

- (c) Delete Schedule 3 and its heading and insert—

SCHEDULE 3

Dog Act 1976

Local Government Act 1995

Town of Kwinana Dogs Local Law 2010

Offences in respect of which modified penalty applies

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorised release of a dog from a pound	200	400
2.4(b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	400
3.1(3)	Failing to provide means for effectively confining a dog	100	200
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	100	200
6.1(2)	Dog excreting in a prohibited place	100	100
	All other offences not specified	100	200

- (d) Delete Schedule 4 and its heading and insert—

SCHEDULE 4

Dog Act 1976

Local Government Act 1995

Town of Kwinana Dogs Local Law 2010

Dog Exercise Areas—Unrestricted Time Limits

Item No.	Description of Public Place
1.	Harry McGuigan Park, Medina—Reserve 24172
2.	Littlemore Park, Orelia—Reserve 30086
3.	Lot 268 Skottowe Parkway, Parmelia—Reserve 40922
4.	Lot 2 Postans Road, Hope Valley—Reserve 37356
5.	Lot 1333 Liddelow Road, Wandi—Reserve 36759
6.	Lot 1876 Wellard Road, Wellard Road, Sloans Reserve—Reserve 25132
7.	Lot E20 Parmelia Avenue, Peace Park, Parmelia—Reserve 33949

8.	Lot 4909 Westmoreland Cir, Bertram—Reserve 47331
9.	Daintree Loop, Bertram—Reserve 47259
10.	Harrison Way, Calista—Reserve 30326
11.	Whitebread Way, Leda—Reserve 43072
12.	Littlemore Park Reserve, Orelia—Reserve 30068
13.	Hennessy Park Reserve, Orelia—Reserve 30736
14.	Weaver Lane Public Recreation Reserve Wellard—Reserve 40218
15.	Lot 335 Wellard Road, Wellard Park, Wellard—Reserve 40218
16.	Lot 200 Seabrook Way, Medina—Reserve 33240

(e) Delete Schedule 5 and its heading.

Dated: 15 November 2010.

The common seal of the Town of Kwinana was affixed by the authority of a resolution of the Council in the presence of—

CAROL ADAMS, Mayor.
NEIL HARTLEY, Chief Executive Officer.