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WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, WEDNESDAY, 6 JULY 2011 No. 129 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

CITY OF GOSNELLS

DOGS LOCAL LAW 2011

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DOGS LOCAL LAW 2011

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Gosnells resolved on 14 June 2011 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Gosnells Dogs Local Law 2011*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Repeal

The *City of Gosnells Dogs Local Law 2000* published in the *Government Gazette* on 4 September 2000 is repealed.

1.4 Interpretation

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

authorised person means a person appointed by the City to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the City;

City means the City of Gosnells;

dangerous dog has the meaning given to it in the Act;

district has the meaning given to it by the *Local Government Act 1995*;

pound keeper means a person appointed by the City to perform all or any of the functions conferred on a “pound keeper” under this local law;

premises has the meaning given to it in the Act;

Regulations means the *Dog Regulations 1976*;

thoroughfare has the meaning given to it in the *Local Government Act 1995*; and

Town Planning Scheme means a Town Planning Scheme of the City made under the *Planning and Development Act 2005*, or a Town Planning Scheme which was made under the *Town Planning and Development Act 1928*.

1.5 Application

This local law applies throughout the district.

PART 2—IMPOUNDING OF DOGS

2.1 Charges and costs

The following are to be imposed and determined by the City under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the Chief Executive Officer.

2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the Chief Executive Officer.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—

- (a) of their ownership of the dog or of their authority to take delivery of it; or
- (b) that they are the person identified as the owner on a microchip implanted in the dog.

2.4 No breaking into or destruction of pound

A person who—

- (a) is not the pound keeper or a person authorised to do so, releases or attempts to release a dog from a pound; or
- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
 - (i) any pound; or
 - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,

commits an offence.

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

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

- (a) cause a portion of the premises on which the dog is kept to be fenced or walled in a manner capable of confining the dog;
- (b) ensure the fence or wall used to confine the dog and every gate or door in the fence or wall is 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 it;
- (c) ensure that every gate or door in the fence or wall is kept closed at all times and is fitted with a proper latch or other means of fastening it when the dog is on the premises;
- (d) maintain the fence or wall and all gates and doors in the fence or wall in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

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

3.2 Limitation on the number of dogs

(1) The owner or occupier of any premises within the district shall not keep, permit or suffer to remain thereon more than 2 dogs over the age of 3 months unless such premises are situated within that area of the district where kennels are permitted under any local planning scheme and such premises are licensed as an approved kennel establishment in compliance with Part 4 of these local laws.

(2) Notwithstanding the provisions of subclause (1) an occupier of a premise located within the area of Town Planning Scheme 6—Kennel Zone may keep, without a kennel establishment licence, up to 4 dogs over the age of 3 months registered in compliance with the Act and the young of those dogs under that age.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in Schedule 2—

licence means a licence to keep an approved kennel establishment on premises;

licensee means the holder of a licence;

premises, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.11.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the City together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the City, sufficiently close to the premises so as to control the dogs and ensure their health and welfare;
- (c) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs which may be nominated from time to time by the City; and
- (d) the fee for the application for a licence referred to in clause 4.7(1).

4.3 Determination of application

In determining an application for a licence, the City is to have regard to—

- (a) the matters referred to in clause 4.4;
- (b) any written submissions received on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.4 Where application cannot be approved

The City can not approve an application for a licence where—

- (a) an approved kennel establishment can not be permitted by the City on the premises under a Town Planning Scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the City, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.5 Conditions of approval

(1) The City may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the City considers appropriate.

(2) In respect of a particular application for a licence, the City may vary any of the conditions contained in Schedule 2.

4.6 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

4.7 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the City.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the City.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the City.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the City under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.8 Form of licence

The licence is to be in the form determined by the City and is to be issued to the licensee.

4.9 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.7(2) is paid to the City prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.10 Variation or cancellation of licence

- (1) The City may vary the conditions of a licence.
- (2) The City may cancel a licence—
 - (a) on the request of the licensee;

- (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
- (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.11 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
- (a) made in the form determined by the City;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the City together with—
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.7(3).
- (2) The City is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The City may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the City approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.12(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.12 Notification

The City is to give written notice to—

- (a) an applicant for a licence of the City's decision on her or his application;
- (b) a transferee of the City's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.10(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.10(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.10(2), which notice is to be given in accordance with section 27(6) of the Act.

4.13 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

- (1) Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*, dogs are prohibited absolutely from entering or being in any of the following places—
- (a) a public building unless permitted by a sign;
 - (b) a theatre or picture gardens;
 - (c) all businesses or vehicles classified as food business or food transport vehicles under the *Food Act 2008*; and
 - (d) a public swimming pool.
- (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.

5.2 Places which are dog exercise areas

For the purposes of sections 31 and 32 of the Act, the lands described in Schedule 4 and which are coloured green in the map in Schedule 5 are dog exercise areas except for—

- (a) land which has been set apart as a children's playground;

- (b) an area being used for sporting or other activities, as permitted by the City, during the times of such use; or
- (c) a car park.

PART 6—MISCELLANEOUS

6.1 Offence to excrete

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: \$500.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person and disposed of to the satisfaction of an authorised person.

PART 7—ENFORCEMENT

7.1 Interpretation

In this Part—

infringement notice means the notice referred to in clause 7.3; and

notice of withdrawal means the notice referred to in clause 7.6(1).

7.2 Modified penalties

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the dog is not a dangerous dog; or
- (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.3 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

7.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the City the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the City may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorised to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

7.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the City under the Act, or as ascertained from inquiries made by the City.

Schedule 1

APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[clause 4.2]

I/We (full name/s)			
Postal Address			
	Post Code		
Phone No.		Fax No.	Email
Apply for a licence for an approved kennel establishment at		(address of premises)	

For Number of dogs		Breed of dogs	
*	(name of person)	Will be residing at the premises on and from	(insert date)
*	(name of person)	Will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at	

(insert address)

*	(name of person)	will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at
---	-------------------------	--

(insert address of residence)

On and from	(insert date)
--------------------	----------------------

* *Only applicable section needs to be completed.*

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (d) if the person in item (c) is not the applicant, written evidence that the person is a person in charge of the dogs.

Signature of applicant Date

Note: a licence if issued will have effect for a period of 12 months—section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on *[insert date]**Schedule 2*

CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[clause 4.5(1)]

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 30m from the front boundary of the premises and 10m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 10m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence a minimum of 1.8m in height constructed of link mesh or netting or other materials approved by the City;
- (d) the minimum floor area for each kennel must be 2.5m² in area for each dog over the age of 3 months kept therein;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must discharge to a properly laid, ventilated and trapped drain in accordance with the health requirements of the City;
- (g) all kennel floor washings must pass through the drains in item (f)(x) and must be piped to an approved apparatus for the treatment of sewage (as specified by the *Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974*) and in accordance with the health requirements of the City;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or alternatively internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel shall be 2m;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheathed internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the City;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily to the satisfaction of an authorised person;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water both for cleaning and drinking must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the City, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Schedule 3

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

[clause 7.2]

Clause	Nature of Offence	Modified Penalty \$	Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorized 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	
3.1	Failing to provide means for effectively confining a dog	100	200
4.6	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	100	

Schedule 4

DOG EXERCISE AREAS

[clause 5.2]

For the purposes of sections 31 and 32 of the Act, the following are dog exercise areas—

Beckenham—

Kenwick Link, Lot 0 on Plan D9486, Lot 1 on Plan D42179, and Lot 2 on Plan D41793;

Woodlupine Brook Reserve. Reserve 31946—Lot 2468 on Plan 10026 and Lot 2546 on Plan 9533, Reserve 31946—Lot 2545 on Plan P10121, Reserve 33140—Lot 2641 on Plan D44649, Lot 2642 on Plan P10570, and Lot 2742 on Plan P10800, Reserve 33152, Reserve 33153—Lot 2644 on Plan P10570, and Reserve 33154—Lot 2645 on Plan P10570. Lot 438 on Plan P10121 and Lot 2643 on Plan P88722;

Canning Vale—

Bracadale Way Reserve, Shreeve Road. Reserve 37972—Lot 337 on Plan P13728, Reserve 47414—Lot 4804 on Plan P31122, and Reserve 47430—Lot 5092 on Plan P28970. Lot 500 on Plan DP64233;

Gosnells—

Banksia Estate Reserve, Anaconda Drive. Lot 87 on Plan P11952;

Cliff Place Reserve, Cliff Place. Reserve 33771—Lot 2753, Reserve 45677—Lot 4289 on Plan D88687. Lot 60 on Plan D71546, Lot 64 on Plan 10648, Lot 203 on Plan D88687, Lot 303 on Plan D70813, Lot 305 on Plan D72429, Lot 306 on Plan D79713, Lot 777 on Plan D70114, and Lot 800 on Plan DP24418;

Chilcott Gardens, Lot 66 on Plan D71439;

Corfield Street, Reserve 33667—Lot 2731 on Plan D48186. Lot 306 on Plan D97568;

Foreshore Place, Lot 9001 on Plan DP45273;

Foreshore Place Reserve, Canning River. Reserve 41565—Lot 3779 on Plan P19084. Lot 3733 on Plan P17312, and Lot 9000 on Plan DP45273;

Fremantle Road, Lot 1152 on Plan P2566;

Gosnells River Foreshore, Baron Way. Reserve 34273—Lot 2831, Reserve 34989—Lot 3287 on Plan D56973, Reserve 38685—Lot 3984 on Plan P11952, Reserve 39647—Lot 3532 on Plan P15045, and Reserve 47706—Lot 5107 on Plan DP40939. Lot 31 on Plan P12946, Lot 67 on Plan P12921, Lot 165 on Plan D47921, Lot 166 on Plan P11085, Lot 679 on Plan P13125, Lot 681 on Plan D60810, Lot 1218 on Plan 3313, Lot 1219 on Plan P2608, Lot 1673 on Plan P3314, Lot 1674 on Plan P3314, Lot 3246 on Plan P14373 and Lot 3953 on Plan D51589;

Homestead Road, Lot 4 on Plan D58301, Lot 110 on Plan D79949, and Lot 553 on Plan D90975;

John Okey Davis Park, Homestead Road. Reserve 37270—Lot 3267 on Plan P12942, Lot 3346 on Plan D51959, Lot 4145 on Plan P2566, Lot 4146 on Plan P2566, Lot 4147 on Plan D50481, and Lot 4148 on Plan D51959. Lot 181 on Plan P3047, and Lot 201 on Plan P12942;

Kindred Place, Lot 5 on Plan D41332, and Lot 90 on Plan D59338;

Mable Davies Park, Lawrence Street. Reserve 33662—Lot 4155 on Plan P193406. Lot 151 on Plan P11260;

Princess Street, Lot 91 on Plan D59338, Lot 102 on Plan D64397, Lot 301 on Plan D79254, and Lot 302 on Plan D79254;

Robinson Park, Corfield Street. Reserve 31976—Lot 2501, Lot 2787 and Lot 2852. Reserve 32283—Lot 2538 and Lot 2776. Lot 864 on Plan P2567, Lot 865 on Plan P2567, Lot 866 on Plan P2567 and Lot 867 on Plan P2567;

Shannon Ramble Reserve, Chandilla Street. Reserve 39815—lots 3545 on Plan P15274, Reserve 41487—Lot 3712 on Plan 17184 and Lot 4384 on Plan P17184, Reserve 47001—Lot 4811 on Plan P31159, Lot 4813 on Plan DP32172, Lot 4821 on Plan P29093, and Lot 4824 on Plan DP32029, Reserve 47210—Lot 4812 on Plan P31159 and Lot 4814 on Plan DP32172;

Southernwood Park, Anaconda Drive. Reserve 34989—Lot 2970 on Plan D51778, Lot 3307 on Plan P13510, Lot 3593 on Plan P15189, and Lot 4142 on Plan D51778;

Station Street Reserve, Station Street. Lot 100 on Plan D44439, Lot 101 on Plan D44439, and Lot 201 on Plan D82092;

Huntingdale—

Armstrong Park, Essington Street. Reserve 33185—Lot 2653, and Reserve 33428—Lot 2676. Lot 2990 on Plan P12045;

Cardington Way Reserve, Cardington Way. Reserve 32522—Lot 2567 and Lot 2732, Reserve 33124—Lot 2638, Lot 2639, Lot 2769, Lot 2774 and Lot 2779, Reserve 34249—Lot 2840 on Plan P10938. Lot 152 on Plan P10858 and Lot 218 on Plan P11314;

Huntingdale River Foreshore. Lot 75 on Plan P10938, Lot 166 on Plan P14373, Lot 1675 on Plan P3314, and Lot 1676 on Plan P3314;

Lilac Place, Lot 99 on Plan D41536, and Lot 1143 on Plan P2566;

Princess Street, Reserve 25044—Lot 1620 on Plan D22788, Reserve—37077, Lot 3246 on Plan D59338 and Lot 3411 on Plan D64397. Lot 152 on Plan P10858, and Lot 1672 on Plan P3314;

Rusthall Way Reserve, Rusthall Way. Reserve 38683—Lot 3427. Lot 165 on Plan P14373;

Wattle Way, Lot 104 on Plan D70459;

Yulan Court Reserve, Yulan Court. Lot 28 on Plan D44494, Lot 35 on Plan D48186, and Lot 55 on Plan D44494;

Kenwick—

Aldinga Street Reserve, Aldinga Street. Reserve 45388—Lot 4199 on Plan P20044. Lot 50 on Plan D76663, Lot 51 on Plan D76664, and Lot 304 on Plan P2976;

Kenwick Link, Lot 42 on Plan P10367;

Osmond Street, Reserve 4430—Lot 4077 on Plan D76134. Lot 17 on Plan P2976, Lot 50 on Plan D63666, Lot 81 on Plan D96355, and Lot 120 on Plan D96385;

Packer Park, Dudley Road. Reserve 30752—Lot 2340 on Plan P889. Lot 42 on Plan P5496;

Rimmer Lane, Lot 501 on Plan D71790, Lot 505 on Plan D85002, Lot 506 on Plan D89787, Lot 510 on Plan D95752, and Lot 111 on Plan P34829;

Langford—

Ellison Drive Reserve, Ellison Drive. Reserve 32676—Lot 2588;

Hester Park, Spencer Road. Reserve 29223—Lot 2149 on Plan D33955, and Reserve 35022—Lot 2969. Lot 3 on Plan D58127, and Lot 55 on Plan P11385;

Latimer Way Reserve, Latimer Way. Reserve 34179—Lot 4761 on Plan DP28830, and Lot 3879 on Plan D84116, Reserve 34180—Lot 2816, and Reserve 47448—Lot 4760 on Plan DP28830. Lot 2 on Plan P2499, Lot 3 on Plan P2499, Lot 4 on Plan P2499, Lot 69 on Plan P11112, Lot 141 on Plan D46231, Lot 150 on Plan D48023, Lot 150 on Plan D93059, Lot 500 on Plan D67784, Lot 806 on Plan DP39690, and Lot 3003 on Plan DP41749;

O'Dell Street Reserve, O'Dell Street. Reserve 28739—Lot 2594 on Plan D45620 and Lot 2087 on Plan P8464, Reserve 30574—Lot 2317 on Plan D38326 and lot 3971 on Plan D35019, Reserve 30692—Lot 2327. Lot 311 on Plan DP47102;

Maddington—

Attfield Street, Lot 24 on Plan D94489, Lot 30 on Plan D32343, and Lot 100 on Plan D78993;

Gibbs Park, Alcock Street. Lot 1 on Plan D40216, Lot 340 on Plan P3327, and Lot 342 on Plan P003327;

Heron Place Reserve, Heron Place. Reserve 32093—Lot 300 on Plan DP48681, and Reserve 43367—Lot 3914 on Plan D79695. Lot 56 on Plan P15320;

Homestead Park. Reserve 26227—Lot 1821 on Plan P7580, Reserve 27924—Lot 1972, Reserve 32093—Lot 164 on Plan P11340, Lot 2473 on Plan P9830, Lot 2880 on Plan

P8816, and Lot 2955 on Plan P8816, Reserve 33061—Lot 2633, Reserve 33961—Lot 565 on Plan DP 67741, Lot 2780 on Plan P11341, Lot 2971 on Plan D51572, and Reserve 35025—Lot 2967;

Kawane Avenue Reserve, Burslem Drive. Lot 800 on Plan DP48091;

Southern River—

Polocrosse Grounds, Southern River Road. Lot 100 and Lot 101 on Plan DP42005;

Thornlie—

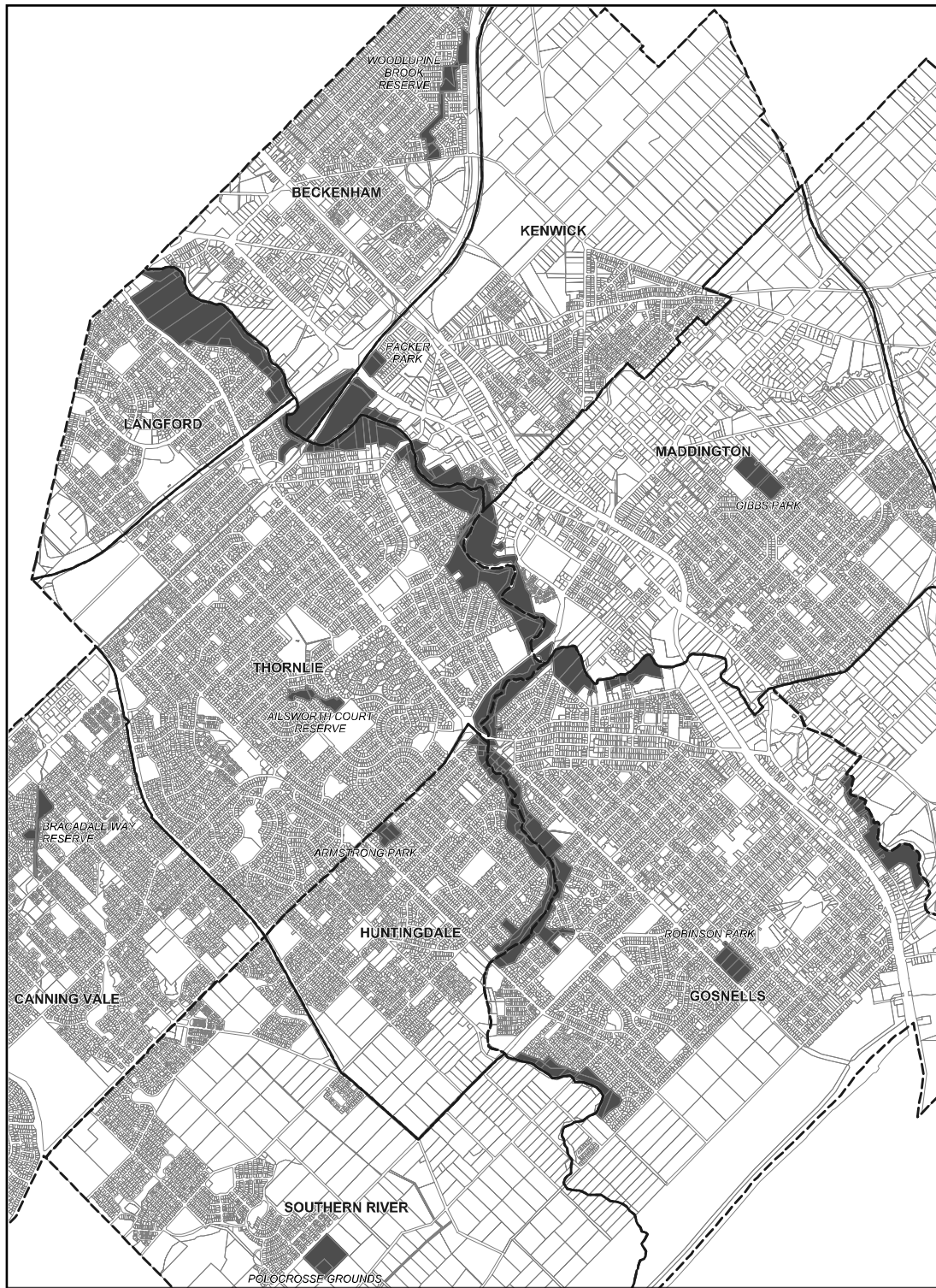
Ailsworth Court Reserve, Ailsworth Court. Reserve 34795—Lot 2926. Lot 255 on Plan P10639;

Corriedale Reserve, Corriedale Way. Reserve 36197—Lot 3125 on Plan 11997, Lot 3214 on Plan P11997, Lot 3758 on Plan 11997, and Lot 3759 on Plan D64126;

Thornlie River Foreshore. Reserve 27505—Lot 1963 on Plan P8157, Reserve 32093—Lot 203 on Plan P12942, Reserve 33061—Lot 2633, Reserve 33663—Lot 2729, and Reserve 37270—Lot 3267 on Plan P12942. Lot 1 on Plan D48841, Lot 2 on Plan D52716, Lot 29 on Plan D32343, Lot 32 on Plan D47062, Lot 75 on Plan D66110, Lot 105 on Plan D55147, Lot 106 on Plan D55149, Lot 153 on Plan P11260, and Lot 298 on Plan P11341.

Schedule 5
MAP OF DOG EXERCISE AREAS

[clause 5.2]



CITY OF GOSNELLS

■ - DOG EXERCISE AREAS

MGA94 ZONE 50 DATE: 11/5/2011 N.T.S.

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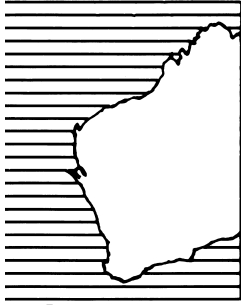


Dated: 24 June 2011.

The Common Seal of the City of Gosnells was affixed by authority of a resolution of the Council in the presence of—

**OLWEN SEARLE JP, Mayor.
IAN COWIE, Chief Executive Officer.**

!201100130GG!



**WESTERN
AUSTRALIAN
GOVERNMENT**
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, WEDNESDAY, 6 JULY 2011 No. 130 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

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DOG ACT 1976

SHIRE OF KELLERBERRIN

DOGS LOCAL LAW

DOG ACT 1976

SHIRE OF KELLERBERRIN

DOGS LOCAL LAW

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DOG ACT 1976

SHIRE OF KELLERBERRIN

DOGS LOCAL LAW

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Kellerberrin resolved on 21st February 2000 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Kellerberrin Dogs Local Law.

1.2 Definitions

In this local law unless the context otherwise requires—

“Act” means the *Dog Act 1976*;

“authorized person” means a person authorized by the local government to perform all or any of the functions conferred on an authorized person under this local law;

“CEO” means the Chief Executive Officer of the local government;

“local government” means the Shire of Kellerberrin;

“pound keeper” means a person authorized by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

“Regulations” means the *Dog Regulations 1976*;

“thoroughfare” has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

“town planning scheme” means a town planning scheme made by the local government under the *Town Planning and Development Act 1928* which applies throughout the whole or a part of the district.

1.3 Application

This local law applies throughout the district.

PART 2—IMPOUNDING OF DOGS

2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the Chief Executive Officer.

2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the Chief Executive Officer.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—

- (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
- (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 No breaking into or destruction of pound

A person who—

- (a) unless he or she is the pound keeper or a person authorized to do so, releases or attempts to release a dog from a pound; or
 - (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
 - (i) any pound; or
 - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,
- commits an offence.

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

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS**3.1 Dogs to be confined****(1) An occupier of premises on which a dog is kept must—**

- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
- (b) ensure the fence used to confine the dog and every gate or door in the fence is 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 it;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

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

3.2 Limitation on the number of dogs**(1) This clause does not apply to premises which have been—**

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

PART 4—APPROVED KENNEL ESTABLISHMENTS**4.1 Interpretation****In this Part and in Schedule 2—**

“licence” means a licence to keep an approved kennel establishment on premises;

“licensee” means the holder of a licence;

“premises”, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

“transferee” means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;

- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a town planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

4.10 Fees

(1) On lodging an application for a licence, the applicant is to pay a fee to the local government.

(2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.

(3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.

(4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

4.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.12 Period of licence

(1) The period of effect of a licence is set out in section 27(5) of the Act.

(2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.

(3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.13 Variation or cancellation of licence

(1) The local government may vary the conditions of a licence.

(2) The local government may cancel a licence—

(a) on the request of the licensee;

(b) following a breach of the Act, the Regulations or this local law; or

(c) if the licensee is not a fit and proper person.

(3) The date a licence is cancelled is to be, in the case of—

(a) paragraph (a) of subclause (2), the date requested by the licensee; or

(b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.

(4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer

(1) An application for the transfer of a valid licence from the licensee to another person must be—

(a) made in the form determined by the local government;

(b) made by the transferee;

(c) made with the written consent of the licensee; and

(d) lodged with the local government together with—

(i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and

(ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).

(2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

(3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

(4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to—

(a) an applicant for a licence of the local government's decision on her or his application;

- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorized person may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

- (1) Dogs are prohibited absolutely from entering or being in any of the following places—
- (a) where so indicated by a sign, a public building;
 - (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.
- (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.

PART 6—MISCELLANEOUS

6.1 Offence to excrete

- (1) A dog must not excrete on—
- (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- Penalty: \$200.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 7—ENFORCEMENT

7.1 Interpretation

In this Part—

- “infringement notice” means the notice referred to in clause 7.3; and
“notice of withdrawal” means the notice referred to in clause 7.6(1).

7.2 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if—
- (a) the dog is not a dangerous dog; or
 - (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.
- (3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.3 Issue of infringement notice

Where an authorized person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

7.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any

particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

7.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

Schedule 1

(clause 4.2)

LOCAL LAWS RELATING TO DOGS

APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

I/we (full name)

of (postal address)

(telephone number)

(facsimile number)

(E-mail address)

Apply for a licence for an approved kennel establishment at (address of premises)

For (number and breed of dogs)

* (insert name of person) will be residing at the premises on and from (insert date)

* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at

..... (insert address of residence)

on and from (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
(b) plans and specifications of the kennel establishment;
(c) copy of notice of proposed use to appear in newspaper;
(d) copy of notice of proposed use to be given to adjoining premises;
(e) written evidence that a person will reside—
(i) at the premises; or
(ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
(f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant

Date

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on *[insert date]*.

Schedule 2

(clause 4.8(1))

CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
 - (i) 2m; or

- (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorized person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Schedule 3

(clause 7.2)

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

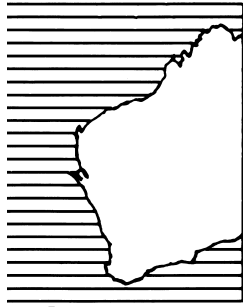
Offence	Nature of Offence	Modified Penalty \$	Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorized release of a dog from a pound	200	400
2.4(b)&(c)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	50	200
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	40	

Dated this 21st day of June 2011.

The Common Seal of the Shire of Kellerberrin was affixed by authority of a resolution of the Council in the presence of—

S. M. McDONNELL, Shire President.
D. A. FRIEND, Chief Executive Officer.

!201100137GG!



**WESTERN
AUSTRALIAN
GOVERNMENT**
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, THURSDAY, 21 JULY 2011 No. 137 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

CITY OF SOUTH PERTH

DOG LOCAL LAW 2011

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

CITY OF SOUTH PERTH

DOG LOCAL LAW 2011

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PART 4—DOGS IN PUBLIC PLACES

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FIRST SCHEDULE

SECOND SCHEDULE

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

CITY OF SOUTH PERTH

DOG LOCAL LAW 2011

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the City of South Perth resolved on 28 June 2011 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as *the City of South Perth Dog Local Law 2011*.

1.2 Commencement

This local law comes into operation 14 days after its publication in the *Government Gazette*.

1.3 Repeal

The *City of South Perth Local Law Relating to Dogs No. 2 of 1997* published in the *Government Gazette* on 9 December 1997 is repealed.

1.4 Definitions

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

authorised person means a person appointed by the local government under section 29(1) of the Act to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

dangerous dog means a dog which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog;

district means the area of the State that has been declared to be the district of the local government under the *Local Government Act 1995* and includes, for certain purposes provided for in this Act, other areas which although not being within the boundaries of the district are regarded for those purposes as being part of the district;

local government means the City of South Perth;

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005* which applies throughout the whole or a part of the district;

owner, in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

person liable for the control of the dog has the same meaning as in section 3(1) of the Act;

penalty unit means the amount prescribed by the local government as a standard penalty unit in the *City of South Perth Local Law Relating to Penalty Units*, published in the *Government Gazette* on 20 June 2003, as amended from time to time;

pound means—

(a) the facility located on the corner of Hayman Rd and Thelma St, Como; and

(b) any other facility, of any replacement facility, established as a pound by the Council under section 11(1) of the Act;

pound keeper means a person authorised by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

premises has the same meaning as in section 3(1) of the Act;

public building means a building open to or used by the public for any purpose;

Regulations means the *Dog Regulations 1976*, and *thoroughfare* has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2—IMPOUNDING OF DOGS

2.1 Fees and charges

The following fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the fees for the destruction and disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to the pound keeper, or in the absence of the pound keeper, to the CEO.
- (2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; and
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 Offences relating to pounds

A person who—

- (a) unless he or she is the pound keeper or a person authorised to do so, releases or attempts to release a dog from a pound; or
- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
 - (i) any pound; or
 - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,

commits an offence.

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

- (a) cause that portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
- (b) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (c) maintain the fence and all gates and doors in the fence in good order and condition; and
- (d) where no part of the premises consists of open space, yard or garden or there is no open space, garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) An occupier who fails to comply with subclause (1) commits an offence.

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises in respect of which an exemption under 26(3) of the Act applies.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.

PART 4—DOGS IN PUBLIC PLACES

4.1 Places where dogs are prohibited absolutely

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

- (a) a public building, unless permitted by a sign;
- (b) a theatre of picture gardens;
- (c) food business premises (other than an alfresco area) or a food transport vehicle for the purposes of the *Food Act 2008*;
- (d) a public swimming pool; and
- (e) those beaches, reserves and freehold land marked as 'prohibited' in the Second Schedule.

(2) Clause 4.1(e) does not apply to a built path or bridge that may be within the areas Listed.

(3) 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.

4.2 Places which are dog exercise areas

(1) Subject to clause 4.1 and subclause (2) of this clause, for the purposes of section 31 and 32 of the Act, all parks and reserves under the care, control and management of the local government are dog exercise areas except for the following—

- (a) all of 16 Morrison St, Como known as the Collier Park Retirement Village; and
- (b) those portions marked as 'on leash' in the Second Schedule.

(2) Subclause (1) does not apply to—

- (a) an area within 5 metres of land which has been set apart as a children's playground;
- (b) any area within 5 metres of the edge of playing fields being used for organised sporting or other activities, as permitted by the local government, during the times of such use; or
- (c) a car park.

PART 5—MISCELLANEOUS

5.1 Offence to excrete

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

(3) A person liable for the control of a dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 6—ENFORCEMENT

6.1 Interpretation

In this Part—

infringement notice means the notice referred to in clause 6.5; and

notice of withdrawal means the notice referred to in clause 6.8(1).

6.2 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

6.3 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding—

- (a) \$2,000, where the offence involves a dangerous dog; or
- (b) otherwise, \$1000,

and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.

6.4 Modified penalties

(1) The offences contained in Schedule 1 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the offence does not involve a dangerous dog; or
- (b) the offence involves a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence if the offence involves a dangerous dog.

6.5 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

6.6 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

6.7 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a replay as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgement.

6.8 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorised to issue an infringement notice under clause 6.5 cannot sign or send a notice of withdrawal.

6.9 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from him or her, or as recorded by the local government Act, or as ascertained from inquiries made by the local government.

6.10 Penalty units

If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

First Schedule

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

[clause 6.4]

Offence	Nature of Offence	Modified Penalty Units	Dangerous Dog Modified Penalty Units
2.4(a)	Attempting to or causing the unauthorised release of a dog from a pound	20	40
2.4(b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	20	20
3.1	Failing to provide means for effectively	5	20

	confining a dog		
4.1(2)	Dog in place from which prohibited absolutely	20	40
5.1(2)	Dog excreting in prohibited place	4	4

Second Schedule



This local law was made at the meeting of the Council of the City of South Perth held on 28 June 2011.

The Common Seal of the City of South Perth was affixed by authority of a resolution of the Council in the presence of—

J. BEST, Mayor.
S. BELL, Acting Chief Executive Officer.

