

LG301*

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

Shire of Brookton

DOGS AMENDMENT LOCAL LAW 2012

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 Shire of Brookton resolved on 16 February 2012 to make the following local law.

1. Citation

This local law is cited as the *Shire of Brookton Dogs Amendment Local Law 2012*.

2. Commencement

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

3. Principal local law

In this local law, the *Shire of Brookton Dogs Local Law* published in the *Government Gazette* on 6 November 2001 is referred to as the principal local law. The principal local law is amended.

4. Part 1 Clause 1.3 amended

(1) Amend the definition “CEO”, by inserting after “officer”—

or an acting chief executive officer

(2) Delete “town planning scheme”.

(3) Insert—

“**dangerous dog**” has the meaning given to it in the Act;

“**district**” means the district of the local government;

“**local planning scheme**” means a local planning scheme made by the local government under the *Planning and Development Act 2005*, or a town planning scheme which was made under the *Town Planning and Development Act 1928*, which applies throughout the whole or a part of the district;

“**restricted breed dog**” has the meaning given to it in regulation 3 of the *Dog (Restricted Breeds) Regulations (No. 2) 2002*;

“**townsite**” means the townsites within the district which are—

(a) constituted under section 26(2) of the *Land Administration Act 1995*;

or

(b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*;

5. Part 2 Clause 2.3 amended

In subclause (2)—

(a) Delete the “-” and insert—

of her or his ownership of the dog or of her or his authority to take delivery of it.

(b) Delete paragraph (a) and (b).

6. Part 3 Clause 3.1 amended

In subclause (1)—

(a) Insert after “premises”—

within a townsite

(b) insert new paragraph (d)—

(d) ensure that every gate or door in the fence or wall is fitted with—

(i) A proper latch attached to the gate or door on the side of the fence or wall where the dog is normally kept;

(ii) an efficient self closing mechanism; and

(iii) a latch or other means which allows the gate to be locked.

(c) Renumber paragraphs “(d)” to “(e)” inclusive, to “(e)” to “(f)” respectively.

7. Part 5 Clause 5.1 amended

In subclause (1)—

(a) delete “Dogs” and insert—

Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*, dogs

- (b) Delete paragraph (a), and insert-
 - (a) a public building, unless permitted by a sign;
 - (c) In paragraph (c), delete “Health (Food Hygiene) Regulations 1993” and insert—

Food Act 2008

- (d) In paragraph (c) delete the “.” and insert “;”;
- (e) Insert new paragraphs (e) and (f)–
 - (a) a public toilet block or changing room; and
 - (f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.

8. Part 5 Clause 5.2 amended

- (1) Insert a new subclause (3)–
- (3) Subclause (1) does not apply to—
 - (a) an area set aside by a wall or fence as a children’s playground, or where there is no wall or fence, an area within 10 m of the edge of playing equipment or apparatus;
 - (b) an area within 10 m of the edge of a playing field being used for sporting or other activities, as permitted by the local government, during the times of such use; or
 - (c) a car park, access way or right of way.

9. Schedule 1 amended

Delete “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.”

10. Schedule 2 amended

In paragraph (c) after “government”, insert
to a height of no less than 2 m

11. Schedule 3 amended

Delete Schedule 3 and insert—

Schedule 3—Offences
MODIFIED PENALTIES

[cl. 7.2]

Offence	Nature of offence	Modified penalty \$	Dangerous or Restricted Breed 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
3.2	Exceeding the number of dogs permitted to be kept at a premises	100	200
4.9	Failing to comply with the conditions of a licence	100 And a daily penalty of 10	200 And a daily penalty of 20
5.1(2)	Dog in place from which prohibited absolutely	200	400

Offence	Nature of offence	Modified penalty \$	Dangerous or Restricted Breed Dog Modified Penalty \$
6.1(2)	Dog excreting in prohibited place	100	

Dated: 22 February 2012.

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

B. J. COOTE, Shire President.
G. A. CLARK, Chief Executive Officer.