

LG301

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995
Shire of Northam

DOGS AMENDMENT LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Northam resolved by Absolute Majority on 20 June 2018 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Northam Dogs Amendment Local Law 2018*.

2. Commencement

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

3. Principal local law

This local law amends the *Shire of Northam Dogs Local Law 2008* as published in the *Government Gazette* on 16 September 2008.

The Principal local law is amended.

4. Clause 1.2 Amended

Clause 1.2 is amended as follows—

- (a) Delete the definition “**owner**”.
- (b) Insert the following definitions in alphabetical order—
 - “**nuisance**” means—
 - (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
 - (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
 - (c) interference which causes material damage to land or other property on the land affected by the interference;
 - “**owner**” in relation to a dog means—
 - (a) the person by whom the dog is ordinarily kept; or
 - (b) a person who is deemed to be the owner of the dog;
 - “**townsite**” means an area zoned as residential.
- (c) In the definition for “**Regulations**” delete “*Dog Regulations 1976*” and insert “*Dog Regulations 2013*”.

5. Clause 2.4 Amended

Delete Clause 2.4 and insert—

Clause 2.4 No breaking into or destruction of pound or vehicle

A person who, unless he or she is the pound keeper or a person authorised to do so, is releasing or attempting to release a dog from a pound, or interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs, commits an offence.

Penalty: Where the dog is a dangerous dog, \$4,000; otherwise \$2,000.

6. Clause 3.1 Amended

Clause 3.1 is amended as follows—

- (a) In subclause (1)(c) after the words ‘dog is on the premises’ insert the words ‘(unless the gate is temporarily opened in a manner that ensures the dog remains confined)’
- (b) In subclause (2) after the words ‘Penalty: Where the dog kept is a dangerous dog, \$2000; otherwise \$1,000;’ insert ‘Where the offence is of a continuing nature, a daily penalty of \$100.’
- (c) After clause 3.1(2) insert—
 - (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

7. Clause 4.9 Amended

In Clause 4.9 delete ‘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.’ and insert ‘Penalty: penalties apply as per the Act and Regulations’

8. Clause 4.13(2)(c) Amended

In Clause 4.13(2)(c) delete: 'if the licensee is not a fit and proper person'; and insert 'if the local government is dissatisfied with the conduct of the establishment'.

9. PART 5 Amended

Delete PART 5

Delete 'Clause 5.1 and 5.2'

10. Clause 6.1 Amended

In Clause 6.1(2) delete '\$200' and insert "\$500"

11. Schedule 3—Amended

Delete Schedule 3 and insert—

SCHEDULE 3

(clause 7.2)

Shire of Northam

Dogs Amendment Local Law 2018

OFFENCES WHERE MODIFIED PENALTIES APPLY

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.4	Releasing or attempting to release a dog from a pound, or interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	400
3.1(2)	Failing to comply with subclause 1	100	200
6.1(2)	Dog excreting in prohibited place	50	50

Dated: 28 June 2018.

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

CHRISTOPHER R. ANTONIO, President.
JASON B. WHITEAKER, Chief Executive Officer.