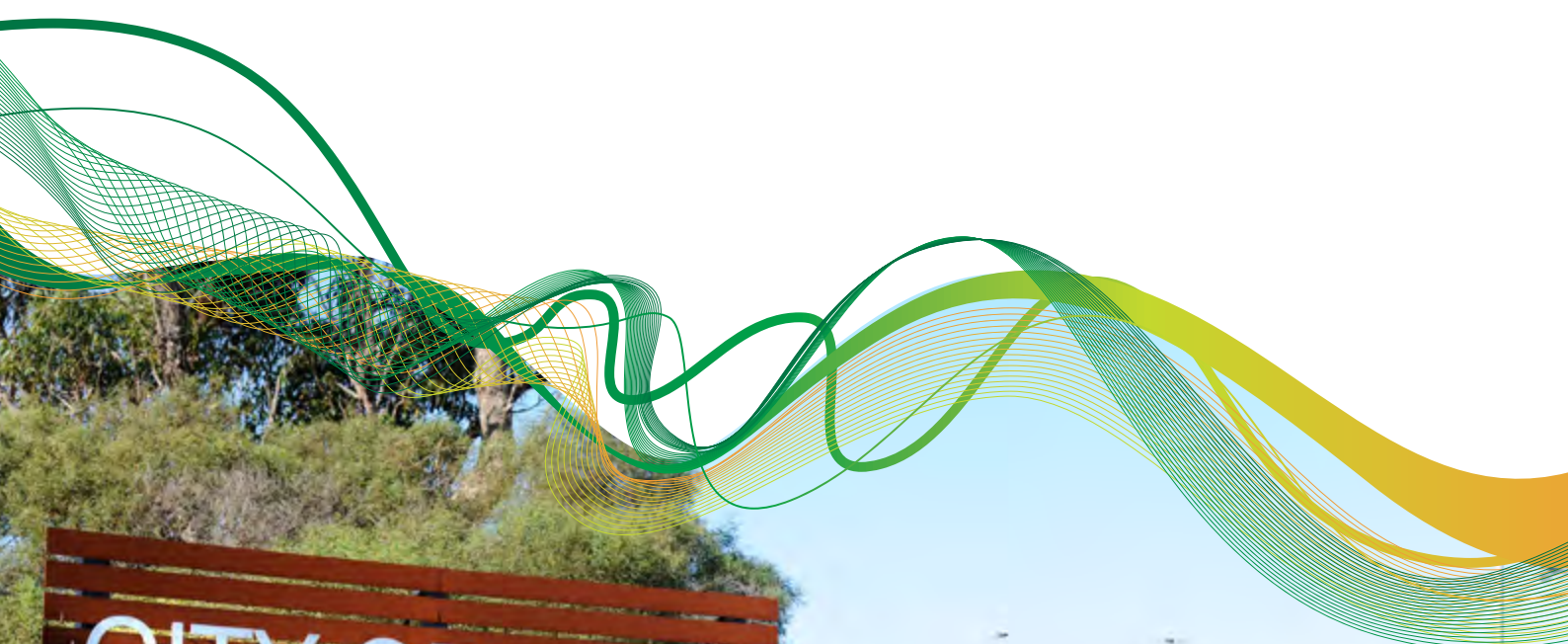


Local Law

Dogs Amendment 2016



**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995
CITY OF KWINANA
DOGS AMENDMENT LOCAL LAW 2016**

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 Kwinana resolved to make the following local law on 22 June 2016.

1. Citation

This local law is cited as the *City of Kwinana Dogs Amendment Local Law 2016*.

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 *Town of Kwinana Dogs Local Law 2010* as published in the *Government Gazette* on 19 November 2010.

4. Clause 1.6 amended

Delete clause 1.6 in entirety and replace with –

“1.6 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 to perform all or any of the functions conferred on an authorised person under this local law and includes a person appointed under section 29(1) of the Act;

CEO means the Chief Executive Officer of the local government;

District means the district of the local government;

dog management facility has the meaning given to it in the Act;

local government means the City of Kwinana;

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 has the meaning given to it in the Act;

person liable for the control of the dog has the meaning given to it in the Act;

premises has the meaning given to it in the Act;

public place has the meaning given to it in the Act;

Regulations means the *Dog Regulations 2013*; and

thoroughfare has the meaning given to it in the *Local Government Act 1995*.”

5. Clause 1.7 amended

Clause 1.7 is amended as follows:

- (a) in subclause (b), after “under clause 2.2;”, delete “and”;
- (b) renumber subclause “(c)” as subclause “(d)”;
- (c) insert a new subclause “(c)” after subclause “(b)” as follows:

“(c) the costs incurred by the operator of a dog management facility under section 30A(1) of the Act for the microchipping of a dog prior to release if so required under sections 21 or 22 of the Act; and”

6. Clause 2.1 amended

Delete the entire clause and replace with -

“2.1 Dog management facility and impounding of dogs

- (1) The local government may establish and maintain one or more dog management facilities for impounding dogs seized pursuant to the provisions of the Act or this local law.
- (2) The location of a dog management facility to be used by the local government shall be advertised from time to time in a newspaper circulating in the district.
- (3) A dog seized by an authorised person may be placed in a dog management facility.”

7. Clause 2.2 amended

Delete the entire clause and replace with -

“2.2 Attendance of authorised person at dog management facility

An authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as are determined by the CEO.”

8. Clause 2.3 amended

Delete the entire clause and replace with –

“2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to an authorised person.
- (2) The authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the authorised person, 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.”

9. Clause 2.4 deleted

Delete clause 2.4 in entirety.

10. Clause 3.1 amended

Clause 3.1 is amended as follows:

- (1) In subclause (1)(c), after “on the premises”, insert “(unless the gate is temporarily opened in a manner that ensures that the dog remains confined)”; and
- (2) Delete the entire clause regarding “Penalty” and replace with:
“Penalty: \$1,000”

11. Clause 4.1 amended

Clause 4.1 is amended by deleting the title “**Interpretation**” and replacing it with “**Definitions**”.

12. Clause 4.2 amended

In clause 4.2, after “made in the form”, delete “of that in Schedule 1” and replace with “as determined by the local government from time to time”.

13. Clause 4.4 amended

In clause 4.4, in the sentence after paragraph (b), delete “town planning scheme” and replace with “local planning scheme”.

14. Clause 4.7 amended

In clause 4.7(a), delete “town planning scheme” and replace with “local planning scheme”.

15. Clause 4.8 amended

In clause 4.8(1), after “subject to the conditions”, delete “contained in Schedule 2” and replace with “as determined by the local government from time to time”;

16. Clause 4.9 amended

In clause 4.9, delete the entire paragraph regarding “Penalty”.

17. Clause 4.13 amended

In clause 4.13(2)(b), delete “the *Dog (Restricted Breed) Regulations (No 2) 2002*”.

18. Clause 4.16 amended

Delete clause 4.16, in entirety and replace with:

“4.16 Inspection of kennel

An authorised person may inspect an approved kennel establishment -

- (a) at any time with the consent of the occupier; or
- (b) In accordance with sections 12A(2) or 12A(4) of the Act.”

19. Part 5 is deleted

20. Clause 7.1 amended

In the title of clause 7.1, delete “**Interpretation**” and replace with “**Definitions**”.

21. Clause 7.2 amended

In subclauses 7.2(1), (2), and (3), delete “Schedule 3” and replace with “Schedule 1”.

22. Clause 7.3 amended

In subclause 7.3(1), after “in the form”, delete “of Form 7 of the First Schedule of the Regulations” and replace with “determined by the local government from time to time”.

23. Clause 7.6 amended

In subclause 7.6(1), after “in the form”, delete “of Form 8 of the First Schedule of the Regulations” and replace with “determined by the local government from time to time”.

24. Schedule 1 deleted.

Delete “Schedule 1 – Application for a licence for an approved kennel establishment”, in its entirety, and replace with -

**Schedule 1
Prescribed Offences**

Item No	Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
1	3.1(3)	Failing to provide means for effectively confining a dog	200	500
2	3.2(2)	Keeping a number of dogs in excess of those permitted	200	500
3	4.9	Failing to comply with the conditions of a licence	200	500
4	6.1(2)	Dog excreting in a prohibited place	200	200
5		All other offences not specified	200	500

25. Schedule 2 deleted.

Delete “Schedule 2 – Conditions of a licence for an approved kennel establishment”, in its entirety.

26. Schedule 3 deleted.

Delete “Schedule 3 – Offences in respect of which modified penalty applies”, in its entirety.

27. Schedule 4 deleted.

Delete “Schedule 4 – Dog Exercise Areas – Unrestricted Time Limits”, in its entirety.

Dated: 22 June 2016

The Common Seal of the City of Kwinana was hereunto affixed in the presence of:-



CAROL ADAMS
Mayor



JOANNE ABBISS
Chief Executive Officer