



DOG ACT 1976

LOCAL GOVERNMENT ACT 1995

CITY OF KALGOORLIE-BOULDER

DOGS AMENDMENT LOCAL LAW 2013

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Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling the local government, the City of Kalgoorlie-Boulder resolved on 28 October 2013 to adopt the following local law by an absolute majority resolution.

1. Citation

This local law may be cited as the *City of Kalgoorlie-Boulder Dogs Amendment Local Law 2013*.

2. Commencement

This local law will come into operation 14 days after the day on which it is published in the *Government Gazette*.

3. Principal local law amended

In this local law, the *City of Kalgoorlie Boulder Dogs Local law 2012*, as published in the *Government Gazette* on 24 October 2012, is referred to as the principal local law. The principal local law is amended.

4. Clause 1.6 amended

Clause 1.6 is deleted and substituted with the following -

1.6 Interpretation

(1) 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;

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 district of the local government;

Dog Regulations means the Dog Regulations 1976;

food premises means any premises or vehicle in which a food business, as defined in section 10 of the Food Act 2008, is being carried on;

food transport vehicle has the meaning given to it in the *Food Act 2008*;

children's playground means an area set aside for use by children and noted by the presence of dedicated children's playground equipment and the presence of either sand or other form of soft fall substance;

kennel means any structure of land used for the boarding or breeding of dogs;

local government means the City of Kalgoorlie-Boulder;

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 section 3 of the Act;

person liable for the control of the dog has the meaning given to it in section 3 of the Act;

pound means a pound established under section 11 of the Act;

pound keeper means a person appointed by the local government 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 section 3 of the Act;

public place has the meaning given to it in section 3 of the Act;

Schedule means a schedule in this local law;

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

townsite means the townsites within the district which are—

(a) constituted under Section 26(2) of the *Land Administration Act 1997*; or

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

- (2) Reference to any act or local law means that act or local law as amended from time to time and includes all regulations made thereunder.

5. Clause 5.1 amended

Clause 5.1 is deleted and substituted with the following -

Clause 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) all food premises and food transport vehicles;
 - (c) a public swimming pool;
 - (d) a park used for sporting purposes or unless otherwise specified;
 - (e) a public toilet block or changing room;
 - (f) within 5 metres of a children's playground;
 - (g) a theatre or picture gardens; and
 - (h) the places listed in Schedule 4.
- (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, a fine of \$2,000; otherwise a fine of \$1,000.

- (3) This clause is subject to the *Disability Discrimination Act 1992* (Cth).

6. Clause 5.2 amended

Clause 5.2 is deleted and substituted with the following:

5.2 Places which are dog exercise areas

- (1) For the purposes of section 31 and 32 of the Act, the following public places are designated as dog exercise areas–
- (a) Arboretum – Reserve - R23840
 - (b) Edwards Park – Reserve - 29137
 - (c) Wallace Park – (Between the hours of 5.00am – 8.00am daily) Reserve - R11126
 - (d) Shepherdson Park – (Grassed area only) – Reserve - R4557
 - (e) Gribble Creek – Reserve - R42208
 - (f) Gribble Creek – (area between Johnston, Kingsmill and Wittenoom Streets) –Reserve - R32961
 - (g) Rasmussen Park – (excluding the Children’s Playground area) – Reserve R49596
 - (h) Dwyer Street Dam – Reserve - R8149
 - (i) Norkal Park – Reserve - R40625
 - (j) Bushland & Gribble Creek surrounds along Vivian Street – Reserve – R 42303
- (2) Subclause (1) does not apply to:
- (a) area set aside as a children’s playground;
 - (b) an area being used for sporting or other activities, unless permitted by the local government during the times for such use; or
 - (c) a car park.

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

7. Clause 5.2(2) deleted

Clause 5.2(2) is deleted.

8. Clause 5.3 deleted

Clause 5.3 is deleted.

9. Clause 6.1 amended

Clause 6.1 is deleted and substituted with the following:

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 the time commits an offence.

Penalty: a fine of \$500

- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if the excreta are removed immediately by that person.

10. Schedule 3 – amended

Schedule 3 is deleted and substituted with the following –

Schedule 3–Modified penalties

[clause 7.2]

Table: Offences and modified penalties

Column 1	Column 2	Column 3	Column 4	Column 5
Item No.	Clause	Nature of offence	Modified Penalty \$	Dangerous Dog Modified Penalty \$
1	2.4(2)(a)	Attempting to or causing the unauthorised release of a dog from a pound	400	
2	2.4(2)(b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	400	
3	3.2	Failing to provide means for effectively confining a dog	200	400
4	4.9	Failing to comply with the conditions of a licence	200	

5	5.1(2)	Failing to keep control of dog and keep away from a place where dogs are prohibited absolutely	200	400
6	6.1(1)	Permitting dog to excrete in prohibited place or public place or other person's property and failing to remove the excreta	100	
7	5.2	Failing to comply with the specified time limit	200	400

11. Schedule 4 – inserted

After Schedule 3 the following is inserted –

Schedule 4 - Dog Prohibited Areas

(Clause 5.1(1))

- a) Digger Daws Oval – Reserve Number R 3587
- b) DR Morrison Oval – Reserve Number R 32809
- c) Sir Richard Moore Oval – Reserve Number R 4553
- d) Cruickshanks Arena – Reserve Number R 24855
- e) Hammond Park – Reserve Number R 32178
- f) Oasis Playing Fields – Reserve Number R 41318; and
- g) Kingsbury Park – Reserve Number R6589

12. Schedule 4 –amended

Schedule 4 is deleted and substituted with the following –

[Clause 5.2]

6. Schedule 5 DOG EXERCISE AREA

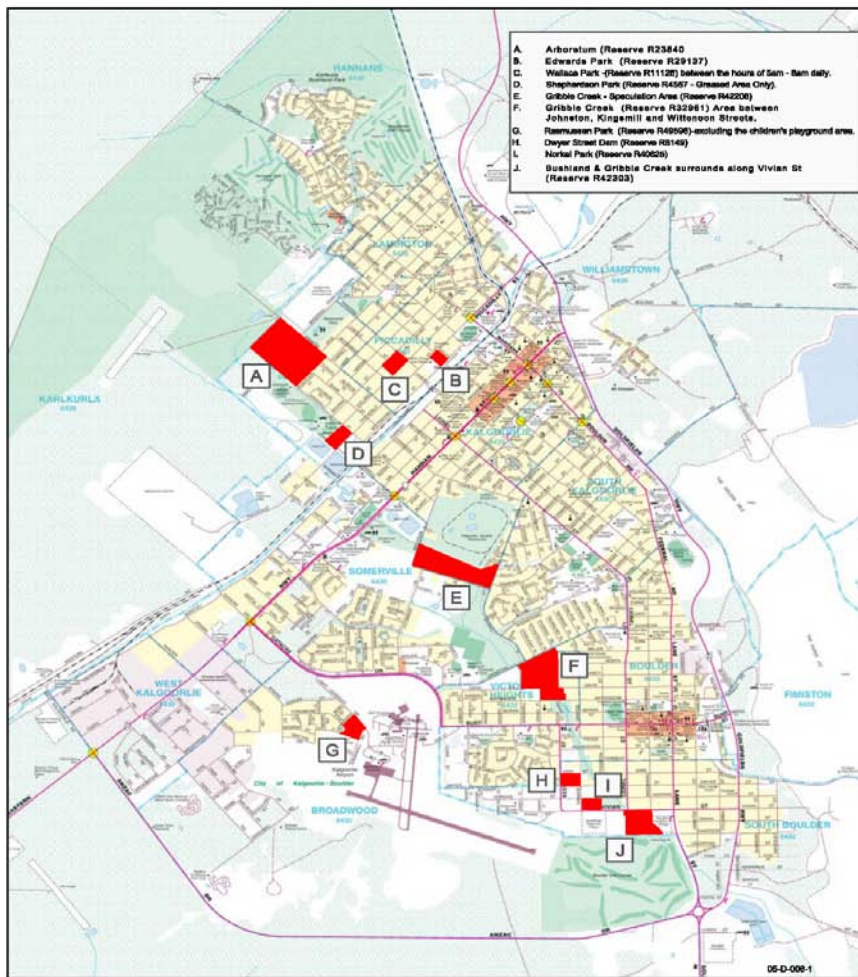


Diagram 1

Schedule 5 – Dog Exercise Areas

(Clause 5.2)

- a) Arboretum – Reserve Number R23840.
- b) Edwards Park – Reserve Number R29137.
- c) Wallace Park – Reserve Number R11126, between the hours of 5am – 8am daily.
- d) Shepherdson Park – Reserve Number R4557 – Grassed Area Only.
- e) Gribble Creek – Speculation Area – Reserve Number R42208.
- f) Gribble Creek – Reserve Number R32961 – Area between Johnston, Kingsmill and Wittenoom Streets.
- g) Rassmussen Park – Reserve Number R49596 – Excluding the children’s playground.
- h) Dwyer Street Dam – Reserve Number R8149.
- i) Norkal Park – Reserve Number R40625.
- j) Bushland & Gribble Creek surrounds along Vivian Street – Reserve Number R42303.

Dated

2013

The Common Seal of the City of Kalgoorlie-Boulder was affixed by authority of a resolution of the Council in the presence of-

R S YURYEVICH, RFD, AM, Mayor

DS BURNETT, Chief Executive Officer