

Government of **Western Australia**
Department of **Local Government and
Communities**

OurRef: 221-14 E1415474

TO ALL LOCAL GOVERNMENTS

CIRCULAR N° 18-2014

***DOG AMENDMENT REGULATIONS 2014 AND THE CAT AMENDMENT
REGULATIONS 2014***

Note: Action may be required by your Council before 31 July 2014.

Local Governments are advised that both the *Dog Amendment Regulations 2014* (Dog Regulations) and the *Cat Amendment Regulations 2014* (Cat Regulations) were published in the *Government Gazette* on Tuesday, 20 May 2014.

Since the full introduction of both Regulations in November 2013, a number of amendments have become necessary. The amendment to the Dog Regulations, detailed below, may require action by your Council by 31 July 2014.

The attachment to this circular provides an outline of the other amendments to both the Dog and Cat Regulations.

Dog Regulations - changes affecting local laws

Many local laws establish dog exercise areas, or prohibit dogs absolutely from areas, under the local government's control.

From 1 November 2013 the Dog Amendment Act removed a local government's ability to make local laws in respect of these two areas. In order to relieve local governments from having to remove these provisions from their local laws by following the local law making process set out in section 3.12 of the *Local Government Act* the Dog Regulations provide a sunset date (**31 July 2014**) for the operation of those clauses.

This means that if a local government has a local law containing clauses which establish dog exercise areas, or prohibit dogs absolutely from areas, these clauses will be inoperable from **31 July 2014**. Should local governments wish to establish exercise areas or specify places where dogs are prohibited, they must now do so via a council resolution (by absolute majority) in accordance with amended section 31 of the *Dog Act 1976* rather than through a local law.

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Local Governments are required to give 28 days notice of the intention to specify dog prohibited areas or dog exercise areas. Once the council resolution has been passed, the local government should inform the public of the new restrictions via appropriate signage at relevant public places, on their website and on Council noticeboards.

The Joint Standing Committee has also requested that to make allowance for assistance dogs, such council resolutions should be consistent with the *Disability Discrimination Act 1992* (Cth). To ensure consistency with this Act a suggested council resolution is:

The following areas are declared dog exercise areas/prohibited areas [insert the specific details as appropriate for the district].

This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth) section 9(2)*.

If you have any queries on the changes to the Regulations, please contact Ms Julie Knight, Principal Policy Officer, on (08) 6552 1595 or email to julie.knight@dlgc.wa.gov.au



Jennifer Mathews
DIRECTOR GENERAL

ZZ MAY 2014

Dog Amendment Regulations 2014 and the Cat Amendment Regulations 2014 - Outline of Amendments

The following is an outline of amendments to the *Dog Amendment Regulations 2014* (Dog Regulations) and the *Cat Amendment Regulations 2014* (Cat Regulations) provided by the Department of Local Government and Communities as an attachment to Circular N° 18-2014.

Dog Regulations and Cat Regulations

The prescribed microchip implanter courses have been amended to include the Certificate IV in Local Government (Regulatory Services). This change was made so that Rangers who have completed this course (along with the prescribed implanter course) will be able to microchip cats and dogs.

Other changes have been made so that both Regulations reflect other courses that are available through Western Australian Registered Training Providers.

Dog Regulations and Cat Regulations

The "Global Microchip Registry Pty Ltd, trading as 'Global Micro Animal Registry'" has been added to the prescribed list of microchip database companies for both Regulations.

Cat Regulations

The *Dog Act 1976* (Dog Act) provides for a local government to discount or waive a registration fee payable for a dog in its district; however, the same provision was not included in the *Cat Act 2011*. This provision has now been included in the Cat Regulations so that a local government may reduce or waive these fees.

Dog Regulations

Dog Regulations have been amended so that the collar worn by a commercial security dog is red and yellow, which is the same as the collar worn by dangerous dogs. Some local governments informed the Department that the red and silver collars (previously prescribed in the Dog Regulations) are difficult to source in Australia. Following research carried out by the Department, this view was confirmed and therefore, the collars have been amended to red and yellow.

Dog Regulations

When a local government receives a nuisance dog complaint (in the form already prescribed in the Dog Regulations) the matter is to be investigated.

If the authorised officer is satisfied that the nuisance has occurred, an order may be issued to the owner of the dog requiring the behaviour to be prevented.

The content of an order to prevent a dog being a nuisance has now been included in the Dog Regulations. This is not a prescribed form but may be used by local governments to ensure compliance with the Dog Act.

Dog Regulations

The following minor drafting errors have been amended

1. On Schedule 1, Form 2 - Item 3 - *Dog Act 1976*, section 29(5a), the words 'that has attacked a person' have been changed to 'that has attacked'. Footnote (7) has also been amended.
2. Schedule 1, Form 4 - Part B now includes 'microchip database company'.
3. Regulation 33 - in the Table: Item 10, Column 2 and Item 11, Column 2, 'owner' has been amended to 'company'.
4. Regulation 32 - Schedule 1, Form 7 of the Dog Regulations is the form 'Complaint as to nuisance created by a dog'. The relevant section on Form 7 has been amended to 38(2).

Monger Reserve

Lot 588 South St, York



York Recreation & Convention Centre

Lot 53, 54 & 55 Forrest St, York



Candice Bateman Park

Lots 161, 162, 163, 164, 165, 166, 167, 168, 169 Newcastle St, York





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SHIRE OF YORK

LOCAL GOVERNMENT ACT 1995
EXTRACTIVE INDUSTRIES AMENDMENT
LOCAL LAW 2011

LOCAL GOVERNMENT PROPERTY
AMENDMENT LOCAL LAW 2012

CEMETERIES ACT 1986
CEMETERIES AMENDMENT LOCAL LAW 2012

DOG ACT 1976
DOGS AMENDMENT LOCAL LAW 2012

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

SHIRE OF YORK

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 York resolved on 16 April 2012 to make the following local law.

1. Citation

This local law is cited as the *Shire of York 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 York Dogs Local Law* published in the *Government Gazette* on 17 January 2001 is referred to as the principal local law. The principal local law is amended.

4. Part 1 Clause 1.3 amended

(1) Delete Clause 1.3 and insert—

1.3 Interpretation

Act means the *Dog Act 1976*;

authorised person means a person authorised 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 or an acting Chief Executive Officer of the local government;

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

district means the district of the local government;

local government means the Shire of York;

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;

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*;

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

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

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*.

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 paragraphs (a) and (b).

6. Part 3 Clause 3.1 amended

In subclause (1)—

- (a) Insert “within a townsite” after “premises”
- (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;

7. Part 3 Clause 3.2 amended

In subclause (2) delete paragraphs (a) and (b) and substitute with—

- (a) on land, within a townsite, or zoned “rural residential” under a local planning scheme, 2 dogs over the age of 3 months and the young of those dogs under that age; and
- (b) On land zoned “rural” under the local planning scheme, 4 dogs over the age of 3 months and the young of those dogs under that age.

8. Part 4 Clause 4.7 amended

In paragraph (a) delete “town” and substitute—

local

9. Part 5 Clause 5.1 amended

In subclause (1)—

- (a) Delete “Dogs” and substitute—
Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*, dogs
- (b) Delete paragraph (a) and substitute—
(a) a public building, unless permitted by a sign;
- (c) In paragraph (c) delete “*Health (Food Hygiene) Regulations 1993*” and substitute—
Food Act 2008
- (d) In paragraph (d) delete “.” and substitute “;”.
- (e) Insert, in the appropriate alphabetical order, new paragraphs (e) and (f)—
(e) a public toilet block or changing room; and
(f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.”

10. Part 5 New Clause 5.2

Insert, in the appropriate numerical order, new clause 5.2—

5.2 Places which are dog exercise areas

(1) Subject to clause 5.1 and subclause (1)(b) and (2), for the purposes of sections 31 and 32 of the Act, Part Lots 52, 53, 54 and 55 Henrietta Street, York (corner of Barker and Forrest Streets and Henrietta Street) are dog exercise areas.

(2) 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 10m of the edge of playing equipment or apparatus;
- (b) an area within 10m 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, thoroughfare, access way or right of way.

11. 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.

12. Schedule 2 amended

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

13. Schedule 3 amended

- (1) In the first column of the second row delete “& (c)”.
- (2) In the third column of the third row, delete “50” and substitute “100”.
- (3) After the third row, insert a new row as follows—

3.2	Exceeding the number of dogs permitted to be kept at a premises	100	200
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- (4) In the third column of the fifth row, after “100”, insert “and a daily penalty of 10”.
- (5) In the fourth column of the fifth row, after “200”, insert “and a daily penalty of 20”.
- (6) In the third column of the seventh row, delete “40” and substitute “200”.

14. Various clauses amended

Amend the provisions listed in the Table as set out in the Table.

Part	Division	Clause	Delete	Insert
4		4.4	town	"local"
4		4.7	town	"local"

15. Redesignation of clauses

In clause 3.1 subclause (1) paragraphs "(d)" and "(e)" are redesignated "(e)" and "(f)" respectively.

Dated: 16 April 2012.

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

A. BOYLE, Shire President.
R. P. HOOPER, Chief Executive Officer.