

Western Australia Dog Act 1976 amendment

In accordance with section 31 of the Dog Act 1976, Local Governments can establish and review dog exercise and prohibited areas by the absolute majority decision of the Council.

The table below is a record of such decisions made by the Council when determining areas where dogs are prohibited and areas where dogs may be exercised off leads.

Item Number	Date
C4	26 August 2014
D11	25 November 2014

The following is a schedule of prohibited areas and where dogs may be exercised off lead. This detail replaces the Fifth and Six Schedules in the Local Laws.

Prohibited Places

1. Within twenty (20) metres of a children's playgrounds.
2. The above determination 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).

Areas where dogs may be exercised off lead

1. Mueller Park (Res A9337)
 2. Rankin Reserve (Res 16850)
 3. Kitchener Park (Swan Location 12732 on land administration plan 19514 known as Kitchener Park)
 4. Cliff Sadlier Reserve (Res 25908)
 5. The Palms Reserve (Res B6675)
 6. Railway Reserve (Hay Street to Nicholson Road/Nash Street as depicted on WAGR Plan No. 3426(ii) July 1988)
 7. JH Abrahams Reserve (Reserves 2948, 9514 and 34322 and lots 2, 4 & 6 The Avenue)
 8. Rosalie Park (Reserve 7214) except where the Park is being used for active sporting events including training.
 9. Subiaco Common Oval (Portion of Reserve 45999)
-

Dog Act 1976

City of Subiaco LOCAL LAW RELATING TO DOGS

Under the powers conferred by the Dog Act 1976 and by any other law, the Council of the City of Subiaco resolved on 24 October 2000 to make the following Local Law.

Repeal

1. The Municipality of the City of Subiaco By-law No. 18 relating to Dogs published in the Government Gazette of 13 January 1984 and amended from time to time is hereby repealed.

Citation

2. This Local Law may be cited as the City of Subiaco Local Law Relating to Dogs.

Application

3. This Local Law applies within the district of the City of Subiaco.

Interpretation

4. In this Local Law unless the context requires otherwise:

“Act” means the Dog Act 1976;

“Clause” means a clause of this Local Law;

“Council” means the Council of the local government of the City of Subiaco;

“Schedule” means a Schedule to this Local Law.

Pound

5. The Council may establish and maintain a pound for the impounding of dogs seized pursuant to the provisions of the Act.
6. The pound to be used by the City of Subiaco is established on part of Reserve A21385 within the district of the City of Nedlands.

Fees

7. The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under Section 29(4) of the Act are those specified in the First Schedule.
8. The fee payable by the owner of a dog which has been destroyed pursuant to the provisions of the Act is that specified in the First Schedule.

Restricted & Prohibited Places

9. If a dog is in a public building, shop, business premise, theatre, picture garden, house of worship, or a construction site without the owner's or occupier's express consent, or on or within twenty (20) metres of a children's playground, every person liable for the control of the dog commits an offence.
10. Clause 9 does not apply to a bona fide guide dog accompanied by a visually impaired person or a person engaged in the training of guide dogs.

Dog Exercise Areas

11. The public places described in the Fifth Schedule being places under the care, control and management of the Council, are hereby specified as dog exercise areas for the purposes of Sections 31 and 32 of the Act.
12. (1) Subject to sub-clause (2) of this clause, the public places described in the Sixth Schedule, being places under the care, control and management of the Council, are hereby specified as dog exercise areas for the purposes of Sections 31 and 32 of the Act.

(2) The specification of a public place described in Column 2 of the Sixth Schedule as a dog exercise area shall apply only during the times stated in Column 3 of the Sixth Schedule immediately opposite that public place.

Fouling of Public Places and Private Land

13. If a dog excretes on a street or public place or on any other land without the consent of the occupier of that land, every person liable for the control of the dog commits an offence unless the excreta is removed forthwith and disposed of either on private land with the consent of the occupier of that land or in such other manner as the Council may approve.

Fencing Requirements

14. (1) The owner or occupier of premises on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in accordance with the provisions of this clause.

(2) The fence used to confine a dog shall be of a type, height and construction which, having regard to the species, age, size and physical condition of the dog prevents the dog from passing over, under or through the fence.

(3) If there is a gate in the fence, the gate shall be kept closed at all times except when the dog is not kept on the premises, but nothing in this sub-clause prevents a person from opening the gate, in order to enter or leave the premises.

(4) In this clause the term "fence" includes a wall.

Maximum Number of Dogs

15. The owner or occupier of premises shall not, unless the premises have been granted exemption pursuant to Section 26(3) of the Act or are licensed as an approved kennel establishment under Section 27 of the Act, keep or permit to be kept on those premises more than 2 dogs over the age of 3 months and the young of those dogs under that age.

Offences and Penalty

16. A person who contravenes or fails to comply with any provision of this Local Law commits an offence and is liable upon conviction to a penalty not exceeding \$2,000 and to a penalty of \$100 for each day on which any offence is continued after notice has been given to the offender of the commission of the offence or after a conviction for the offence by a Court, as the case may be.

Modified Penalties

17. (1) The offences described in Column 3 of the table set out in the Second Schedule are prescribed pursuant to Section 45A(2) of the Act as offences in relation to which a modified penalty applies and the amount appearing in Column 4 of that table directly opposite an offence is the prescribed modified penalty payable in respect of that offence if dealt with pursuant to this clause.
- (2) Where an authorised person has reason to believe that a person has committed an offence of the kind prescribed in the Second Schedule, the authorised person may serve a notice in the form prescribed in the Third Schedule (in this clause referred to as “an infringement notice”).
- (3) An infringement notice may be served on an alleged offender personally or by posting it to the alleged offender’s last known place of abode.
- (4) Where a person who receives an infringement notice fails to pay the prescribed penalty within the time specified in the notice, or within any further time as in any particular case is allowed by the Council, that person is deemed to have declined to have the allegation dealt with by way of a modified penalty.
- (5) An alleged offender on whom an infringement notice has been served may, within the time specified in the notice or any further time as in any particular case is allowed by the Council, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon:
 - (a) appropriate that amount in satisfaction of the penalty and issue an acknowledgement; or
 - (b) withdraw the infringement notice and refund the amount so paid.

- (6) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by sending a notice in the form prescribed in the Fourth Schedule to the alleged offender at the alleged offender's last known place of abode and in that event any amount received by way of modified penalty shall be refunded and any acknowledgement of the receipt of that amount shall for the purposes of any proceedings in respect of the alleged offence be deemed not to have been issued.

First Schedule

FEES

For the seizure or impounding of a dog – Fifty Dollars (\$50.00).

For the sustenance and maintenance of a dog in a pound – Ten Dollars (\$10.00) per day or part of a day.

For the destruction of a dog - Twenty Dollars (\$20.00).

Second Schedule

Item	Clause	Offence	Modified Penalty
1.	9	Dog in a public building, shop, business premise, theatre, picture garden or a house of worship or on a construction site or on or within twenty (20) metres of a children's playground.	\$100.00
2.	13	If a dog excretes on a street or public place or on any land without the consent of the occupier of that land.	\$100.00

Third Schedule
Western Australia
Dog Act 1976
INFRINGEMENT NOTICE

No:

Date:

CITY OF SUBIACO

TO (1)

It is alleged that at (2) on the

day of20..... you committed an offence in

that you (3).....

.....

.....
(to be signed by an authorised person)

You may dispose of this matter –

- (a) by payment of a penalty of (4) \$..... within twenty-one days of the date of this Notice to the Council at Rokeby Road, Subiaco; or
- (b) by having it dealt with by a court.

If this modified penalty is not paid within the time specified, court proceedings may be taken against you.

- (1) Insert name and address of alleged offender.
- (2) Insert place of alleged offence.
- (3) Insert short particulars of the offence alleged.
- (4) Insert amount of modified penalty prescribed.

Fourth Schedule
Western Australia
Dog Act 1976
WITHDRAWAL OF INFRINGEMENT NOTICE

No:
Date:

CITY OF SUBIACO

TO (1)
Infringement Notice No. dated
for the alleged offence of (2)
..... penalty (3) is
hereby withdrawn.

No further action will be taken/it is proposed to institute court proceedings for the alleged offence (4).

.....
(to be signed by an authorised person)

- (1) Insert name and address of alleged offender.
- (2) Insert short particulars of the offence alleged.
- (3) Insert amount of modified penalty prescribed.
- (4) Delete whichever does not apply.

Fifth Schedule
Western Australia
Dog Act 1976
DOG EXERCISE AREAS
UNRESTRICTED TIME LIMITS

Item No.	Description of Public Place
1.	Mueller Park (Res A9337)
2.	Rankin Reserve (Res 16850)
3.	Kitchener Park (Swan Location 12732 on land administration plan 19514 known as Kitchener Park)
4.	Cliff Sadlier Reserve (Res 25908)
5.	Troy Terrace/Richardson Avenue (Res 25906)
6.	The Palms Reserve (Res B6675)
7.	Railway Reserve (Hay Street to Nicholson Road/Nash Street as depicted on WAGR Plan No. 3426(ii) July 1988)
8.	JH Abrahams Reserve south-west of the elongation south-easterly of the north-eastern boundary of 10 (lot 2) The Avenue, Crawley, to the Swan River, to the south-western boundary of A Class Reserve 34322
9.	Subiaco Common Oval

Sixth Schedule
Western Australia
Dog Act 1976
DOG EXERCISE AREAS
SPECIFIED TIMES ONLY

Item No.	Description of Public Place	Times During Which Place is a Dog Exercise Area
1.	Rosalie Park	5:00am – 8:30am
2.	JH Abrahams Reserve north- east of the area of that reserve described in the Fifth Schedule	5:00am – 8:30am