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DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

SHIRE OF NANNUP

DOGS LOCAL LAW 2014

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LOCAL GOVERNMENT ACT 1995**

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DOG ACT 1976
LOCAL GOVERNMENT ACT 1995

SHIRE OF NANNUP

DOGS LOCAL LAW 2014

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act* and under all other powers enabling it, the Council of the Shire of Nannup resolved on 28 August 2014 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

These local laws may be cited as the *Shire of Nannup Dogs Local Law 2014*.

1.2 Commencement

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

1.3 Interpretation

(1) In these Local Laws, unless the context otherwise requires—

Act means the *Dog Act 1976*;

authorised person means a person who is appointed under Section 29 of the Act;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the Shire of Nannup;

fence where used in this local law shall include walls and screen walls;

local government means the Shire of Nannup;

regulations means the *Dog Regulations 2013*;

schedule means a schedule in this local law;

town planning scheme means a town planning scheme made by the local government under the Town Planning and Development Act 2005 which applies through the whole or part of the local government,

(2) Words and expressions used in this local law have the same meanings respectively given to them in and for the purposes of the Act unless the context otherwise requires or unless it is so otherwise provided herein.

(3) Where in this local law, a duty or liability is imposed on an “owner or occupier” the duty or liability shall be deemed to be imposed jointly and severally on each of the owners or occupiers.

(4) Where under this local law an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done or of preventing from being done the act so forbidden to be done, as the case may be.

1.4 Powers of the CEO

The CEO shall, subject to Council resolution, exercise general supervision and control over all matters relating to this local law and the directions of such persons shall in all cases and for all purposes be presumed to be and to have been the directions of the Council.

1.5 Application

This local law applies throughout the Residential Zone of the Shire of Nannup Local Planning Scheme.

PART 2—FENCING REQUIREMENTS

2.1 Dogs to be confined

(1) The owner or occupier of a premises within the local government on which the dog is kept shall ensure that the means exist on the premises to effectively confine the dog within the premises.

(2) Every part of a fence and every gate and door of a fence used to confine a dog shall be of type, height and construction which, having regard to the breed, age, size and physical condition of the dog, shall be capable of preventing the dog at all times from passing over, under or through it.

(3) Where a door or gate forms part of the fence the gate shall be kept closed at all times, when the dog is on the premises, and be fitted with an effective self latching mechanism attached to the inside of the gate and a mechanism which enables the gate to be locked.

PART 3—MAXIMUM NUMBER OF DOGS

3.1. Maximum number of dogs

The owner or occupier of premises situated within the local government shall not, unless the premises have been granted exemption pursuant to Section 26(3) of the Act or are licensed as an approved kennel established under Section 27 of the Act, keep or permit to be kept on those premises more than two dogs over the age of three months and the young of those dogs up to the age of three months of age.

PART 4—ENFORCEMENT

4.1 Penalties

(1) A person who fails to do anything required or directed to be done under this local law or who does anything which under this local law that person is prohibited from doing commits an offence.

(2) A person who commits an offence under this local law is, upon conviction, liable to a penalty not exceeding \$500 for each offence.

4.2 Modified penalties

(1) The offenses described in the table set out in Schedule 1 hereto are prescribed pursuant to Section 45A of the Act as offences in relation to which a modified penalty applies and the amount appearing in the fourth column of that table directly opposite an offence is the modified penalty payable in respect of that offence if dealt with pursuant to this Part.

(2) Where an Authorised Person has reason to believe that a person has committed an offence of the kind described in Schedule 1 a Notice may be served on that person in the form contained in Schedule 2 (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 that person's address as ascertained from that person at the time immediately following the occurrence giving rise to the allegation of the offence or as recorded by the local government pursuant to the Act.

(4) Where a person who received 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 as allowed by the local government, the person is deemed to have declined to have the allegation dealt with by way of a modified penalty.

(5) A person on whom an infringement notice has been served may, within the time specified in the Notice or within any further time as in any particular case as allowed by the local government, send or deliver to the local government the amount of the modified penalty, with or without a reply as to the circumstances giving rise to the allegation, and the local government may thereupon appropriate that amount in satisfaction of the penalty and issue an acknowledgement.

(6) An infringement notice may, whether or not the modified penalty has been paid, be withdrawn by the local government by sending of a Notice in the form contained in Schedule 3 to the alleged offender at the address specified in the Notice or to the person's last known place of residence or business and in that event any amount received by way of modified penalty shall be refunded.

(7) Where a person does not contest an allegation that the person committed an offence of the kind to which this Part applies, the production of an acknowledgement from the local government issued under clause 4.2(5) is a defence to a charge of the offence in respect of which the modified penalty was paid.

Schedule 1

MODIFIED PENALTIES

[Clause 4.2]

Item	Clause	Nature of Offence	Modified Penalty
1.	2.1	Failing to provide means for effectively confining a dog.	\$50

Schedule 2
INFRINGEMENT NOTICE

[Clause 4.2]

Infringement notice

<i>Dog Act 1976</i> Infringement notice	Infringement notice no.
Alleged offender	Name Family name Given names
	or Company name _____ ACN _____
	Address _____ Postcode _____
	Alleged offence
Description of offence _____	
<i>Dog Act 1976</i> s. or <i>Dog Regulations 2013</i> r.	
Date / /20 _____ Time a.m./p.m. _____	
Modified penalty \$ _____	
Authorised person/officer issuing notice	Name _____
	Signature _____
	Office _____
Date	Date of notice / /20 _____

Notice to alleged offender	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post Send a cheque or money order (payable to 'CEO Shire of Nannup—<i>Dog Act 1976</i>') to— CEO Shire of Nannup, Adam Street, Nannup WA 6275</p> <p>In person Pay the cashier at— Shire of Nannup, Adam Street, Nannup WA 6275</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken—your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Authorised Person at the above postal address.</p> <p>If you want this matter to be dealt with by prosecution in court, sign here—</p> <p>_____</p> <p>and post this notice to the CEO Shire of Nannup at the above postal address within 28 days after the date of this notice.</p>
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Schedule 3
WITHDRAWAL OF INFRINGEMENT NOTICE

[Clause 4.2]

Withdrawal of infringement notice

<i>Dog Act 1976</i>	Withdrawal no.
Withdrawal of infringement notice	
Alleged offender	Name Family name
	Given names
	or Company name _____ ACN
	Address _____ Postcode
Infringement notice	Infringement notice no.
	Date of issue / /20
Alleged offence	Description of offence _____
	<i>Dog Act 1976 s.</i> or <i>Dog Regulations 2013 r.</i>
	Date / /20 Time a.m./p.m.
CEO withdrawing notice	Name
	Signature
	<i>Shire of Nannup</i>
Date	Date of withdrawal / /20
Withdrawal of infringement notice [*delete whichever is not applicable]	The above infringement notice issued against you has been withdrawn. If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed. or * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to— CEO <i>Shire of Nannup—Dog Act 1976</i> <i>Shire of Nannup, Adam Street, Nannup WA 6275</i>
	Signature _____ / /20

Passed at a meeting of the Local Government of the Shire of Nannup held on 28 August 2014.

The Common Seal of the Shire of Nannup was hereunto affixed in the presence of—
on this 11th day of September 2014.

A. DEAN, Shire President.
R. JENNINGS, Chief Executive Officer.
