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SHIRE OF ASHBURTON

LOCAL GOVERNMENT ACT 1995

LOCAL LAW RELATING TO THE MANAGEMENT AND
CONTROL OF PUBLIC SWIMMING POOLS

LOCAL LAW RELATING TO THE CONTROL OF CATS

DOG ACT 1976

LOCAL LAW RELATING TO DOGS

LOCAL GOVERNMENT ACT 1995

SHIRE OF ASHBURTON

**LOCAL LAW RELATING TO THE MANAGEMENT AND
CONTROL OF PUBLIC SWIMMING POOLS**

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LOCAL GOVERNMENT ACT 1995

SHIRE OF ASHBURTON

LOCAL LAW RELATING TO THE MANAGEMENT AND CONTROL OF PUBLIC SWIMMING POOLS

In pursuance of the powers conferred upon it by the above mentioned Act, and all powers enabling it, the Council of the Shire of Ashburton hereby records having resolved on the 19 May 1998 to make the following local law.

PART 1—PRELIMINARY**1. Citation**

This local law shall be cited as the Shire of Ashburton "Local Law Relating to the Management and Control of Public Swimming Pools".

2. Application

This local law shall apply to the Vic Hayton Memorial Pool, Tom Price and the Paraburdoo Swimming Pool, Paraburdoo.

3. Commencement

This local law comes into effect fourteen (14) days after the date of its publication in the *Government Gazette*.

4. Repeal of Previous Local Law

The Shire of Ashburton's "Local Law Relating to the Management and Control of the Vic Hayton Memorial Swimming Pool, Tom Price and the Paraburdoo Swimming Pool" published in the *Government Gazette* on 28 September 1984 and all other Local Laws relating to public swimming pools are hereby repealed.

5. Content and Intent

This local law provides for rules and guidelines for the management and control of the Vic Hayton Memorial Pool in Tom Price and the Paraburdoo Swimming Pool in Paraburdoo.

6. Interpretation

(1) In this local law, unless the context otherwise requires—

"Act" means the Local Government Act 1995.

"adult" means any person aged eighteen (18) years and over.

"attendant" means an employee of the local government performing duties in connection with the pool.

"child" means any person under the age of eighteen (18) years.

"local government" means the local government of the Shire of Ashburton

"manager" means the person appointed by the local government to have control of and manage the pool, and the parking area and other surrounds of the pool, or other person who, for the time being is acting in that capacity.

"pool premises" means the Vic Hayton Memorial Swimming Pool, Tom Price and the Paraburdoo Swimming Pool, Paraburdoo and shall include all fencing, parking areas, turnstiles, dressing rooms, shower recesses, spectators' stands, seating, ablution facilities, and all other structures erected and facilities provided for use and convenience of persons using the pool.

"season" means the period of the consecutive months in which the pool is open to the public and agreed upon from time to time by the local government.

(2) Unless otherwise defined herein the terms and expressions used in the local law shall have the same meaning given to them in the Act.

(3) Where a term is not defined in this local law, the Act or regulations, the terminology is to be taken from the Oxford Dictionary.

PART 2—CONDUCT OF PATRONS**7. Conditions of Use**

No person shall —

- (a) enter any portion of the pool premises set apart exclusively for the opposite sex except a person under the age of five (5) years or younger who are bona fide accompanying their parent or guardian or other responsible person delegated by their parent or guardian over the age of eighteen years;
- (b) enter or attempt to enter any cubicle, shower dressing area or other compartment which is already occupied;
- (c) in any way interfere with any other person in the pool premises or with another person's use thereof nor throw or push, or attempt to throw or push another person in any pool area or throw any stones, sticks or any other matter or thing to the annoyance of another person using the pool premises;
- (d) play a ball game except with the consent of the manager or attendant or do anything which in any way limits the enjoyment of the users of the pool premises, but nothing herein contained applies to the playing of any games or aquatic sports organised and conducted in the pool premises by a club, association, organisation or other person at times and in a manner approved by the manager;
- (e) permit an animal to enter or remain in or about the pool premises.
- (f) obstruct the Manager or attendant in carrying out their duties;
- (g) enter or depart from any part of the pool premises except by means of the respective entrances or exits set apart for that purpose;
- (h) appear in public unless properly attired in clothing or a costume of such nature as to preserve public decency and to cover the body so as to prevent indecent exposure of the person;
- (i) enter or be in the pool premises whilst in an intoxicated condition induced by alcohol or any illegal substance;
- (j) take into the pool premises, or have possession of intoxicating liquor or any illegal substance;
- (k) take into the pool premises, or have in possession any glass or metal container, unless with prior consent of the manager or attendant;
- (l) use soap or shampoo or detergent in any part of the pool premises other than in a dressing room or shower recess;
- (m) climb up or upon a roof, fence, wall, partition of the pool premises;
- (n) in any part of the pool premises behave in an unseemly, improper, disorderly, riotous or indecent manner or swear or use indecent, obscene, offensive or abusive language or gamble or act in a manner which is offensive;
- (o) bring onto or deposit in any part of the pool premises any refuse or rubbish except in receptacles set aside for that purpose;
- (p) consume food stuffs or drinks in any specific area in which consumption is prohibited;
- (q) wastefully use water or leave any taps flowing in the dressing rooms or elsewhere in the pool premises;
- (r) expectorate or spit in or on any part of the pool premises or in any way commit any nuisance on or in part of the pool premises;
- (s) use a substance or preparation whereby the water of any swimming pool may become discoloured or rendered turbid or otherwise unfit for the proper use of bathers;
- (t) foul or pollute the water in a shower, bath or any swimming pool or soil, damage, injure, destroy, use improperly, disfigure or write in or upon a dressing room closet, compartment or any other part of the pool premises or any furniture or other article of equipment therein;
- (u) damage, break, injure, improperly use, interfere with or destroy any fitting, appliance, equipment or any other property of the local government in or about the pool premises;
- (v) whilst suffering from any contagious, infectious or cutaneous disease, or whilst in an unclean condition, enter or attempt to enter or use any swimming pool of the pool premises or any part thereof.

8. Special Provisions for Guide Dogs

Notwithstanding anything contained within this local law a person who is blind or deaf or partially blind or deaf—

- (a) is entitled to be accompanied by a dog *bona fide* used by him or her as a guide dog in any part of the pool premises, excluding the actual pool; and
- (b) is not guilty of an offence by reason only that he or she takes that dog or permits that dog to enter the pool premises.

9. Control of Premises

(1) Every person using the pool premises shall obey all reasonable directions of the manager or attendant.

(2) The manager or attendant may temporarily suspend admittance to or clear the pool premises or any part thereof of all or any person or persons if in his or her opinion such action is necessary or desirable.

10. Valuables

- (1) Any person entering the pool may deposit valuables with the manager or attendant.
- (2) Under no circumstances will the local government accept liability should such valuables be lost, stolen, damaged, destroyed or otherwise interfered with while in the custody of the manager or attendant.

11. Lost Property

- (1) Every person finding in the pool premises any article which may have been left or lost therein shall immediately deliver the same to the manager or attendant who shall thereupon register a description of such article and all particulars relating thereto.
- (2) Any person claiming any such article and who satisfies the manager or attendant that he or she is the lawful owner of the same shall have such article returned.
- (3) The local government shall not under any circumstances incur any liability in respect of articles lost or left in the pool premises.
- (4) All articles left at the pool and not claimed within a period of six calendar months shall be disposed of by the local government in accordance with the Act.

12. Carnivals

- (1) Any person, club, association or organisation conducting any carnival held at the pool premises shall be responsible for the conduct of the competitors and spectators during such carnivals.
- (2) Every club, person, association or organisation wishing to conduct any function apart from that mentioned in (1) above shall submit written application to the local government who may set conditions having regard to the number of persons anticipated to attend the function, together with the type and nature of the function.

PART 3—ADMISSION TO POOL**13. Hours of Admission**

- (1) The pool shall be open for public use for such periods and at such times as the local government may from time to time decide.
- (2) Such periods and such times shall be clearly displayed upon a notice board at the pool entrance and by such other means determined by the local government.

14. Age of Admission

- (1) Subject to the conditional consent of the manager, children under the age of ten (10) years at or entering the pool premises must be accompanied by an adult.
- (2) An adult shall be responsible for the supervision and safe conduct of the child or children up to four (4) in number.

PART 4—MISCELLANEOUS**15. Fees and Charges**

The fees and charges in relation to this local law will be set in accordance with Part 6, Division 5, and Subdivision 2 of the Act.

16. Persons Maybe Removed

- (1) Any person who breaches any of the provisions of this local law or who shall permit any breach thereof may be summarily removed from the pool by the manager or attendant, or may be arrested and given into custody of the police.
- (2) The local government may issue a written direction to the manager that any person named in such direction shall not be admitted to the pool premises and whilst such direction remains in force the manager shall not admit such person to the pool.

17. Objection and Appeal Rights

When the local government makes a decision as to whether it will not admit to the pool premises any person or a decision in relation to clause 12 the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 shall apply to that decision.

Dated this 19 day of May 1998.

The Common Seal of the Shire of Ashburton was hereunto affixed in the presence of—

BRIAN HAYES, President.
DAVID G. CAREY, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF ASHBURTON

LOCAL LAW RELATING TO THE CONTROL OF CATS

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LOCAL GOVERNMENT ACT 1995

SHIRE OF ASHBURTON

LOCAL LAW RELATING TO THE CONTROL OF CATS

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it the Council of the Shire of Ashburton hereby records having resolved on the 19 May 1998 to make the following local law.

PART 1—PRELIMINARY**1. Citation**

This local law may be cited as the Shire of Ashburton "Local Law Relating to the Control of Cats".

2. Commencement

This local law comes into effect thirty (30) days after the date of its publication in the *Government Gazette*.

3. Content and Intent

This local law provides for rules and guidelines for the proper management and control of cats throughout the whole of the district, to—

- (a) encourage responsible cat ownership;
- (b) reduce public and environmental nuisance caused by cats;
- (c) promote the effective management of cats; and
- (d) limit the damage to and loss of wildlife caused by cats.

4. Interpretation

(1) In this local law unless the context otherwise requires—

"Act" means the Local Government Act 1995.

"attack" in relation to the behaviour of a cat, does not include behaviour which was an immediate response to and was induced by provocation, but includes—

- (a) aggressively rushing at or harassing any person or animal;
- (b) biting or otherwise causing physical injury to a person or an animal;
- (c) tearing clothing on, or otherwise causing damage to the property of the person attacked;
or
- (d) attempting to attack, or behaviour in such a manner toward a person as would cause a reasonable person to fear physical injury, unless the keeper establishes that the behaviour was justified by a reasonable cause.

"authorised person" means a person appointed by the local government for the purposes of this local law.

"district" means the Local Government district of the Shire of Ashburton.

"food premises" has the meaning given to it by the Health Act 1911

"identified cat" means a cat identified in the manner of having a collar around its neck and tag securely attached to the collar with the tag being marked with the name and current address or telephone number of the owner or other person entitled to possession of the cat.

"keeper" in relation to a cat means each of the following persons—

- (a) the owner of the cat;
- (b) the person by whom the cat is ordinarily kept;
- (c) a person who has or appears to have immediate custody or control of the cat;
- (d) a person who keeps the cat, or has the cat in his or her possession for the time being;
or
- (e) a person who occupies any premises in which the cat is ordinarily kept or ordinarily permitted to live;

"local government" means the local government of the Shire of Ashburton.

"premises" shall, for the purpose of determining who is occupier, be taken to refer to any land or building, or part of any land or building, that is intended to be occupied as a separate residence from any adjacent tenement.

“public place” includes each of the following—

- churches;
- Cinemas/Drive Inn
- community, sporting and recreation centres and public swimming pools;
- premises licensed under the Liquor Licensing Act 1988; and
- public and private primary, secondary and tertiary places of education.

“unidentified cat” means a cat that is not identified in the manner as prescribed for an “identified cat”.

(2) Unless otherwise defined herein, the terms and expressions used in this local law shall have the same meaning given to them in the Act.

(3) Where a term is not defined in this local law, the Act or its regulations the terminology is to be taken from the Oxford Dictionary.

PART 2—KEEPING OF CATS

5. Identified Cats

(1) No person shall, without the permission of the local government, keep a cat over the age of six (6) months on any premises unless the cat is an identified cat.

(2) Subclause (1) does not apply to a cat—

- (a) kept at any refuge conducted by the RSPCA or any other animal welfare organisation;
- (b) kept at an animal pound which has been approved by the local government;
- (c) kept at a pet shop;
- (d) kept at a veterinarian surgery;
- (e) where an exemption has been granted by the local government.

(3) A person must not, without reasonable excuse, interfere with or remove the means by which a cat is identified under this local law.

6. Maximum Number of Cats to be Kept

(1) No keeper shall keep or allow to remain on any premises of which he or she is the owner or occupier, unless an exemption is granted under subclause (2) more than two (2) cats over the age of six (6) months and the young of those cats under that age anywhere within the District.

(2) The local government may grant an exemption in respect of those premises but such exemption:

- (a) may be made subject to conditions, including a condition that it applies to the cats specified therein;
- (b) shall not operate to authorise the keeping of more than three (3) cats on those premises unless special permission is granted by the local government.

(3) An applicant to keep more than two (2) cats shall be made in the form of the Fourth Schedule.

PART 3—CONTROL OF KEPT CATS

7. Cat Not to be a Nuisance

(1) A keeper shall not keep or allow to remain on any premises of which he or she is the owner or occupier, any cat or cats as to be a nuisance to another person or animal or injurious to the health of another person or animal by reason of—

- (a) the number of cats;
- (b) the noise or odour generated by the presence of the cat or cats;
- (c) the aggressive nature of the cat or cats; and
- (d) the wandering of the cat or cats.

(2) A cat shall not attack or threaten to attack a person or an animal.

(3) If a cat attacks or threatens to attack a person or an animal, every keeper of the cat commits an offence.

(4) The local government may make a destruction order in respect of a cat which has attacked or threatened to attack a person or an animal.

(5) The local government, in respect of any cat which has on three (3) separate occasions within a 12 month period, been observed by an authorised person to be unrestrained or not under effective control off the keepers premises may—

- (a) require the keeper to confine the cat in a manner to the satisfaction of the local government;
- or
- (b) make a destruction order.

(6) A cat shall not be in any food premises or public place.

8. Abandonment of Cats

(1) A person must not abandon a cat.

(2) A person who delivers a cat into the custody of an authorised person or to a cat pound is not to be regarded as having abandoned the cat.

PART 4—IMPOUNDING AND TRAPPING OF CATS**9. Cat Pounds**

(1) The local government may establish and maintain a pound or pounds, and may approve an animal pound maintained by any person, for the impounding of cats under this local law.

(2) The local government shall have regard to any policy statements it has in relation to the establishment of a cat pound.

10. Dealing with Impounded Cats

(1) If a cat is impounded and the authorised person who impounds the cat knows, or can readily find out, the name and address of the keeper of the cat, the authorised person must give the keeper written notice of the impounding which states that the cat may be reclaimed within a specified period on the payment of specified fees.

(2) The payment of any fees by a keeper in respect of the seizure, impounding and detention of a cat does not relieve the keeper of any liability to a penalty for an offence against any provision of this local law.

(3) Where an unidentified cat is impounded and is not reclaimed within 3 days of its impounding, the local government may—

- (a) offer the cat for sale through the cat pound; or
- (b) cause the cat to be destroyed;

(4) Subject to subclause (5), where an impounded cat is diseased, emaciated, injured or sick, the local government may destroy the cat without the requirement to hold the cat, upon advice of a veterinarian surgeon.

(5) Unless the condition of a cat is such that it should be destroyed immediately, where an identified cat is diseased, emaciated or sick, the local government shall not destroy the cat under subclause (4) until reasonable steps have been taken to notify a keeper of the condition of the cat.

(6) Where an identified cat, is impounded and it is not reclaimed within the period specified in a notice of impounding, the local government may—

- (a) offer the cat for sale through a cat pound; or
- (b) cause the cat to be destroyed.

(7) If an impounded cat is sold under clause 3 or 6, the proceeds of sale become the property of the local government and may be disposed of in such manner as the local government think fit.

11. Trapping of Cats

Unless the occupier or the owner of premises consents, a person shall not trap or set a trap for a cat on premises of which he or she is not the occupier or the owner.

PART 5—PENALTIES AND INFRINGEMENTS**12. Penalties**

A person who contravenes or fails to comply with any provision of this Local Law is, upon conviction, liable to a penalty of \$200 for each offence.

13. Modified Penalties

(1) The offences described in the table set out in the First Schedule to this Local Law are prescribed pursuant to Section 3.10 and 9.17 of the Act as an offence to which a modified penalty applies.

(2) The amount appearing in that table directly opposite an offence is the prescribed modified penalty payable in respect of that offence if dealt with pursuant to this sub-clause.

(3) Where a person does not contest an allegation that the person committed an offence of the kind to which this clause applies, the production of an acknowledgment from the local government that the modified penalty has been paid to the local government is a defence to a charge of the offence in respect of which the modified penalty was paid.

14. Authorised Person May Issue an Infringement

(1) Where an authorised person has reason to believe that a person has committed an offence of the kind described in the First Schedule a notice may be served on that person in the form contained in the Second Schedule informing the person that if the person does not wish to have a complaint of the alleged offence heard and determined by a Court the person may pay to the local government within the time therein specified the amount prescribed as the modified penalty.

(2) 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 of or immediately following the occurrence giving rise to the allegation of the offence.

(3) 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 is allowed by the local government, the person is deemed to have declined to have the allegation dealt with by way of a modified penalty.

(4) An alleged offender on whom an Infringement Notice has been served may, within the time specified in the Notice or further time as in any particular case is allowed by the local government, send or deliver to the local government the amount of the prescribed penalty with or without a reply as to the circumstances giving rise to the allegation.

15. Infringement Notice Maybe Withdrawn

(1) An Infringement Notice may, whether or not the prescribed penalty has been paid be withdrawn by the local government by sending, of a Notice in the form contained in the Third Schedule to the alleged offender at the address specified in the Notice or to the person's last known place of residence or business.

(2) In the case of an event any amount received by way of a modified penalty shall be refunded and any acknowledgment of the receipt of that amount shall for the purpose of any proceedings in respect of the alleged offence be deemed not to have been issued.

PART 6—MISCELLANEOUS PROVISIONS

16. Objection and Appeal Rights

When the local government makes a decision in relation to—

- (a) grant or refuse to grant a person a permit under this local law; or
- (b) renew, vary or cancel a permit that a person has under this local law; or
- (c) the local government makes a destruction order.

the provisions of Division 1 of Part 9 of the Act and Regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 shall apply to that decision or destruction order.

17. Fees and Charges

The fees and charges in relation to this Local Law will be set in accordance with Part 6, Division 5 and subdivision 2 of the Act.

First Schedule

LOCAL LAW RELATING TO THE CONTROL OF CATS

Shire of Ashburton

MODIFIED PENALTIES

Item	Clause	Nature of Offence	Modified Penalty
1	5(1)	Keeping an unidentified cat over the age of six (6) months	\$50
2	6(1)	Keeping more than the approved limit on the number of cats	\$50
3	7(1)	Keeping a cat so to be a nuisance or injurious to health	\$50
4	7(6)	Cat in any food premises or public place.	\$50
5	8	Abandonment of cat	\$60
6	11	Setting an unlawful trap	\$50

Second Schedule

LOCAL LAW RELATING TO THE CONTROL OF CATS

Shire of Ashburton

INFRINGEMENT NOTICE

No:.....

Date:/...../.....

To:....., of.....

It is alleged that on the.....day of.....19..... you committed an offence that you—

You may dispose of this matter—

- (1) By payment of a penalty of \$..... within twenty-eight days of this Notice at any Shire office or;
- (2) 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.

.....
Name of Authorised Person

.....
Signature of Authorised Person

Third Schedule
 LOCAL LAW RELATING TO THE CONTROL OF CATS
Shire of Ashburton
WITHDRAWAL OF INFRINGEMENT NOTICE

No:.....

Date:/...../.....

To:....., of.....

Infringement Notice No:....., dated/...../..... for.....

with a penalty of \$..... is hereby withdrawn.

No further action will be taken / It is proposed to institute Court proceedings for the alleged offence (delete which is not applicable).

.....
Name of Authorised Person

.....
Signature of Authorised Person

.....
Chief Executive Officer

Fourth Schedule
 LOCAL LAW RELATING TO THE CONTROL OF CATS
Shire of Ashburton
APPLICATION TO KEEP MORE THAN TWO CATS

I/We
(Full Name)

of.....
(Postal Address)

hereby make application to keep more than two (2) cats in accordance with clause 6(1) of the Local Law relating to the Control of Cats at:

.....
(Property Address)

for (give details of all cats proposed to be kept on the above mentioned premises)

No.	Breed	Sex	Colour	Name	Age
1					
2					
3					

It is necessary for me to keep more than two (2) cats because:

.....
.....

DATED this.....day of.....

.....
Signature of Applicant(s)

Dated this 19 day of May 1998.

The Common Seal of the Shire of Ashburton was hereunto affixed in the presence of—

BRIAN HAYES, President.
DAVID CAREY, Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF ASHBURTON

LOCAL LAW RELATING TO DOGS

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LOCAL GOVERNMENT ACT 1995

SHIRE OF ASHBURTON

LOCAL LAW RELATING TO DOGS

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it the Council of the Shire of Ashburton hereby records having resolved on the 19 May 1998 to make the following local law.

PART 1—PRELIMINARY**1. Citation**

This local law may be cited as the Shire of Ashburton "Local Law Relating to Dogs".

2. Commencement

This local law comes into effect thirty (30) days after the date of its publication in the Government Gazette.

3. Repeal of Previous Local Law

The Shire of Ashburton "Local Law Relating to Dogs" published in the Government Gazette on 25 February 1983 and all other local laws relating to Dogs are hereby revoked.

4. Content and Intent

This local law provides for rules and guidelines for the proper management and control of dogs and for the management and control of kennel establishments and shall apply throughout the whole of the district.

5. Interpretation

(1) In this local law unless the context otherwise requires—

"Act" means the Dog Act 1976.

"authorised person" means the Chief Executive Officer or any Environmental Health Officer, Building Surveyor, Ranger or any other person employed by the local government as an authorised person for the purpose of this local law.

"clause" means a clause of this local law;

"local government" means the local government of the Shire of Ashburton;

"district" means the local government district of the Shire of Ashburton.

"dog exercise area" means those areas designated by this local law pursuant to section 31 of the Act.

"fence" includes a wall and retaining wall.

"food premises" has the meaning given to it in the Health Act 1911.

"person liable for the control of a dog" has the meaning given to it in the Act.

"premises" has the meaning given to it in the Act.

"public buildings" includes each of the following:

- (a) Churches;
- (b) Cinemas/Drive Inn
- (c) Community, sporting and recreation centres and public swimming pools;
- (d) Premises licensed under the Liquor Licensing Act 1988; and
- (e) Public and private primary, secondary and tertiary places of education.

"schedule" means a schedule to this local law.

(2) Unless otherwise defined herein, the terms and expressions used in this local law shall have the same meaning given to them in the Act.

(3) Where a term is not defined in this local law, the Act or its regulations the terminology is to be taken from the Oxford Dictionary.

PART 2—IMPOUNDING AND RELEASING DOGS**6. Owner to Provide Evidence**

A person applying for the release of a dog lawfully impounded shall first provide to the Authorised Person evidence, satisfactory to the Authorised Person, that he or she is the owner of that dog.

7. Fees and Charges to be Paid

(1) Prior to the release of any dog lawfully impounded the owner, or a person appointed in writing by him/her, shall pay to the local government—

- (a) all and any fees owing to the local government in respect of the seizure, impoundment and maintenance of that dog;
- (b) any veterinary fees which may have been reasonably incurred by the local government in relation to the treatment of that dog; and
- (c) any registration fees owing pursuant to the Act in respect of the dog.

(2) No unregistered dog which has been lawfully impounded may be released until all registration fees are paid in respect of that dog.

8. Owner to be Notified

If a dog is impounded having around its neck a collar with a current registration tag affixed thereto then an Authorised Person shall notify the registered owner of that dog.

9. Dog Maybe Destroyed

(1) If a dog with or without a registration tag is not claimed, and all fees paid, within 72 hours of the dog being received into the pound, then an Authorised Person may sell or destroy the dog.

(2) Notwithstanding anything herein contained, subject to the provisions of Section 29 (12) of the Act, a dog seized or impounded may at any time be destroyed upon the written authority of a registered veterinary surgeon, medical practitioner, or environmental health officer.

(3) If any dog is destroyed by an Authorised Person, whether at the request of the owner or not and whether the dog shall have been seized or impounded or not, the owner shall when so required, pay to the local government any fees prescribed by the local government

10. Local Government Property not to be Interfered With

No person shall—

- (a) unless an Authorised Person, attempt to release a dog from a pound.
- (b) destroy, break into, damage, or in any way interfere with a pound.
- (c) destroy, break into, or in any way interfere with any vehicle, trailer, cage, or any container used for the purpose of catching, holding, or conveying dogs which have been seized.

11. Payment of Fees Does Not Reduce Liability of Owner

The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of liability to proceedings being instituted by the local government under the Act.

PART 3—KEEPING OF DOGS**12. Maximum Number of Dogs to be Kept**

(1) The occupier of premises shall not unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26 (3) of the Act keep or permit to be kept on those premises more than—

- (a) two dogs over the age of three months and the young of those dogs under that age if the premises are situated in a gazetted townsite.
- (b) six dogs over the age of three months and the young of those dogs under that age if the premises are situated outside a gazetted townsite in the district unless a greater number of dogs is reasonably required and the dogs are used for the purpose of tending, mustering and controlling livestock on those premises.

(2) The provisions of (1), above are subject to—

- (a) The premises complying in all respects with the provisions of the Act and this local law;
- (b) All dogs being registered in accordance with the Act.

(3) Notwithstanding the provisions of (1), above an owner or occupier of premises may only keep two dogs on those premises if that person or any other person liable for the control of dogs on those premises has been convicted for an offence under the Act on two or more occasions during the twelve months immediately preceding the renewal of the registration.

(4) A person wishing to keep more than the number of dogs as prescribed in (1), above shall apply for an exemption for those premises under the provisions of Section 26(3) of the Act in the form prescribed in the First Schedule.

(5) The local government may grant an exemption in respect of those premises but any such exemption maybe made subject to conditions, including a condition restricting the number of dogs and the breed of dogs which may be kept.

13. Conditions For Keeping Dogs

An occupier of premises on which a dog is kept shall—

- (a) cause the premises or portion thereof on which a dog is kept to be fenced in a manner capable of confining the dog.
- (b) ensure any fence used to confine the dog and every gate and door in the fence is of a 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.
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises, but nothing in this local law prevents a person from opening the gate in order to enter or leave the premises.
- (d) maintain the fence and all gates and doors in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that all means exist on the premises for effectively confining the dog within the building on the premises.

PART 4—EXERCISING DOGS**14. Person to Control Dog**

(1) When in a public place, not gazetted as a dog exercise area, pursuant to this local law, a person liable for the control of the dog shall ensure that the dog is kept—

- (a) on a leash, chain, cord or harness by a person physically able to control the dog; and
- (b) under continuous supervision, by a person physically able to control the dog.

(2) A person liable for the control of a dog shall prevent the dog from entering or being in any of the following places in addition to those specified in the Act—

- (a) a public building;
- (b) food premises;
- (c) a public swimming pool; and
- (d) any other place prohibited to dogs under any other written law.

(3) If a person liable for the control of a dog breaches any provision of this clause then the person liable for control of the dog commits an offence.

15. Dog Excreta

If a dog excretes on a public place then unless the excreta is removed forthwith and properly disposed, the person liable for the control of that dog commits an offence.

16. Guide and Hearing Dogs

The provisions of clause 15(2) of this local law do not apply to dogs used by persons who are blind, or partially blind, deaf or partially deaf or persons engaged in the training of guide and hearing dogs.

17. Dog Exercise Areas

(1) A person may exercise a dog in any areas specified in (2) below without adhering to the requirements of clause 15(1)(a).

(2) The following are designated as Dog Exercise Areas—

- (a) all reserves or land owned by the local government or under the care, control and management of the local government as indicated by a sign or such other method determined by the local government.
- (b) all other reserves or land as indicated by a sign or such other method as determined by the local government.

PART 5—REGULATION OF DOG KENNELS**18. Dog Kennels**

(1) The local government may approve the establishment of dog kennels within a gazetted townsite.

(2) The local government shall have regard to any policy statements it has in relation to the establishment of dog kennels.

PART 6—MISCELLANEOUS MATTERS**19. Infringement Notices**

Where an Authorised Person has reason to believe that a person has committed an offence against this local law he/she may serve upon that person an Infringement Notice in the form outlined in the Act.

20. Modified Penalties

The offences prescribed in the Second Schedule are pursuant to Section 45A(2) of the Act as offences in relation to which a modified penalty applies and the amount appearing directly opposite each such offence is the prescribed modified penalty payable in respect of that offence.

21. Appeal Rights

A person who is aggrieved by any decision made pursuant to this local law may lodge and appeal with the Minister or Local Court, as the case may be.

First Schedule*Shire of Ashburton***APPLICATION TO KEEP MORE THAN TWO DOGS**I/We
(Full Name)of
(Postal Address)

hereby make application to keep more than two(2) dogs in accordance with Section 26 (1) of the Dog Act 1976 at

.....
(Property Address)

for (give details of all dogs proposed to be kept on the above mentioned premises)

No	Breed	Sex	Colour	Name	Age
1					
2					
3					
4					
5					
6					

It is necessary for me to keep more than two (2) dogs because:
.....
.....
.....

DATED this.....day of.....

.....
Signature of Applicant(s)**Second Schedule***Shire of Ashburton***MODIFIED PENALTIES**

Item	Section	Nature of Offence	Penalty
1	10(a)	Attempt to, or cause the unauthorised release of a dog.	\$50
2	10(b)	Interfere or render not dog proof any pound.	\$50
3	10(c)	Interfere with any vehicle, cage, trailer or any container used for holding or conveying dogs.	\$50
4	13	Failing to provide means for effectively confining a dog.	\$50
5	14(2)	Permitting a dog to enter or be in a prohibited place.	\$100
6	15	Permitting a dog to excrete on a street, public place or other land, and failing to remove or dispose of it.	\$50

Dated this 19 day of May 1998.

The Common Seal of the Shire of Ashburton was hereunto affixed in the presence of—

BRIAN HAYES (JP), Shire President.

DAVID G. CAREY, Chief Executive Officer.

