

Under the powers conferred by the Local Government Act 1995, the Dog Act 1976 and under all other powers enabling it, the Council of the Shire of Toodyay makes the following local law.

PART 1 PRELIMINARY

1.1 Citation

This local law may be cited as the **Shire of Toodyay Dog Local Law Amendment Local Law 2027**.

1.2 Commencement

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

1.3 Principal Local Law

In this local law, the **Principal Local Law** means the Shire of Toodyay Dog Local Law 2026.

1.4 Purpose

The purpose of this local law is to amend the Shire of Toodyay Dog Local Law 2026.

1.5 Effect

The effect of this local law is to correct drafting errors, amend provisions identified by the Joint Standing Committee on Delegated Legislation and ensure compliance with the Dog Act 1976.

PART 2 AMENDMENTS TO THE DOG LOCAL LAW 2026

2.1 Clause 1.3 Definitions

(a) Delete the definition of **District** and insert:

District has the meaning given to it in section 3(1) of the Act.

(b) Delete the definition of **kennel establishment** and insert:

kennel establishment means an approved kennel establishment in section 27 of the Act.

2.2 **Clause 4.1 Dogs to be Confined**

Delete clause 4.1(1)(c) and insert:

- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined), and is fitted with a proper latch or other means of fastening it;

2.3 **Clause 4.3 Limitation on Number of Dogs**

- (a) In clause 4.3(1)(a) delete:

Part 4

and insert:

Part 5

- (b) In clause 4.3(3) delete:

Item

and insert:

clause

2.4 **Clause 5.9**

Delete clause 5.9 and insert:

5.9 Reviews and Objections

- (1) Applications for a review of the approval of a kennel establishment are contained in Part 14 of the *Planning and Development Act 2005*.
- (2) Objections and review of the issue of a licence to operate are within the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996*.

2.5 Clause 1.1(3)

Delete the words:

determine dog exercise and prohibited areas

and

identifies dog exercise and prohibited areas

2.6 Part 6

Delete clauses 6.1 and 6.2 in their entirety.

Insert new clause 6.1 as follows:

6.1 Specified Dog Areas

- (1) For the purposes of sections 31 and 32 of the *Dog Act 1976*, Council shall specify a public place, or class of public place, under the care, control or management of the Shire of Toodyay to be:
 - (a) places where dogs are prohibited, whether at all times or specified times; and
 - (b) places designated as dog exercise areas.
- (2) Areas specified under subclause (1) are not set out in this local law and shall be specified by a Council notice adopted by absolute majority.

2.7 Clause 7.2

Delete:

Penalty: \$200.

Insert:

Penalty: \$2,000.

2.8 Clause 8.1

Renumber current clause 8.1 as clause 8.1(1).

Insert new clause 8.1(2):

- (2) A person who commits a breach of any provision of this local law shall upon conviction be liable to a penalty not exceeding \$5,000

and, if the offence is of a continuing nature, a further penalty not exceeding \$500 for each day or part of a day during which the offence continues.

2.9 Schedule 2

In the heading to Schedule 2 delete:

(clause 5.1(2))

and insert:

(clause 5.2(1))

2.10 Schedule 3

(a) Delete the entry:

Offence 6.1

in its entirety.

(b) Amend the entry:

Offence 5.7

to read:

Offence 5.2

(c) Amend modified penalties as follows:

Offence	Existing	New
3.4(1)(b)	\$2,000	\$500
4.1	\$1,000	\$100
5.2	\$1,000	\$500
Dangerous Dog 4.1	\$2,000	\$200

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Mr Alan Hart
Temporary Chief Executive Officer