

**LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976**

CITY OF WANNEROO

**ANIMALS AMENDMENT LOCAL LAW 2008**

Under the powers conferred by the *Local Government Act 1995* and the *Dog Act 1976* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the following local law.

**1. Citation**

This local law may be cited as the *City of Wanneroo Animals Amendment Local Law 2008*.

**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 *City of Wanneroo Animals Local Law 1999* as published in the *Government Gazette* on 27 August 1999 is referred to as the principal local law. The principal local law is amended as follows.

**4. Clause 6 amended**

- (a) Delete the definition “environmental health officer”; and
- (b) Delete “environmental health officer” and “environmental health surveyor” where they occur in the clauses listed below and insert “authorised person” instead—
  - Clause 38(b) and (c);
  - Clause 42(2)(b);
  - Clause 45(3)(c)(iv);
  - Clause 48(2)(b)(iii) and (x); and
  - First Schedule, Item No. 31, 32 and 52.

**5. Clause 10 amended**

Delete “and the areas specified in the Second and Fourth Schedule to this local law”.

**6. Clause 11 amended**

In subclause (1) after “specified in the” insert—  
“Second and”.

**7. Clause 13 amended**

Delete clause 13(3).

**8. Clause 14 amended**

In paragraph (b) delete “within a rural area or comprise a lot in a special rural area” and insert—  
“on a lot”.

**9. Clause 24 amended**

In subclause (2) delete all the words after “as specified as” and insert—

“a sufficient fence in the Third Schedule of the City of Wanneroo Private Property Local Law 2001, being—

- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, these to be generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases, and threaded through 12mm holes in posts to all fences;
- (b) posts shall be of indigenous timber or other suitable material including timber impregnated with a termite and fungicidal preservative cut not less than 1.8m long x 100mm diameter at small end of round or 125mm x 60mm if split or sawn. Posts to be set minimum 600mm in the ground and 1.2m above the ground; and
- (c) strainer posts shall be not less than 2.25m long and 150mm diameter at the small end and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1m in the ground.”

**10. Clause 34 amended**

In subclause (2)(b) after “dwelling house,” insert—

“except the dwelling house on which the cage, enclosure or loft is situated, “.

**11. Clause 36 amended**

In subclause (2)(c) delete “34” and insert—

“35”.

**12. Clause 53 amended**

Clause 53 and its heading “Limit on Liability” are deleted.

**13. Clause 58 amended**

Delete “Court of Petty Sessions” and insert—

“Magistrates Court”.

**14. Renumbering of clauses**

Clause numbers “54” through to “59” are redesignated as “53” to “58” consecutively.

**14. First Schedule amended**

(a) Delete all of **Part 2—Dogs** in the First Schedule and insert the following instead—

				<b>“Dangerous Dog Modified Penalty \$</b>
<b>Part 2 Dogs</b>				
1	10	Permitting a dog to be in an area not designated as a Dog Exercise Area	100	200
2	11	Permitting a dog to be in or on any place specified in the Second and Fourth Schedule	100	200
3	12	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100	200
4	13(1)	Failing to install and maintain a fence capable of confining a dog to the premises confining a dog to the premises	100	200
5	13(2)	Fence not adequate to confine dog of the species, age, size and physical condition to the premises	100	200
6	14	Keeping more than permitted number of dogs without approval	100	200”

(b) In Item No. 76 delete Clause No. “54(2)” and insert “53(2)”; and

(c) Item No. “9” through to Item No. “77” are redesignated as Item No. “7” to Item No. “75” consecutively.

Dated: 4 March 2009.

The Common Seal of the City of Wanneroo was affixed by authority of a resolution of the Council in the presence of—

JON KELLY, Mayor.  
DANIEL SIMMS, Chief Executive Officer.