



*By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995*

DOGS BY-LAW 2022

By-law No. 5 of 2022

For the management and control of dogs within the Council's area.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Dogs By-law 2022*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;

3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;

3.3 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);

3.4 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;

3.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995* but does not include a dog that is under 3 months of age;

3.6 **effective control** means a person exercising effective control of a dog either:

3.6.1 by means of a physical restraint;

- 3.6.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.7 **keep** includes the provision of food or shelter;
- 3.8 **leash** includes any chain, cord or leash;
- 3.9 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.11 **premises** includes:
- 3.11.1 land;
- 3.11.2 a part of any premises or land;
- 3.12 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.13 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

Part 2 – Dog Management and Control

4. Dog Prohibited Areas

- 4.1 A person must not allow a dog in that person's control to be in, or remain in a dog prohibited area.
- 4.2 For the purposes of this paragraph, a **dog prohibited area** is any:
- 4.2.1 local government land or public place to which the Council has resolved this sub-paragraph applies; or
- 4.2.2 children's playground.
- 4.3 The restrictions in subparagraph 4.1 do not apply to any assistance dog.

5. Dog on Leash Areas

- 5.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:
- 5.1.1 tethered securely to a fixed object capable of securing the dog; or
- 5.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 5.2 For the purposes of this paragraph, a **dog on leash area** is any:

- 5.2.1 local government land or public place to which the Council has resolved that this sub-paragraph applies;
- 5.2.2 park when organised sport is being played; or
- 5.2.3 wetland area.

6. Dog Off Leash Areas

- 6.1 Subject to paragraphs 4 and 5, a person may enter any dog off leash area for the purpose of exercising a dog under his or her control.
- 6.2 For the purposes of this paragraph, a **dog off leash area** is any:
 - 6.2.1 park; or
 - 6.2.2 local government land that the Council has resolved is a dog off leash area.
- 6.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog off leash area.

7. Limit on Dog Numbers

- 7.1 The limit on the number of dogs kept on any premises is two dogs.
- 7.2 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the limit unless the premises is:
 - 7.2.1 an approved kennel establishment;
 - 7.2.2 a veterinary practice;
 - 7.2.3 a pet shop;
 - 7.2.4 any premises that the Council has exempted from the requirements of this paragraph; or
 - 7.2.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

Part 3 – Miscellaneous

8. Application

- 8.1 The Council may from time to time, by resolution, identify local government land as a dog off leash area in accordance with subparagraph 6.2.2 of this by-law.
- 8.2 Any of paragraphs 4.2.1 and 5.2.1 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.

8.3 Where the Council makes a resolution under either of subparagraphs 8.1 or 8.2, the Council's Chief Executive Officer must ensure that:

8.3.1 the area is denoted by signs erected by the Council; and

8.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

9. **Revocation**

Council's *Dogs By-law 2015*, published in the *Gazette* on 3 September 2015, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Prospect held on the _____ day of _____ 2022 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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Mr Chris White
Chief Executive Officer