

**CITY OF BAYSWATER**

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**LOCAL GOVERNMENT ACT 1995**

**DOG ACT 1976**

**DOGS AMENDMENT LOCAL LAW 2025**

**DRAFT**

**Local Government Act 1995**

**City of Bayswater**

**Dogs Amendment Local Law 2025**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Bayswater resolved on (insert date) to make the following amendment local law.

**Part 1 - Preliminary**

**1. Citation**

This local law may be cited as the *City of Bayswater Dogs Amendment Local Law 2025*.

**2. Commencement**

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

**3. Principal Local Law**

This local law amends the *City of Bayswater Dogs Local Law 2016* published in the *Government Gazette* on 31 May 2016 ("Principal Local Law").

**Part 2 – Amendments**

**4. Clause 1.5 amended**

Clause 1.5 "Definitions" is amended by replacing the following definitions for "authorised person", "dangerous dog", "district", "owner", "occupier", "person liable for the control of the dog" and "schedule" in alphabetical order:

**authorised person** means a person who is appointed under the Act;

**dangerous dog** has the meaning given to it under the Act;

**district** means the district of the local government;

**owner** has the meaning given to it under the Act;

**occupier** has the meaning given to it under the Act;

**person liable for the control of the dog** has the meaning given to it under the Act;

**schedule** unless the context states otherwise shall mean a schedule of this local law.

## **5. Part 2 – Impounding of Dogs is deleted**

Part 2 – “Impounding of Dogs” is deleted and existing clauses in Parts 3 to 6 are subsequently renumbered Parts 2 to 5.

## **6. Clause 2.3 is inserted**

Following clause 2.2 “Limitation on the number of dogs”, insert the following new clause 2.3:

### **“2.3 Direction to provide a suitable enclosure**

- (1) A person authorised by the local government may serve a written direction to the owner of any dog to provide a suitable enclosure that effectively confines a dog on the property where the dog is normally kept if in the opinion of the authorised person the dog is not adequately prevented from escaping from the property.
- (2) Any person receiving a lawful direction pursuant to subclause (1) shall comply with the direction within 14 days of its service.
- (3) A person who fails to comply with a direction given under subclause (1) commits an offence. Penalty where the dog is not a dangerous dog: \$2,000, and a further penalty not exceeding \$200 in respect of each day or part of a day during which the offence has continued. Penalty where the dog is a dangerous dog is dealt with in the Act and Regulations.”

## **7. Clause 3.1 amended**

Clause 3.1 “Interpretation” is amended by replacing the following definition for “premises”:

“**premises** in addition to the meaning given to it under the Act means the premises described in the application for a licence; and”

## **8. Clause 3.16 amended**

Clause 3.16 “Inspection of kennel” is amended by deleting the existing clause 3.16 and replacing it with the following:

### **“3.16 Inspection of kennel**

- (1) With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.
- (2) With the authority of a warrant, an authorised person, and any other person named in the warrant, may enter and inspect an approved kennel establishment for any purpose relating to the enforcement of this local law.
- (3) If satisfied that there are reasonable grounds for doing so, a Justice of the Peace may issue a warrant for the purposes of subclause (2).”

## **Part 5 – Enforcement**

## **9. Clause 5.2 amended**

Clause 5.2 “Modified penalties” is amended by deleting sub-clause 5.2(2) and sub-clause 5.2(3).

**10. Clause 5.4 deleted**

Clause 5.4 “Failure to pay modified penalty” is deleted and the remaining clauses renumbered.

**11. Clause 5.5 deleted**

Clause 5.5 “Payment of modified” penalty is deleted and the remaining clauses renumbered.

**12. Clause 5.6 amended**

Clause 5.6 “Withdrawal of infringement notice” is amended by replacing sub-clause 5.6(3) with:

“Only delegated officers under the City of Bayswater Delegated Authority Register shall be authorised to sign or send a notice of withdrawal”.

**13. Schedule 3 (clause 5.2) amended**

Delete the Table in Schedule 3 of the Principal Local Law and insert the following table:

<b>Clause</b>	<b>Description</b>	<b>Modified Penalty (\$)</b>
2.1	Failure to provide effective means to contain dog	200
2.3(3)	Failure to comply with direction to provide a suitable enclosure	200
3.9	Failure to comply with the conditions of a licence	250
4.1(2)	Dog excreting in prohibited place	150

The COMMON SEAL OF THE CITY OF BAYSWATER was affixed by authority of a resolution of the Council in the presence of:

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FILOMENA PIFFARETTI  
MAYOR

Dated:

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JEREMY EDWARDS  
CHIEF EXECUTIVE OFFICER