

From: [REDACTED]
To: [REDACTED]
Subject: RE: Shire of Serpentine Jarrahdale - Public Notice of Proposed Dog Local Law 2022
Date: Thursday, 5 January 2023 1:07:37 PM
Attachments:

Good morning,

This email is regarding the Shire's proposed dog local law. No major issues were identified but some minor suggestions are noted below.

Dog Local Law 2022

1. Clause 3.3 – Limits on numbers of dogs

Clause 3.3(2)(b) provides that the limit of dogs on a property will double if the property is zoned Rural, possesses a "Urban Farmland Concession" and is within a kilometer of a townsite or urban area.

It is uncertain whether all three conditions need to exist for the increased limit to apply, or whether the existence of just one of the conditions is sufficient. The Shire may wish to reword the clause to ensure it is interpreted in the way the Shire intends.

It is also suggested that the terms "urban area" and "urban farmland concession" be defined, since these terms seem to be critical to how the clause operates.

From a plain reading of the clause, it appears there will be no limit on dog numbers in relation to a property if it falls outside of the zones specified in paragraph (a) and the conditions specified in paragraph (b). The Shire should ensure that this reflects the Shire's intent.

2. Clause 4.8 – Compliance with license conditions.

Clause 4.8 provides that a person who breaches a kennel license will receive a higher penalty if dangerous dogs are involved.

This is potentially inconsistent with section 27 of the Dog Act and Regulation 33 of the Dog Regulations, since they impose a single penalty for breaches of kennel licenses that applies to both dangerous and non-dangerous dogs.

It is suggested that the local law's penalty match the Act penalties to avoid any possibility of inconsistency.

3. Minor edits

The following minor edits are suggested:

- **Contents:** It would be advisable to include the full schedule titles, as this would assist readers to identify what Schedule they are seeking.

- **Clause 3.2(2):** In the penalty section, delete “(a)” and move “\$5,000.” up to the same line as “Penalty:”
- **Clause 3.4(6):** Change “6.16 – 6.19” to “6.16 to 6.19”.
- **Clause 4.1:** In the definition for ***approved kennel establishment***, remove the underlining.
- **Clause 5.1:**
 - Redesignate subclause (3) as subclause (4).
 - In subclause (2), designate the text from “Notwithstanding” onward as subclause (3).
 - In subclause (2), update the cross reference to subclause (3) if needed.
- **Schedule 2:** Change the bracket reference to “4.7(1)”
- **Schedule 3:** After the title, insert a bracket reference to clause 3.4(2).
- **Schedule 4:** After the title insert a bracket reference to clause 6.3.

The Shire should also check all references and cross-references, particularly if any changes are made as a result of the Department’s comments.

Minister’s Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister’s *Local Laws Explanatory Memoranda Directions 2010*.

The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk
 Joint Standing Committee on Delegated Legislation
 Legislative Council Committee Office
 GPO Box A11
 PERTH WA 6837
 Email: [REDACTED]
 Tel: [REDACTED]
 Fax: [REDACTED]

A copy of the Explanatory Memoranda forms can be downloaded from the Department of Local Government, Sport and Cultural Industries website at www.dlgsc.wa.gov.au. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire’s consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire policies and objectives.

Kind regards,

[REDACTED]

Senior Legislation Officer
 Department of Local Government, Sport and Cultural Industries
 140 William Street, Perth WA 6000
 GPO Box R1250, Perth WA 6844
 Web www.dlgsc.wa.gov.au

The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders past and present.

From: [REDACTED]@sjshire.wa.gov.au>
Sent: Monday, 7 November 2022 9:12 AM
To: [REDACTED]@dpc.wa.gov.au>
Cc: [REDACTED]
Subject: Shire of Serpentine Jarrahdale - Public Notice of Proposed Dog Local Law 2022

Good morning Minister of Local Government [REDACTED],

I am contacting you today, as the Shire of Serpentine Jarrahdale has advertised a proposed Dog Local Law 2022.

The Shire has advertised this notice at the office and the Library and the advertisement is to be in this Thursdays local Examiner(serpentine Jarrahdale).

The webpage has gone live as well, allowing another form of feedback from the public -

www.yoursaysj.sjshire.wa.gov.au/dog-local-law

As per the *Local Government Act 1995 part 3, division 2, section 3.12(b)* I have attached a copy for your consideration.

Thank you for your time.

Kind regards,

[REDACTED]
Coordinator Community Safety

+618 [REDACTED]

Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong, WA, 6123

www.sjshire.wa.gov.au