



Shire of
Nannup
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Minutes

Special Council Meeting held Thursday 14 May 2015

CONFIRMATION OF MINUTES

These minutes comprising pages 1 – 4 were confirmed by Council on 28 May 2015 as a true and accurate record.

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Tony Dean

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 16:00 hours.

2. RECORD OF ATTENDANCE

Shire President: Cr A Dean

Councillors: C Gilbert, R Longmore, J Lorkiewicz, A Slater, N Steer and C Stevenson

Peter Clarke – Chief Executive Officer

Tracie Bishop – Manager Corporate Services

Chris Wade - Manager Infrastructure

VISITORS

Nil

3. APOLOGIES

Nil

4. LEAVE OF ABSENCE

(Previously approved)

5. PUBLIC QUESTION TIME

6. REPORTS OF OFFICERS

AGENDA NUMBER:	6.1
SUBJECT:	Amendment Dogs Local Law 2015
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 5
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	12 May 2015
ATTACHMENTS:	6.1.1. Amended Dogs Local Law 2015 6.1.2. Department of Local Government comments

BACKGROUND:

At its meeting on 20 November 2014 Council resolved to amend the Shire of Nannup Dogs Local Law 2014 to make changes suggested by the Joint Standing Committee on Delegated Legislation. The purpose of this amended Dog Local Law, remains consistent with the current Dog Local Law which is to control dogs within the Nannup townsite with the effect being the effective and fair control of dogs in the area.

The justification for the local law is:

The controls and enforcement provisions ensure that dog owners must take all measures for their dogs not to be a nuisance to the community and cause harm to children and people in public places, and for the safety and good governance of the people in the district.

The Dog Local Law would be established under sections 49 – 51 of the Dog Act 1976 and covers the following areas:

- Fencing requirements
- Limitation of dog numbers
- Enforcement

In accordance with the statutory process the proposed Local Law was advertised State-wide and a copy submitted to the Minister for Local Government.

COMMENT:

The proposed new local law was advertised in the West Australian newspaper on 18 March 2015 giving six weeks for public comment to be received. No public comments have been received at the expiration of the advertising period.

A copy of the proposed local law was sent to the Minister for Local Government on 13 March 2015. A number of comments were received from the Department regarding the proposed local law and these are appended at Attachment 2.

The comments were primarily to do with formatting, incorrect dates and clarification of the clauses and did not substantially alter the provisions in the local law that would require it to be readvertised.

The proposed local law has been updated to reflect all of the comments received from the Minister and the revised version is appended at Attachment 1.

If adopted by Council the local law will be gazetted in the Government Gazette and will come into operation 14 days after publication. Following gazettal an explanatory notice and check list must be signed by the Shire President and CEO and submitted to the Department for Local Government.

STATUTORY ENVIRONMENT:

Sections 49 – 51 of the Dog Act 1976.

Local Government Act 1995 Section 3.12 (1) states:

In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

Local Government Act 1995 Section 3.12 (2) states:

At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

Local Government (Functions and General) Regulations 1996 Section 3 states:

For the purpose of Section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Possible additional income from the imposition of fines and penalties under the proposed local dog law.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council adopt the Amended Shire of Nannup Dog Local Law 2015 as set out in Attachment 1 and authorise the Shire President and Chief Executive Officer to complete the necessary returns to the Department for Local Government.

VOTING REQUIREMENTS: Absolute Majority.

9184 LONGMORE/LORKIEWICZ

That Council adopt the Amended Shire of Nannup Dog Local Law 2015 as set out in Attachment 1 and authorise the Shire President and Chief Executive Officer to complete the necessary returns to the Department for Local Government.

CARRIED BY ABSOLUTE MAJORITY 7/0

7. CLOSURE OF MEETING

There being no further business to discuss the Shire President declared the meeting closed at 16:07 hours.