

	<p>LV133 Dogs in Public Places</p>
<p>Key Focus Area Liveability</p>	<p>Responsible Directorate Governance and People</p> <p>Relevant Council Delegation Nil</p>

Purpose

This policy establishes the dog exercise areas and prohibited areas within the Town of Claremont. A local government must specify under subsection (3A) of the *Dog Act 1976* such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for exercising of dogs in the district.

Policy

Places Where Dogs are Prohibited Absolutely (Excluding Assistance Dogs)

1. Subject to section 8 of the *Dog Act 1976* and section 66J of the *Equal Opportunity Act 1984*, dogs are prohibited absolutely from entering or being in any of the following places:
 - a) A public building unless permitted where so indicated by a sign, public building;
 - b) A theatre or picture gardens;
 - c) All food premises and food transport vehicles;
 - d) Within an area enclosed by the perimeter fencing of A public swimming pool;
 - e) A Cchildren’s playgrounds;
 - f) Lake Claremont, which is located on or in part of the following Lots 1, 2, 5, 6, 7, 8, 58, 150 and 900 as indicated in Schedule 2;
 - g) Claremont Golf Course including the (playing and practice areas); and
 - h) Any other place prohibited to dogs under any written law.
2. If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at the time commits the offence. Unless the dog is a certified assistant animal as in section 9(2) of the *Disability Discrimination Act 1992*.

Penalty
\$5,000

Places Which are Dog Exercise Areas

1. Subject to clause 4.1 and subclause (2) of this clause, for the purposes of section 31 and 32 of the Act, the following are dog exercise areas within the district:
 - a) Reserve 2025 Victoria Avenue, Alex Prior Reserve
 - b) Agett Road Reserve, Agett and Bay Roads
 - c) Reserve 883 Bay View Terrace Claremont Park, with the exclusion of designated playground area

- d) Reserve 24626 Maclagan Park, with the exclusion of designated playground area
 - e) Portion of Lot 900 (known as Lake Claremont parkland) from north end of Elliott Road to Alfred Road at Lake Claremont
 - f) Reserve 76350 Stubbs Terrace/ Moffin Avenue
 - g) Reserve 8003 Rowe Park, with the exclusion of designated playground area, and
 - h) Reserve 24523 Foreshore, between Alex Prior Park and Jetty Road.
2. Subclause (1) does not apply to:
 - a) Land which has been set apart as a children’s playground;
 - b) An area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
 - c) A car park.
 3. Whether or not in a dog exercise area, a dog must at all times, in the opinion of an authorised person, be under effective control of the person liable for the control of the dog.
 4. Whether or not in a dog exercise area, a dog shall not be a nuisance either of itself or together with other dogs whether or not in the same ownership.
 5. A dog shall be taken to be a nuisance for the purposes of subsection (4) if it behaves in a manner, which has a disturbing effect on the state of reasonable physical, mental or social wellbeing of a person.
 6. Where it is shown that a dog is not under effective control in contravention of subsection (3) or the dog is a nuisance on contravention of subsection (4) the person liable for the control of the dog commits an offence.

Maximum Penalty
\$5,000

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