

DOG ACT 1976

DA1 Administering the *Dog Act 1976*

Head of Power *Dog Act 1976* (Section 10AA)

Power/Duty Delegated

Part	II
Division	N/A
Section	s.10AA Delegation of local government powers and duties.
Sub section	Dog Act 1976: s.3 Terms used (refer definition of Registration Officer) s.10A Payments to veterinary surgeons towards costs of sterilisation. s.11(1) Staff and services. s.15(2) and (4A) Registration periods and fees. s.16(3) Registration procedure. s.17A(2) If no application for registration made. s.17(4) and (6) Refusal or cancellation of registration. s.27 Licensing of approved kennel establishments. s.29(1) s.29(5) Power to seize dogs. s.29(11) Power to seize dogs. s.33E(1) Individual dog may be declared to be dangerous dog (declared). s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy
Local Law	Dogs Local Law 2012
Relevant Policies	3.3.8 Keeping of 3-6 Dogs

Previous Delegation # D.90

Detail of delegation

The Council pursuant to section 10AA of the *Dog Act 1976* (the Act) delegates authority to the Chief Executive Officer to perform the powers or duties of the local government in the Act, including, but not limited to the following:

- s.3 - Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act.
- s.10A(1)(a) and (3) - Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$210.
- s.10A(1)(b) and (2) - Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation.
- s.11(1) - Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act.

- s.14(1) - Maintain an accurate and up to date register of dogs registered by the local government.
- s.15(4A) - Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Broome's District.
- s.16(1) - Register a dog that is ordinarily kept within the district upon receipt of a fee and application form signed by or on behalf of the owner.
- s.16(2) – Authority to determine to refuse a dog registration and refund the fee, if any.
- ~~s.16(3) – in the specified circumstances, direct a registration officer to refuse to effect or renew the registration of a dog, and/or direct that the registration of a dog be cancelled.~~
- s.16(4) – Notify the applicant or the person in whose name the registration was effected.
- s.16AA(2) - Deal with a person over the age of 18 nominated in writing by the registered owner of a dog to be their delegate.
- s.16A(1) - Change the ownership of a dog other than a declared dangerous dog within 28 days of the receipt of written notification.
- **s.16(3) and s.17A(2) - Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:**
 - i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or
 - ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or
 - iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept
 - iv. the dog is required to be microchipped but is not microchipped; or
 - v. the dog is a dangerous dog.
- ~~s.17A(2) – provide written notice to the owner of an unregistered dog, that their dog may not be registered within the district, informing them of their right to apply for a review of the decision.~~
- s.17(4) - Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed.
- s.17(6) - Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed.
- s.19 - Provide a refund of registration fees upon the cancellation of the registration of a dog and the return of its registration tag.
- s.26(3) - Grant approval for the keeping of three (3) dogs.
- ~~s.27(4) – grant a licence to an approved kennel establishment within the district.~~
- **s.27(4) and (6) - Authority to grant, refuse to grant or cancel a kennel licence.**
- s.29(1) - Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act.
- **s.29(5) - Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable.**
- **s.29(11) - Authority to dispose of or sell a dog which is liable to be destroyed.**
- s.33E(1) - Authority to declare an individual dog to be a dangerous dog.

- s.33F(1) - Notify the owner in writing that their dog has been declared dangerous, giving reasons for the making of the declaration and outlining that a written objection may be raised within 7 days with the local government or the State Administrative Tribunal.
- s.33F(6) - Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog.
- s.33G(2) - Give notice in writing to the to the owner of a seized declared dangerous dog, informing them of the seizure, place of detention, reasons for the seizure, intention to destroy, and right to raise an objection, where and as soon as that is practicable.
- s.33G(3) - Detain any seized, declared dangerous dog until; any objection that is received has been considered, the time for making an application to the State Administrative Tribunal has passed, or if an application is made, that it has been determined in accordance with section 33G(3).
- ~~s.33G(4)(b) - consider a written objection raised in relation to a dangerous dog declaration and give a determination stating the reasons to the owner within 35 days of the receipt of the objection in accordance with section 33G(4) and section 33G(5).~~
- **s.33G(4) - Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog.**
- s.33H(1) - Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act.
- s.33H(2) - Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog.
- s.33H(3) - Give notice in writing to the owner of a declared dangerous dog outlining the outcome of any application made seeking to revoke the declaration, and the reasons associated with the decision.
- s.33H(5) - Consider an application for the revocation of a dangerous dog declaration and give a determination stating the reasons to the owner within 35 days of the receipt of the objection.
- s.33M(1)(a) - Require the owner of a declared dangerous dog to pay a reasonable charge in regard to the expense incurred by the local government in making enquiries, investigations and inspections concerning the behaviour and containment of that dog, in addition to, and at the time of, payment of the registration fee.
- s.39(1) - Apply to the Magistrates court seeking the destruction of an attack dog shown on the balance of probabilities to have caused injury or damage.
- s.44(2)(b) - Authorise an employee of the local government to take proceedings in the name of the local government under the *Dog Act 1976*.
- s.47(2) - Pay for the veterinary services provided in relation to a request from the local government.
- s.48(4) - Administer regulations made under the *Dog Act 1976* throughout the district as if they were a local law.

Conditions Imposed

The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.

Delegation to be in writing, any sub-delegation to be in writing and reviewed every financial year.

Sub-delegation Permitted: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-delegated to:

Director Development and Community:

s.10A, s.11(1), s.15(4A), s.16(1), s.16(2), s.16(3), s.16(4), s.16A(1), s.17A(2), s.17(4), s.17(6), s.19, s.26(3), s.27(4), s.29(1), s.33E(1), s.33F(1), s.33F(6), s.33G(2), s.33G(3), s.33G(4)(b), s.33G(6), s.33H(1), s.33H(2), s.33H(3), s.33H(5), s.33M(1)(a), s.39(1), s.44(2)(b), s.47(2), s.48(4)

Manager Health, Emergency and Ranger Services:

s.10A, s.15(4A), s.16(1), s.16(2), s.16(3), s.16(4), s.16A(1), s.17A(2), s.17(4), s.17(6), s.19, s.26(3), s.27(4), s.33E(1), s.33F(1), s.33G(2), s.33G(3), s.33G(4)(b), s.33G(6), s.33H(1), s.33H(2), s.33H(3), s.33M(1)(a), s.39(1), s.44(2)(b), s.47(2), s.48(4)

Ranger Coordinator: s.16(1), s.16AA(2), s.16A(1), s.17(4), s.19, s.48(4)

Rangers: s.16(1), s.16AA(2), s.16A(1), s.19, s.33G(1), s.48(4)

Customer Service Officers: s.16(1), s.16AA(2), s.16A(1), s.19, s.33G(1), s.48(4)

Record requirements Documentation to be recorded to the relevant file.

Reporting requirements To be reported monthly in the Information Bulletin, with a copy of the report to be recorded to file ARE02 (Delegations of Authority Register).