

LOCAL GOVERNMENT ACT 1995

SHIRE OF SERPENTINE-JARRAHDALÉ

LOCAL LAW RELATING TO LIVESTOCK IN PUBLIC PLACES AND WANDERING AT LARGE

In pursuance of the powers conferred upon it by the *Local Government Act 1995* and under all other powers enabling it, the Shire of Serpentine-Jarrahdale resolved on the 27th of January 2004 to make this Local Law.

PART 1 – PRELIMINARY

1. Citation.

This local law may be cited as the Shire of Serpentine-Jarrahdale “Local Law relating to Livestock in Public Places and Wandering at Large”.

2. Definitions.

In this local law unless the context otherwise requires-

“act” means the *Local Government Act 1995* as amended;

“local government” means the Shire of Serpentine-Jarrahdale;

“public place” means any land or lands which are vested or within the management or control of the Local Authority which is accessed by the public: being facilities, reserves, road reserves, public accessways, public open space or other lands as designated or determined by Council, Council’s Town Planning Scheme 2 as amended;

“livestock” means any animal determined as Livestock by the *Stock (identification) Act 1970* as amended and shall include all cattle, horses, pigs, sheep, goats, camels, alpaca, llama, ostrich and other breeds as determined by this Act;

“Owner” means-

(i) a person who by legal definition “is in ownership” of the livestock.

(ii) a person in possession of the livestock.

(iii) a person in control of the livestock.

(iv) a person who ordinarily occupies the Land where the livestock is permitted to stay.

PART 2 – GENERAL

3. An owner shall not:

- (1) allow any animal which has a contagious or infectious disease, parasitic infection to be in any public place at any time or to come from any quarantined premises, property or district without veterinary clearance;
- (2) train or race any animal in a thoroughfare or public place that has not been designated, vested or leased for that purpose;
- (3) allow livestock to be tethered in any public place without written approval from the local government;
- (4) allow livestock to be tethered or kept in any thoroughfare or accessway.
- (5) allow livestock to be unsupervised in any public place;
- (6) allow livestock to wander at large: Which shall mean, knowingly or willingly set animals free or by creating a means or opportunity for which livestock is able to wander at large;
- (7) cause livestock to wander at large: Which shall mean, failing to provide adequate fencing or gates, or by failing to repair or keep in good condition fencing or gates required to contain livestock within a property boundary.

4. Exemptions to Part 2 Section 3 of this Local Law are;

Droving of livestock is permitted under certain conditions:

- (i) in accordance with the *Local Government (Misc provisions) Act 1960* as amended;
- (ii) in accordance with regulation 1702A and 1703 of the *Road Traffic Code 2000*.

Grazing of livestock may be permitted where written approval has been granted by the Local Government to tether or fence livestock to graze certain public lands during daylight hours and will be subject to the following condition;

- (iii) that the subject land is not a thoroughfare or accessway.
- (iv) that the subject land is not classified for conservation.
- (v) subject livestock does not exceed the prescribed stocking limit.
- (vi) subject livestock is compatible with land subject of the application.
- (vii) a Local Government officer may withdraw or cancel an approval to graze or tether livestock in public places immediately and without notice.
- (viii) the grazing or tethering of livestock in public places may only occur during daylight hours, being between the hours of 0630 and 1730. The subject livestock shall be placed within the owners property boundary at all other times.

PART 3 - PENALTIES

5. Breach for allowing Livestock to Wander at Large.

An owner commits a breach if livestock is allowed to wander at large or be in a public place without consent of the Local Government.

Penalty –

- (1) \$200; and
- (2) offending livestock being impounded by the Local Government.

6. Contravention leading to Impound and Recovery of Charges, Fees and Costs.

Contravention of this Local Law may result in offending Livestock being impounded by the Local Government, the owner is responsible for Charges, Fees and other reasonable Costs for the impound, maintenance and sustenance of the Livestock in accordance with the Local Government Schedule of Fees and Charges as amended annually.

Dated: the 30th day of January in the year 2004.

The Common Seal of the Shire of Serpentine-Jarrahdale was affixed by the authority of a resolution of the Council in the presence of -

D L. Needham – Shire President

D.E. Price – Chief Executive Officer