

**SECTION 249 LOCAL GOVERNMENT ACT 1999**

**CERTIFICATE OF VALIDITY**

I, Paul St Leger Kelly of 431 King William Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which Campbelltown City Council intends to make, being *Dogs By-law 2023* and do certify that in my opinion:

- (a) the said Council has power to make by the by-law by virtue of the following statutory provisions:

*Dog and Cat Management Act 1995*, Sections 90(1) and 90(3);

*Local Government Act 1999*, Sections 246(1), 246(2) and 246(3);

*Legislation Interpretation Act 2021*, Section 40; and

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

**DATED** the 8<sup>th</sup> day of June 2023.



**Paul St Leger Kelly, Legal Practitioner**



*By-law made under the Local Government Act 1999  
and the Dog and Cat Management Act 1995*

## **DOGS BY-LAW 2023**

### **By-law No. 5 of 2023**

*For the management and control of dogs within the Council's area.*

#### **Part 1 – Preliminary**

##### **1. Short Title**

This by-law may be cited as the *Dogs By-law 2023*.

##### **2. Commencement**

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### **3. Definitions**

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Dog and Cat Management Board for assistance dogs;
- 3.3 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.4 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.5 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.6 **effective control** means a person exercising effective control of a dog either:
  - 3.6.1 by means of a physical restraint;

- 3.6.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.7 **keep** includes the provision of food or shelter;
- 3.8 **leash** includes any chain, cord or leash;
- 3.9 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.10 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.11 **premises** includes:
  - 3.11.1 land;
  - 3.11.2 a part of any premises or land;
- 3.12 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.13 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland.

## Part 2 – Dog Management and Control

### 4. Dog Prohibited Areas

- 4.1 A person must not allow a dog in that person's control to be in, or remain in a dog prohibited area.
- 4.2 For the purposes of this paragraph, a dog prohibited area is any:
  - 4.2.1 local government land or public place to which the Council has resolved this sub-paragraph applies; or
  - 4.2.2 children's playground.
- 4.3 The restrictions in subparagraph 4.1 do not apply to any assistance dog.

### 5. Dog on Leash Areas

- 5.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:
  - 5.1.1 tethered securely to a fixed object capable of securing the dog; or
  - 5.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 5.2 For the purposes of this paragraph, a dog on leash area is any:

- 5.2.1 local government land or public place to which the Council has resolved that this sub-paragraph applies;
- 5.2.2 park when organised sport is being played; or
- 5.2.3 wetland area.

## **6. Dog Off Leash Areas**

- 6.1 Subject to paragraphs 4 and 5, a person may enter any dog off leash area for the purpose of exercising a dog under his or her control.
- 6.2 For the purposes of this paragraph, a dog off leash area is any:
  - 6.2.1 park; or
  - 6.2.2 local government land that the Council has resolved is a dog off leash area.
- 6.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog off leash area.

## **7. Limit on Dog Numbers**

- 7.1 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.
- 7.2 Subject to subparagraph 7.3, the prescribed limit on the number of dogs to be kept on premises is two;
- 7.3 The prescribed limit does not apply to:
  - 7.3.1 an approved kennel establishment;
  - 7.3.2 a veterinary practice;
  - 7.3.3 a pet shop;
  - 7.3.4 any dog that is under three months of age;
  - 7.3.5 any premises that the Council has exempted from the requirements of this paragraph; or
  - 7.3.6 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

## **8. Dog Faeces**

A person must not, on local government land or a public place, be in control of a dog, unless the person has, in their possession, a bag or other suitable receptacle for the purpose of picking up and lawfully disposing of any faeces that the dog may generate while in that place.

**Part 3 – Miscellaneous****9. Application**

- 9.1 The Council may from time to time, by resolution, identify local government land as a dog off leash area in accordance with subparagraph 6.2.2 of this by-law.
- 9.2 Any of paragraphs 4.2.1 and 5.2.1 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.
- 9.3 Where the Council makes a resolution under either of subparagraphs 8.1 or 8.2, the Council's Chief Executive Officer must ensure that:
- 9.3.1 the area is denoted by signs erected by the Council; and
- 9.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.

**10. Revocation**

Council's *Dogs By-law 2016*, published in the *Gazette* on 16 June 2016, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the City of Campbelltown held on the 20th day of June 2023 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Mr Paul Di Iulio  
Chief Executive Officer