

## Shire of Boddington



### LOCAL LAW RELATING TO LIVESTOCK IN PUBLIC PLACES AND WANDERING AT LARGE 2007

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Boddington resolved on the 4<sup>th</sup> day of September 2007 to make the following local law.

#### PART 1 – Preliminary

##### 1. Citation

This local law may be cited as the Shire of Boddington “Local Law relating to Livestock in Public Places and Wandering at Large 2007”.

##### 2. Definitions

In this local law unless the context otherwise indicates:

“Act” means the *Local Government Act 1995* as amended.

“livestock” means:

- (1) any animal defined in the *Stock (Identification and Movement) Act 1970*; or
  - (2) any prescribed animal in the *Stock (Identification and Movement) Regulations 1972*;
- or
- (3) any stock defined in section 5 of the *Road Traffic Act 1974*; or
  - (4) any other animal prescribed by the local government from time to time.

“local government” means the Shire of Boddington.

“owner” means:

- (1) any person who is the owner, either jointly or severally, of the livestock, and includes an authorised agent of, or manager appointed by, such an owner; or
- (2) a person in possession of the livestock; or
- (3) a person in control of the livestock; or

(4) a person who ordinarily occupies the land where the livestock is permitted to stay.

“public place” means any land or lands which are vested or within the management or control of the local government which is accessed by the public: being facilities, reserves, road reserves, public access ways, public open space or other lands as designated or determined by Council and Council’s current Town Planning Scheme, with amendments.

### 3. **Repeal**

The Shire of Boddington Local Law Relating to Livestock in Public Places and Wandering at Large, published in the *Government Gazette* on 22 October 2004, is repealed.

## **PART 2 – General**

### 4. **An owner shall not:**

- (1) Allow any livestock, 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 livestock 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 access way.
- (5) Allow livestock to be unsupervised in any public place.
- (6) Allow livestock to wander at large: Which shall mean, knowingly or willingly set livestock 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.

### 5. **Exemptions**

- (1) Droving of livestock is permitted:
  - (i) in accordance with the *Local Government (Miscellaneous Provisions) Act 1960*,
  - (ii) in accordance with Part 18, Division 4 of the *Road Traffic Code 2000*.
- (2) 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 conditions:
  - (i) that the public land is not a thoroughfare or access way.
  - (ii) that the public land is not classified for conservation.
  - (iii) that the livestock does not exceed the prescribed stocking limit.
  - (iv) that the livestock is compatible with the public land in the application.
  - (v) a local government employee may withdraw or cancel an approval to graze or tether livestock in public places immediately and without notice.
  - (vi) the grazing or tethering of livestock in public places may only occur during

daylight hours, being between the hours of 0630 and 1730. The livestock shall be placed within the owner's property boundary at all other times.

### **PART 3 - Penalties**

#### **6. 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 the consent of the local government;  
Penalty – \$200.

#### **7. Impounding of Wandering Livestock**

(1) Contravention of this Local Law may result in wandering livestock being impounded by the local government.

(2) The owner is responsible for charges, fees and other reasonable costs for the impounding, maintenance and sustenance of the livestock in accordance with the local government Schedule of Fees and Charges as amended annually.

Dated this 10<sup>th</sup> day of September 2007.

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

EDWARD FLAHERTY  
Shire President

PETER BRADBROOK  
Chief Executive Officer