

ALSATIAN DOG.

11° Elizabeth II., No. LXXXIX.

No. 89 of 1962.

AN ACT relating to Alsatian Dogs.

[Assented to 11th December, 1962.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Alsatian Dog Act, 1962*.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Repeal.
First
Schedule.

3. The Acts mentioned in the First Schedule are repealed.

4. In this Act, unless the context otherwise requires,—

Interpre-
tation.

“Alsatian dog” means a dog of either sex wholly or partly of the Alsatian or German Shepherd dog breed and includes a dog determined as being an Alsatian dog, under the provisions of section nine of this Act;

“authorised person” means an authorised person within the meaning of Part VII of the Vermin Act, 1918, or a person appointed to exercise the powers of a local authority, under section thirteen of this Act;

“Chief Vermin Control Officer” means the Chief Vermin Control Officer appointed under the Vermin Act, 1918;

“Chief Veterinary Surgeon” means the person holding the office of Chief Veterinary Surgeon in the Government department known as the Department of Agriculture;

“inspector” means an inspector within the meaning of the Vermin Act, 1918;

“local authority” means the council of a municipality established under the Local Government Act, 1960;

“Minister” means the Minister for Agriculture or such other responsible Minister of the Crown as is, for the time being, charged with the administration of this Act;

“Protection Board” means the Agriculture Protection Board established under the Agriculture Protection Board Act, 1950 and includes a person acting under the instructions of the Protection Board;

“registered veterinary surgeon” means a veterinary surgeon registered under the Veterinary Surgeons Act, 1960 or any other Act relating to the registration of veterinary surgeons;

“sterilised” means completely desexed by a registered veterinary surgeon, in the case of a male dog, by castration and, in the case of a female dog, by ovariectomy;

“to keep”, in relation to a dog, includes to own or to have in possession or to have control of, in any place or in, or upon, a conveyance or vessel; and inflexions and derivations of the verb have a corresponding meaning; but the expression does not include the keeping of a dog by a poundkeeper, for the purposes of this Act or of the Dog Act, 1903, or by a registered veterinary surgeon for the purpose of veterinary treatment;

“wandering at large”, in relation to a dog, means roaming, other than on a lead or in an enclosure from which it cannot escape; and “to wander at large” has a corresponding meaning.

5. (1) The administration of this Act shall be under the control of the Minister.

(2) The Protection Board is responsible to the Minister for the administration of this Act and the powers and duties of the Protection Board, as provided by the Agriculture Protection Board Act, 1950, shall be read and construed as though they applied to the administration of this Act.

(3) The Protection Board may, by instrument in writing authenticated by it, delegate all or any of its powers or functions under this Act or the regulations, in relation to any matters or class of matters, except this power of delegation, to the Chief Vermin Control Officer, so that the delegated powers may be exercised by him with respect to the matters or class of matters specified in the instrument, without, however, preventing the exercise by the Protection Board of any of those powers or functions; and the Protection Board may in like manner revoke any delegation so made.

(4) Where, by any of the provisions of this Act, the exercise of any power or function by the Protection Board, or the operation of any provision of this Act, is dependent upon the opinion, belief, satisfaction or state of mind of the Protection Board in relation to any matter, that power or function may be exercised by the Chief Vermin Control Officer or, as the case may be, that provision may operate upon the opinion, belief, satisfaction or state of mind of the Chief Vermin Control Officer.

6. (1) A person shall not, after three months from the day of the coming into operation of this Act, keep an Alsation dog, unless he shall have obtained a permit, issued by the Protection Board for that purpose and in respect of that dog.

Dogs not to be kept without permit.

(2) A permit issued under this section is valid for the period from the date of issue until the thirtieth day of June next following that date and shall, at the end of that period, be renewed and thereafter be renewed annually.

(3) A fee of five pounds shall be paid to the Protection Board, on the issue, or on the transfer, of a permit, and two pounds on each occasion of the renewal of a permit.

(4) Nothing in this section relieves a person of the requirement to register a dog, under the provisions of the Dog Act, 1903.

(5) Notwithstanding the provisions of subsection (3) of this section, a permit shall be issued, transferred and renewed, free of charge to a blind person, for an Alsation dog kept, or to be kept, by him as a trained guide dog and to the Commissioner of Police for an Alsation dog kept, or to be kept, as a police dog.

7. The Protection Board shall not issue a permit for the keeping of an Alsation dog, unless it is satisfied that the dog is sterilised, nor until the dog has been marked for identification, by the method known as tattooing, in the prescribed manner.

Alsation dogs to be sterilised.

Alsatian dogs to be kept by permit holder only and not to wander at large.

8. (1) Except where the dog is lodged in the temporary care of a registered veterinary surgeon or, with the permission, in writing, of the Protection Board, in the care of a kennel owner, a person, being the holder of a permit issued under section six of this Act, shall not cause or permit the dog in respect of which the permit is issued to be kept by any other person, for a period exceeding fourteen days, unless—

- (a) that other person is his servant, his employee or a member of his household; or
- (b) the permit is transferred to that other person.

(2) A person, being any of the persons mentioned in subsection (1) of this section, shall not cause, suffer or permit an Alsatian dog to wander at large.

Determination of whether a dog is an Alsatian dog.

9. (1) The Chief Veterinary Officer or the Chief Vermin Control Officer may determine that a dog, having some or all of the characteristics set out in the Second Schedule and not being a dog in respect of which a permit is issued under section six of this Act, is an Alsatian dog for the purposes of this Act.

(2) Upon the making of a determination under this section, the Protection Board shall give to the person known to be keeping the dog in respect of which it is made a notice for the destruction of the dog under the provisions of section ten of this Act; and where the person keeping the dog is not known, shall cause the dog to be destroyed.

Destruction of unsterilised dogs.

10. (1) The Protection Board shall serve upon a person known by it to be keeping an Alsatian dog that is not sterilised notice to destroy that dog or cause it to be destroyed and that person shall, forthwith after its receipt by him, comply with the notice.

(2) Where a person fails forthwith to comply with a notice given under this section, the Protection Board may cause the dog to which the notice relates to be taken and destroyed.

(3) An employee of the Protection Board, of the Department of Agriculture or of a local authority or a member of the Police Force, finding an Alsatian dog that is not identified as being a dog for which a permit has been issued under this Act, wandering at large, may forthwith take and destroy that dog or cause it to be destroyed.

(4) Where the person taking an Alsatian dog under the provisions of subsection (3) of this section is in doubt as to whether or not the dog is one for which a permit has been issued under this Act, he shall lodge it in a place of safe custody, until such time as the question has been determined; and, where the dog is found to be one for which a permit has been so issued, he shall cause it to be dealt with under the provisions of the Dog Act, 1903.

11. Without otherwise limiting the rights of a person at law, compensation is not payable in respect of an Alsatian dog destroyed under the provisions of this Act.

Compensation not payable.

12. A local authority shall not register an Alsatian dog pursuant to the Dog Act, 1903, unless a permit issued under section six of this Act, in respect of that dog, is first produced to it; and that dog shall be registered in the name appearing on the permit, only.

Alsatian dogs not to be registered unless permit produced.

13. (1) Every local authority is authorised and directed to exercise, within its district, the powers conferred upon the Protection Board by sections ten and eleven of this Act and may appoint persons to exercise those powers on its behalf.

Local authority to exercise certain powers under this Act.

(2) A local authority is authorised to take proceedings against any person for an offence under this Act.

Power to enter and search.

14. (1) An inspector or authorised person may (on production of his authority, if demanded), from time to time, enter any premises, with or without assistants, to search for an Alsatian dog or to ascertain whether any such dog is kept in or upon those premises.

(2) An inspector or authorised person may, at any time, stop any conveyance or vessel and may, with or without assistants, enter into or upon that conveyance or vessel for the purpose of ascertaining whether any Alsatian dog is in or upon that conveyance or vessel.

(3) A person who obstructs, resists or hinders an inspector or authorised person in the exercise of the powers conferred by this section, or who, being in charge of a conveyance or vessel, fails to stop the conveyance or vessel when being so required by a person making himself known as an inspector or authorised person, commits an offence.

Offence of personating an inspector or officer.

15. A person who falsely represents himself to be, or who personates, an inspector or authorised person, commits an offence.

Immunity of persons acting in good faith.

16. Civil or criminal proceedings shall not lie against any person for any act, matter or thing done, or commanded to be done, by him and purporting to be done for the purpose of carrying out the provisions of this Act, or for any act, matter or thing omitted to be done, unless that act, matter or thing was done, commanded to be done, or omitted to be done, maliciously or without reasonable and probable cause.

Regulations.

17. (1) The Governor may make such regulations as he thinks necessary for the purposes of carrying out and giving effect to the provisions of this Act.

(2) Any fees not provided by this Act may be prescribed by regulation.

18. (1) Every person committing an offence Penalties. against this Act or the regulations is liable to a penalty of fifty pounds; and where the offence is an offence against section six or ten of this Act, a minimum penalty of fifteen pounds, irreducible in mitigation, notwithstanding the provisions of any other Act, shall be imposed.

(2) Where an offence against this Act is a continuing one, a penalty of not more, nor less, than two pounds shall be imposed for each day that the offence continues after conviction.

FIRST SCHEDULE.

Section 3.

No. of Act.	Short Title.
34 of 1929	Alsatian Dog Act, 1929.
6 of 1938	Alsatian Dog Act Amendment Act, 1938.
61 of 1952	Alsatian Dog Act Amendment Act, 1952.

SECOND SCHEDULE.

Section 9.

Characteristics of Mature Aged Alsatian Dog.

General Appearance—Well proportioned with great suppleness of limb, neither massive nor heavy, but free from any suggestion of weediness. Strongly boned with extensive muscle and capable of endurance, speed and quick, sudden movement. Gait supple, smooth and long reaching, carrying the body with the minimum of up and down movement and entirely free from stiltiness.

Head—Proportionate to size of body, long, lean and clean cut. Broad at back of skull, without coarseness, tapering to the nose, with only a slight stop between the eyes. Skull slightly domed, with top of nose parallel with the forehead. The whole head, viewed from above, in the form of a "V". Muzzle strong and long, but not carried to such an extreme as to give the appearance of being overshot. Lips tight-fitting and clean. Nose black.

Eyes—Almond shaped, rather darker than the surrounding coat and placed to look forward, showing a lively, alert and intelligent expression.

Ears—Moderate sized, but rather large than small, broad at the base and pointed at the tips. Placed high on the skull and carried erect, adding to the alert expression. In the case of pups, ears often hang down, until the age of six months, becoming erect with the replacement of the milk teeth.

Teeth—Sound and strong, gripping with a scissor-like action, the lower incisors being just behind, but touching, the upper.

Neck—Strong, fairly long and muscular, fitting gracefully into the body, free from throatiness and joining the head without sharp angles.

Shoulders—Clean boned and muscular, but sometimes upright, or with loaded bone, as a fault. Forelegs straight, when viewed from front but having pasterns showing a slight angle with the forearm, when viewed from the side. Angle sometimes too great, as a fault.

Body—Muscular, back broadish, straight and strongly boned. Belly shows waist, without being tucked up. Brisket of good depth but not too broad. Sides flat, compared with other breeds.

Hindquarters—Broad and strong loins, the rump being rather long and sloping. Legs straight when viewed from behind, of good length in thigh and bent at hock.

Feet—Round. Toes strong, slightly arched and held close together. Pads firm. Nails short and strong.

Tail—Hanging in a slight curve and reaching as far as the hock, when at rest. Raised during movement and excitement.

Coat—Smooth but doubled. Undercoat woolly in texture, thick and close. Outer coat close, each hair being hard and lying flat, so as to be rain resistant. Longer under body to behind the legs and forming a mild breaching near the thighs. Hair short on head (including inside of ears) to front of forelegs and feet. Along neck, hair longer and thicker, approaching the form of a ruff, in winter.

Height—22 to 26 inches according to sex, greater or lesser heights occurring as a fault.

Colour—Sable, wolfgrey, brindle, black and black and tan preferred, with white, part white, cream and other colours occurring.