

DOG.

12° and 13° Geo. VI., No. LXXIV.

No. 74 of 1948.

AN ACT to amend the Dog Act, 1903-1928.

[Assented to 21st January, 1949.]

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

1. This Act may be cited as the *Dog Act Amendment Act, 1948*, and shall be read as one with the Dog Act, 1903-1928 (Act No. 6 of 1903 reprinted with amendments to Act No. 24 of 1928 included in the Sessional Volume of the Statutes for the year one thousand nine hundred and twenty-eight), hereinafter referred to as the principal Act. Short title.

2. The principal Act as amended by this Act may be cited as the Dog Act, 1903-1948. Citation of principal Act as amended by this Act.

Amendment
of s. 3.

3. Section three of the principal Act is amended by adding after the word "district" in line three of the interpretation, "Registering Officer" an interpretation as follows:—

"Wandering at large" means roaming about without any control whatever.

Amendment
of s. 5.

4. Section five of the principal Act is amended by—
(a) substituting for the first sentence, the following:—

(1) Any person who keeps any dog which is not registered pursuant to the provisions of this Act commits an offence against this Act.

Maximum penalty—Two pounds.

Minimum penalty irreducible in mitigation, notwithstanding the provisions of section one hundred and sixty-six of the Justices Act, 1902-1942, and of sections nineteen and six hundred and ninety-nine of the Criminal Code, 1913—Ten shillings.

(2) On convicting any person of an offence under the provisions of the last preceding section the Court of Petty Sessions shall order payment by the person of the registration fee which should have been paid and the amount of the fee shall be recoverable in the same manner as that in which the penalty imposed for the offence is recoverable;

(b) by inserting before the word "This" in line one of the second sentence the figure three in brackets thus, (3).

Amendment
of s. 19.

5. Section nineteen of the principal Act is amended by—

(a) adding after the word "authority" in lines two and three, the words "or placed in a pound, which may be established and maintained for impounding of dogs by the local authority,

constituted for the municipal district or the road district, as the case may be, in which the dog is seized”;

- (b) substituting for all words in lines four to ten, the words “Any dog so seized shall be held and disposed of in manner prescribed”.

6. Section twenty-two of the principal Act is amended by inserting after the word “cattle” in line two, the words “or poultry”.

Amendment
of s. 22.

7. Section thirty-five of the principal Act is amended by adding after the word “thereof” in line three the following:—

Amendment
of s. 35

and without prejudice to the generality of the foregoing the Governor may, subject to the provisions of this Act, make regulations—

- (a) empowering any local authority, subject to the provisions of the Act under which it is constituted to establish and maintain pounds for the impounding of dogs seized pursuant to the provisions of this Act;
- (b) for the care, detention, release, disposal and destruction of dogs so seized;
- (c) prescribing fees to be payable in respect of the seizing, care, detention, release, disposal and destruction of dogs so seized;
- (d) prescribing the liability of any person in respect of payment of the fees referred to in the last preceding paragraph;
- (e) prohibiting the release from any pound of any dog except in accordance with the regulations;
- (f) prohibiting the obstruction or hindrance of any employee of a local authority or member of the Police Force in the performance of anything authorised by the provisions of this Act or the regulations made in pursuance of those provisions;

(g) imposing as an absolute prohibition an obligation on the owner of any dog that the dog shall not enter or be in—

(i) such places as may be prescribed, in any circumstances whatever; or

(ii) such places as may be prescribed, unless on a leash held by a person.

8. The principal Act is amended by adding after section thirty-five a section as follows:—

Delegation
of powers
to local
authorities.

35A. By Order in Council the Governor may empower,—

subject to such conditions and restrictions as may be specified in the Order,—

any local authority to exercise,—

as a power to make by-laws to have effect within the municipal district or road district, as the case may be, in respect of which it is constituted,—

any power of making regulations conferred upon the Governor by the provisions of this Act, and the Order, until revoked or amended, may be acted upon by the local authority in the manner and subject to any conditions and restrictions specified in the Order.