

DOG.

19° GEO. V., No. XXIV.

No. 24 of 1928.

AN ACT to amend the Dog Act, 1903.

[Assented to 27th December, 1928.]

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:—

Short title.

1. This Act may be cited as the *Dog Act Amendment Act, 1928*, and shall be read and construed as one with the Dog Act, 1903 (hereinafter referred to as the principal Act).

Amendment of s. 5.

2. Section five of the principal Act (as amended by Act No. 1 of 1923) is hereby amended by the insertion after the word "time" of the words "in depots licensed for the purpose pursuant to regulations made under this Act."

Insertion of new section after s. 6.

3. There is hereby inserted in the principal Act, after section six thereof, a new section as follows:—

Registration of destructive dogs may be refused.

6A. (1) The local authority may direct the registering officer to refuse to register the dog on the ground that such dog is, in the opinion of the local authority, of a destructive nature.

(2) The owner may, in the prescribed manner and within the prescribed time, appeal against such direction to the Local Court held nearest to the office

of the local authority, and such Court may either affirm the direction or quash it and direct the registration of the dog, as shall be just.

(3) The registering officer shall act in conformity with the direction of the local authority or the Local Court, as the case may be.

4. A section is hereby inserted in the principal Act, after section twenty-two, as follows:—

Insertion of new section after s. 22.

22A. Subject to the regulations, it shall be lawful for the owner or occupier of any field, paddock, yard, or other place in or on which any sheep or cattle are confined or depasturing, or any person not being an aboriginal or half-caste, except with the consent of the nearest Protector of Aborigines acting under his authority, to lay poison upon such field, paddock, yard or other place for the destruction of dogs wandering at large and trespassing on any such place.

Poison may be laid in certain cases.

Provided that such poison shall not be laid within one chain of a main road.

5. Section twenty-three of the principal Act is amended by striking out the words "five pounds," at the end of the first paragraph, and inserting "twenty pounds"; and by inserting the following after the word "pounds":—
"When a dog has actually bitten any person the court or justices, in addition to inflicting a penalty, may order that such dog be destroyed forthwith, and may give all necessary directions to make such order effective."

Amendment of s. 23.

6. A new section is hereby inserted in the principal Act, after section twenty-three, as follows:—

Insertion of new section after s. 23.

23A. No person shall be deemed to be guilty of an offence or be liable in damages on account of the death of or any injury or harm suffered by any dog wandering at large, owing to measures taken by such person, reasonably and in good faith, for the purpose of destroying or exterminating vermin or dogs wandering at large, whether by means of traps, poison, or otherwise, in conformity with any Act or statutory regulation, or by reason of the fact that the death of the dog has occurred in a place or on premises not belonging to or in the occupation of such person.

Freedom from liability for acts done for destruction of vermin or dogs wandering at large.

Amendment of
s. 27.

7. Section twenty-seven of the principal Act is hereby amended by the substitution of "July" for "January," and of the word "any" for the word "every," and by striking out the words "such person."

Insertion of new
section after s. 34.

8. A section is hereby inserted after section thirty-four of the principal Act as follows:—

Power to make
by-laws.

34A. A local authority may, for the protection of owners of stock, make by-laws for—

(a) requiring dogs to be kept chained or otherwise under effective control from sunset to sunrise, and authorising the destruction of any dog not so kept under control and found wandering at large;

(b) imposing a penalty not exceeding ten pounds for the breach of any such by-law.

9. A section is hereby inserted in the principal Act as follows:—

Application of
sections 6A, 22A,
23A, and 34A.

36. Sections sixA, twenty-twoA, twenty-threeA, and thirty-fourA shall not have effect within the metropolitan area as defined by the regulations under this Act, or within any municipality outside the metropolitan area, unless extended to such municipality by an Order in Council published in the *Gazette*.

Reprinting of
principal Act and
amendments.

10. In any reprint of the principal Act, the Dog Act Amendment Act, 1922, and this Act, the short title may be altered to the *Dog Act*, 1903–1928, and the said Acts may be cited together by that title.