

WESTERN AUSTRALIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS,

VI.

No. 6 of 1903.

AN ACT to consolidate and amend the Law relating to Dogs.

[Assented to 1st December, 1903.]

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*, 1903, and shall come into operation on the thirty-first day of December, one thousand nine hundred and three. Short title and commencement.

2. THE Acts mentioned in the First Schedule to this Act are hereby repealed. Repeal.
First Schedule.

3. IN this Act, unless the context otherwise requires,— Interpretation.

“District” means a municipality or a road district, as the case may be.

“Dog” means a dog of either sex of an age exceeding three months.

“Local Authority” means a municipal council or road board, as the case may be.

“Prescribed” means prescribed by regulations made under this Act.

“Registering Officer” means and includes every person authorised by a local authority to enter the registration of dogs within the district.

Persons to be deemed the owners of dogs.

4. EVERY person having a dog in his possession or under his control, or being the occupier of any house or premises where a dog is kept or harboured, or permitted to live or remain, shall be deemed to keep and to be the owner of the dog.

Where there are more occupiers than one of any house or premises, the occupier of that part of the house or premises in which the dog is kept or harboured, or permitted to live or remain, shall be deemed to keep and to be the owner of the dog.

Dogs to be registered.

5. ANY person who shall keep a dog for a period exceeding twenty-one days without causing such dog to be registered, and such registration to be again made from year to year, in manner hereinafter mentioned, shall be liable, for every dog so kept, to a penalty not exceeding Forty shillings, and not less than Ten shillings, above the amount of the fee payable in respect of such registration.

Registration offices.

6. REGISTRATION shall be made at the office of the local authority of the district in which it is intended to keep the dog, or at such other convenient places within the district as may be appointed by the local authority for the purpose.

Mode of registration.

7. REGISTRATION shall be made by the owner, or some person in his behalf, delivering at the registration office an application, signed by such owner or person, in the form A in the Second Schedule, containing the particulars indicated by such form, and paying the registration fee to the registering officer.

Registration receipt.

8. THE registering officer shall—

- (1.) Make out a receipt for the registration fee in the form B in the Second Schedule and a duplicate thereof;
- (2.) Enter on the application receipt and duplicate the registration number of the dog;
- (3.) Deliver to the owner or person making the registration the receipt and a registration label numbered according to the registration;
- (4.) File the application and duplicate receipt.

9. EVERY registration label shall be a metal disc or plate of the prescribed size and shape, on which shall be inscribed the name of the district, the year of registration, and the registration number. Registration labels.

10. EVERY registration shall be in force from the day upon which it is made until the first day of January next ensuing and no longer, and shall be again made in like manner from year to year : Registration to be renewed yearly.

Provided that every registration made within twenty-one days of the first day of January in any year shall be deemed to have been made on that day.

11. THE fee to be paid for registration shall be as stated in the Third Schedule ; and until the proper registration fee is paid, no registration shall be deemed to have been made. Registration fee.

12. ANY person who keeps a dog at any place not within the boundaries of any district shall, for the purposes of this Act, be deemed to keep the dog within such district a boundary of which is nearest to the place in which such dog is kept. Registration of dogs not kept within a district.

13. EVERY registration made under this Act shall be in force throughout the State, and any owner may remove a dog to any other district than the one wherein such dog is registered, without payment of any fee. Registration to extend over State.

14. WHERE an ownership of a dog is changed, the registration of such dog shall continue good ; but the name of the new owner shall, upon application by him, be inserted in the registration receipt and the duplicate thereof in substitution of the name of the previous owner without payment of any fee, and thereupon, for the purpose of this Act, such new owner shall take the place of the previous owner. Change of ownership.

15. THERE shall be kept at the office of every local authority, for public inspection, a list arranged in alphabetical order of the names of all persons who shall have registered dogs during the current year within the district, and the number of dogs registered by each person, and the registered number of each dog. List of registered dogs to be exhibited.

Whenever the name of any person is inserted in a registration receipt, in substitution of the name of the previous owner, the list shall be amended accordingly.

Any person applying for the particulars of any dog so registered, or for the name of the owner thereof, or for a certified copy of the receipt hereinbefore mentioned, shall be entitled to receive the same on payment of a fee of One shilling.

Any officer who shall refuse to allow such list to be inspected at all reasonable times, or who shall, on being required so to do, and after tender of the said fee, refuse or neglect to give such particulars, or the name of such registered owner, or a copy of such receipt, certified by such officer to be a correct copy thereof, shall be liable to a penalty not exceeding Ten shillings.

Receipt to be *prima facie* evidence of registration and ownership.

16. A RECEIPT for the registration of any dog, or a certified copy thereof, purporting to be signed by a registration officer, shall be *prima facie* evidence in any proceeding—

- (1.) Of such registration; and
- (2.) That the person therein named as the owner of the dog is the owner of such dog.

Penalty for false registration.

17. ANY owner or other person by whom a registration is made who wilfully inserts or omits, or permits to be inserted or omitted, in any application for registration, any matter or thing whatsoever contrary to or for the purpose of concealing the truth, shall be liable to a penalty not exceeding Five pounds.

Penalty for removing collar or disc.

18. ANY person, not being the owner, who wilfully removes the registration label from the neck of a dog shall be liable to a penalty not exceeding Five pounds, and shall pay to the owner of any dog that may have been sold or destroyed under the provisions of this Act, in consequence of the removal of the label, the full value of the dog.

Power to seize stray dogs.

19. ANY dog found wandering at large may be seized and kept by the police, or any authorised officer of a local authority.

If such dog is not claimed, and one shilling and sixpence for its keep paid, by the owner, within three days from the time of such seizure, it may be destroyed or sold, and any purchaser shall, upon the registration of the dog, become the lawful owner of the dog.

The proceeds of sale shall belong to and be paid into the funds of the local authority:

Provided that if any dog, at the time of such seizure, has a collar around its neck with a registration label for the current year affixed, such dog shall not be destroyed or sold until after the expiration of forty-eight hours from the service upon the registered owner of notice in the form of the Fourth Schedule.

Service of notices.

20. NOTICES under the last preceding section may be served—

- (1.) By leaving the same at the registered address of the owner; or

- (2.) By forwarding the same by post in a prepaid letter addressed to the owner at his registered address.

A notice sent by post shall be deemed to have been served at the time at which the letter would be delivered in the ordinary course of post.

21. IF any slut is at large in any street, road, or public place while she is in heat, the owner shall be liable to a penalty not exceeding Five pounds.

Penalty for allowing sluts to be at large at certain times.

22. THE owner or occupier of any enclosed field, paddock, yard, or other place in which any sheep or cattle are confined, or any person acting under the authority of such owner or occupier, may, without incurring any liability in respect thereof, shoot or otherwise destroy any dog found at large therein, whether the owner of such dog is or is not known:

Owner or occupier of enclosed land may destroy any trespassing dogs not under control.

Provided that it shall not be lawful to shoot or otherwise destroy any such dog if accompanied by and under the control of its owner or any other person.

23. IF any dog rushes at, attacks, worries, or chases any person, or any horse, cattle, sheep, poultry, or any domestic animal, other than those trespassing, the owner of such dog shall be liable to a penalty not exceeding Five pounds.

Penalty on owners of dogs attacking persons, etc.

The fact that such dog was, immediately before the rushing at, attacking, worrying, or chasing, in company with and had been seen closely following the person complained of, or issued from the premises occupied by such person, shall be *prima facie* evidence that the person so complained of is the owner of such dog.

24. THE owner of every dog shall be liable in damages for injury done by his dog; and it shall not be necessary for the party seeking damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such mischievous propensity, or that the injury was attributable to neglect on the part of the owner of the dog.

Mischievous propensity in dogs need not be proved.

25. ANY person who wilfully sets on, urges, or permits any dog to attack, worry, or chase any person, or any horse, cattle, sheep, or poultry, or any domestic animal, unless such horse, cattle, sheep, or poultry, or any domestic animal be trespassing at the time, shall be liable, on summary conviction, to a penalty not exceeding Twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

Penalty on persons setting on dogs to attack persons, etc.

A conviction under this section shall not affect the right of action of any person for any damage such dog may have done.

Penalty for using counterfeit labels.

26. ANY person who falsely makes or counterfeits, or knowing the same to be false or counterfeit purchases, uses, or has in his possession any label resembling, or apparently intended to resemble, or pass for a registration label issued under this Act, shall be liable for every such offence to a penalty not exceeding Twenty pounds.

Penalty for using obsolete labels.

27. ANY person who, after the twenty-second day of January in every year, keeps any dog wearing a registration label issued in any previous year, which dog shall not have been registered for the then current year, such person shall be liable to a penalty not exceeding Five pounds.

Penalty for using label issued for another dog.

28. ANY person who keeps any dog wearing a registration label issued in respect of another dog shall be liable to a penalty not exceeding Ten pounds.

Dogs of aboriginal natives.

29. ANY adult male aboriginal native may lawfully keep one unregistered male dog; but such dog shall be kept free from mange or other contagious disease. Upon representation being made by any person to a Justice of the Peace that such dog is a dangerous dog or is liable to spread disease by reason of its neglected state, the Justice may order the destruction of the dog.

Whenever the number of unregistered dogs found in the possession of one or more natives shall be in excess of the number of adult natives in such party, such dog or dogs in excess shall be liable to be destroyed, and all police officers and constables are hereby authorised to destroy the same.

Dogs used by the blind to be registered without fee.

30. NO fee shall be charged for the registration of any dog *bonâ fide* kept and used as a guide for any blind person.

Onus of proof of registration, etc., on owner.

31. IN any proceeding under this Act the proof of due registration, or that any dog is under the age of three months, or has not been kept by the owner thereof for a period exceeding twenty-one days, shall in each case be on the defendant.

Recovery of penalties.

32. ALL penalties incurred under this Act, and damages not exceeding Twenty pounds for any injury occasioned or done by any dog as hereinbefore mentioned, or for any dog improperly sold or destroyed, shall be recoverable summarily before any two or more Justices of the Peace in petty sessions.

Application of fines.

33. ALL fees payable within any district, and all fines and penalties recovered in respect of offences committed within any district, shall be paid to the local authority as part of its ordinary revenue.

34. ALL expenses incident to the administration in each district shall be paid out of the ordinary revenue of the local authority. Expense and administration.

35. THE Governor may make regulations for carrying this Act into effect. Regulations.

SCHEDULES.

First Schedule.

Section 2.

Date of Act.	Title of Act.	Extent of Repeal.
47 Vict., No. 13 ...	The Dog Act, 1883	The whole
49 Vict., No. 10 ...	An Act to amend the Dog Act, 1883 ...	The whole
63 Vict., No. 12 ...	An Act to further amend the Dog Act, 1883	The whole

Second Schedule.

Section 7.

FORM A.—DESCRIPTION OF DOGS FOR REGISTRATION.

A description of _____ dogs intended to be kept by A.B.,
of _____, in _____, during the year ending on
the 31st day of December, 190 :—

No. of Dog.	Premises, District, or place on or in which such dog is intended to be kept.	Name.	Sex.	Age.	Colour or peculiar mark.	Description or kind of dog.	Purpose for which such dog is to be employed.

I, the said A.B., or C.D., duly authorised agent of A.B. in this behalf, declare the above description to be true in every particular, to the best of my knowledge and belief.

Dated this _____ day of _____, 190 .
A.B or C.D.

FORM B.

[Section 8.]

DUPLICATE RECEIPT.

RECEIPT.

Received this day of , 190 , the sum of £ for dogs registered by A.B. of , in , for year ending on the 31st day of December, 190 , the particulars whereof contained in the following description were given at the time of registration :—

Received this day of , 190 , the sum of £ for dogs registered by A.B. of , in , for year ending on the 31st day of December, 190 , the particulars whereof contained in the following description were given at the time of registration :—

No. of Dog.	Premises, District, or place on or in which such dog is intended to be kept.	Name.	Sex.	Age.	Colour or peculiar mark.	Description or kind of dog.	Purpose for which such dog is to be employed.

No. of Dog.	Premises, District, or place on or in which such dog is intended to be kept.	Name.	Sex.	Age.	Colour or peculiar mark.	Description or kind of dog.	Purpose for which such dog is to be employed.

E.F.

Registering Officer for the Municipality [*or* Road Board].

E.F.

Registering Officer for the Municipality [*or* Road Board].

Section 11.

Third Schedule.

FEES FOR REGISTRATION.

	£	s.	d.
For every dog	0	7	6
For every bitch	0	10	0
For every dog not kept within the limits of the Municipality <i>bonâ fide</i> employed in tending sheep or cattle	0	2	6
For every bitch not kept within the limits of the Municipality <i>bonâ fide</i> employed in tending sheep or cattle	0	5	0
For every pack of hounds not less than 10 <i>bonâ fide</i> kept together in kennel exclusively for the purpose of hunting, in lieu of any individual registration	2	0	0

In respect of every first registration made after the 30th day of June in any year, only one-half of the registration fee shall be payable.

Section 19.

Fourth Schedule.

NOTICE OF SEIZURE OF DOG.

[Place]

[Date]

To A.B.

of

Take Notice, a dog, of which you are the registered owner, has been found wandering at large and seized, and is now at

If not claimed within forty-eight hours from the service of this notice, the dog will be sold or destroyed.

The registered number of the dog is

(To be signed by the officer in charge of a police station, or an officer of the local authority.)