



Western Australia.

ANNO QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XIII.

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

[Assented to, 8th September, 1883.]

WHEREAS it is expedient to consolidate and amend the Law relating to the registration of Dogs, and to the destruction of unregistered Dogs: Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. THIS Act shall commence and come into operation on the first day of January, in the year of our Lord One thousand eight hundred and eighty-four, and may be cited as "The Dog Act, 1883." Title.

2. THE Acts mentioned in the First Schedule hereto shall be, and the same are hereby repealed; but all offences committed against and all penalties incurred under the said Acts or any of them may be prosecuted and enforced as if this Act had not been passed. Repeal.
First Schedule.

3. THE word "owner" in this Act shall mean any person who shall at any time keep and have in his custody and under his control any dog, and the occupier of any house or premises where any dog is kept or harbored, or permitted to live or remain. Interpretation. Pro-

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vided, that such occupier shall not be deemed to be the owner if he can prove that he was not the proprietor of the said dog, and that such dog was kept or harbored, or permitted to live or remain in the said house or premises, without his sanction or knowledge. Provided also, that where there are more occupiers than one in any house or premises let in several apartments or lodgings, or otherwise, the occupier of that particular part of the premises in which such dog shall have been kept or harbored, or permitted to live or remain, shall be deemed to be the owner of such dog, subject as aforesaid. The word "dog" in this Act shall mean any male or female dog of an age exceeding three months, except where occurring in section 19, when it shall mean any male or female dog.

PART I.

REGISTRATION OF DOGS.

Registration of dogs. **4.** THE owner of every dog shall, on or within fifteen days after the first day of January, in the year of our Lord One thousand eight hundred and eighty-four, and on or within fifteen days after the first day of January, in each and every ensuing year, register such dog at the office of the municipality within which municipality it is intended to keep such dog, with the person appointed to register dogs at such office; or if it be not intended to keep such dog within any municipality then such dog shall be registered at the Court of Petty Sessions which shall be nearest to the place where it is intended to keep such dog, or at the residence of any person who shall have been appointed for that purpose. Provided that if any person shall become the owner of a dog at any time after the period hereinbefore mentioned, he may duly register such dog within fifteen days of such time.

Registration fees, and description of registered dogs. **5.** THE owner of every such dog shall, previous to such registration, pay to the person appointed to register dogs in a municipality, for the use of the municipal council, or to the Clerk of the Court of Petty Sessions, or to such other person duly appointed as aforesaid, for the use of Her Majesty, the registration fee mentioned in the Second Schedule hereto; and shall at the time of such payment deliver to the said clerk, or to the person appointed as aforesaid, a description of the said dog, embracing the several particulars mentioned in the Third Schedule hereto, with a declaration thereunder written of the truth thereof, under the hand of such owner or of some person authorised by the owner in that behalf. Every such registration shall be deemed to be in force from the day on which the same shall be so made until the thirty-first day of December then next ensuing and no longer; Provided that when a registration shall be made after the first day of July in any year, one half only of the fee mentioned in the Second Schedule shall be payable in respect of such registration.

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6. ON or before the first day of November in each year every municipal council, and the Justices of every Court of Petty Sessions, shall give notice, by publishing the same in a newspaper circulating in their district, and by posting up the same in some conspicuous place in the said district, of the persons appointed by such municipal council or Court of Petty Sessions as the case may be, to carry out the provisions of this Act, so far as relates to the duties imposed on such persons.

Notice of persons appointed to carry out Act.

7. IF any person shall knowingly make a false declaration respecting all or any of the particulars contained in the aforesaid description, or shall wilfully insert or omit, or wilfully cause or permit to be inserted or omitted, in such description, any matter or thing whatsoever contrary to, or for the purpose of concealing the truth, he shall forfeit a sum not more than Forty shillings, to be recovered as a penalty under this Act.

Penalty for false description.

8. EVERY Clerk of a Court of Petty Sessions, and every person appointed by a municipal council or otherwise as aforesaid, to whom a registration fee shall be paid, shall enter in a book kept by him for that purpose, and in the receipt hereinafter mentioned, a registered number for every dog so registered; and shall deliver or send to the owner of such dog a receipt for the said fee in the form in the Fourth Schedule hereto. And any such clerk or person appointed as aforesaid who shall, on being lawfully required, refuse or neglect to deliver or send such receipt to such owner shall forfeit the sum of Ten shillings, to be recovered as a penalty under this Act.

Receipt to be given.

9. EVERY Clerk of such Court, and every person appointed as aforesaid, shall keep for public inspection a correct list, arranged in alphabetical order, of the names of all persons who shall have registered any dog during the current year, and the number of dogs registered by each person, together with the registered number of such dogs; and any person applying for the particulars of any dog so registered, or for the name of the registered 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 such clerk or person appointed as aforesaid 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 clerk or other person to be a correct copy thereof, shall forfeit the sum of Ten shillings, to be recovered as a penalty as aforesaid.

List of registered dogs to be exhibited.

10. IN any proceedings under this Act it shall not be necessary for the informant to establish the fact of non-registration; but the proof of due registration shall lie on the defendant, and the said

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receipt, or a certified copy thereof, shall be admissible as evidence of such registration.

Penalty for non-registration.

11. EVERY person who, after the expiration of fifteen days from the first day of January, One thousand eight hundred and eighty-four, and after the expiration of fifteen days from the first day of January in each and every year thereafter, or who, after the expiration of fifteen days from the time of his becoming the owner at any other period of the year, shall be the owner of any unregistered dog, shall forfeit and pay, in respect of such unregistered dog, a sum of Forty shillings, recoverable as a penalty as aforesaid. Provided that this section shall not apply to the dogs of aboriginal natives.

Dogs not registered may be seized and killed.

12. IT shall be lawful for any person at any place to seize and detain any dog unattended and wandering at large, and upon notice thereof given to any Justice of the Peace, such Justice shall summon the owner to appear before him and claim such dog; and if such owner or some one on his behalf shall not, within twenty-four hours after service of such summons, or within such further time as such Justice may deem reasonable, appear and claim such dog, the same shall be forthwith killed; and if any unregistered dog shall be found at large in any part of the Colony without being under the immediate control of some person, any such dog so found at large shall be liable to be immediately killed and destroyed; and all persons are hereby authorised, and all constables specially or generally authorised in writing by a Justice of the Peace in that behalf, are ordered and required to seize, kill, and destroy every such dog so found at large accordingly.

Penalty on constables failing to report unregistered dogs.

13. ANY constable who shall fail or neglect to report to a Justice of the Peace any dog not belonging to an aboriginal native which shall be kept without being duly registered, in manner required by this Act, shall forfeit and pay a penalty of not more than Twenty shillings, for every such dog which he so fails or neglects to report, unless he can show reasonable cause why the fact of non-registration could not have been known to him.

Penalty on constables killing dogs not improperly at large.

14. IF any constable or other person shall wilfully or maliciously kill or destroy any dog which shall not be at large contrary to the provisions of this Act, such constable or other person shall pay to the owner of such dog the full value thereof, and also a penalty of not less than Twenty shillings nor more than Five pounds, recoverable as aforesaid.

Penalty on constables not destroying dogs improperly at large.

15. IF any constable who shall be ordered by a Justice of the Peace in writing to destroy any unregistered dog which may be at large contrary to the provisions of this Act shall neglect to destroy or

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to use his best endeavours to destroy the dog mentioned or described in such order, such constable shall for every such neglect forfeit and pay, as a penalty, a sum not exceeding Forty shillings.

16. IT shall be the duty of the Clerk of every Court of Petty Sessions and of every person appointed by any such Court as aforesaid, to make monthly returns to the Government Resident or Resident Magistrate or Police Magistrate of the district of all dogs registered, and of all monies received and of all monies paid under the provisions of this Act, and to send once in every six months all counterfoils of licenses and receipts issued and all certificates and other documents or copies thereof used or issued under this Act and particulars of all things done by him under this Act, to the Resident or Magistrate as aforesaid.

Returns to be made to a Magistrate.

PART II.

DOGS OF ABORIGINAL NATIVES.

17. IT shall be lawful for any person to lay a complaint before any Justice of the Peace to the effect that an aboriginal native has in his possession an unregistered dog which has killed, maimed, or wounded sheep, cattle, or horses, or an unregistered dog not required by the said native for the procuring of food. On reasonable grounds shown, the said Justice shall cause the said native to be summoned or brought before him, and shall investigate the said complaint. If the complaint be proved to the satisfaction of the said Justice, the said Justice, if he shall think fit under all the circumstances of the case, may order the destruction of the said dog; Provided that no dog which has not been proved to have killed, maimed, or wounded sheep, cattle, or horses, shall be destroyed under this section if upon demand, to be duly made by the Justice, the said native shall agree to register the said dog forthwith, in which case the Justice shall cause the dog to be registered in the manner prescribed by this Act as nearly as may be, receiving and duly accounting for the registration fee. And provided further, that any native summoned or brought as aforesaid, and in possession of more than two unregistered dogs, shall be allowed to select and keep any two of such dogs, neither of such dogs being proved to have killed, maimed, or wounded sheep, cattle, or horses; and no order for the destruction of dogs under this section shall apply to or include any dogs so selected and kept, and every dog registered by a native, under the provisions of this section, shall, during the period of registry, be exempted from the operation of any other provision of the section.

Dogs of aboriginal natives to be destroyed in certain cases.

18. EVERY order for the destruction of a dog under the next preceding section shall be in the form in the Fifth Schedule hereto

Form of order for destruction of such dogs.

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and shall be directed to a constable to be designated by the said Justice, or if there be no constable within five miles of the place where the said Justice is sitting, to some other fit and proper person who shall be willing to execute the said order without reward.

PART III.

DESTRUCTION OF WILD DOGS.

19. IF any person shall produce to any Justice of the Peace the tail of a dog, and shall prove to the satisfaction of such Justice that it is the tail of a wild dog, he shall be entitled, if such dog has been destroyed within the Central District, to a reward of Ten shillings, and if such dog has been destroyed in any district other than the Central District he shall be entitled to a reward of Five shillings, to be obtained as hereinafter mentioned. The said Justice shall forthwith cause the said tail to be entirely destroyed in his presence, and he shall give to the said person a certificate in writing signed by the said Justice and certifying that the whole tail of a wild dog has been produced to him by the said person and has been entirely destroyed in his presence and that the said person is entitled to such sum as aforesaid as a reward for the destruction of a wild dog.

Any person destroying a wild dog to be entitled to a reward.

20. UPON the production of such a certificate as aforesaid to the Clerk of the Court of any Petty Sessions or of any Resident Magistrate, Government Resident, or Police Magistrate, such person shall be paid by such clerk the sum named in the said certificate, and the clerk shall retain the said certificate and deal with it as hereinbefore provided for.

Reward to be paid on production of a certificate.

PART IV.

MISCELLANEOUS.

21. IF any dog shall in any street or upon any highway rush at or attack any person, or any horse, bullock, sheep, or other such domestic animal, whereby any such person or animal may be injured, endangered, or put in fear, the owner of every such dog shall forfeit and pay a penalty of not less than Five shillings nor more than Five pounds for every such offence over and above the amount of any damage which such dog may have occasioned, and such penalty and damages shall be recoverable as aforesaid. But the recovery of such penalty only shall not affect the right of any person to proceed by action or otherwise against the owner of such dog for damages for any injury sustained by reason of the attack aforesaid.

Penalty on owner of dog attacking persons or frightening horses, &c.

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22. IF any person shall wilfully set on, urge, or permit any dog to attack, worry, or chase any person, or any horse, sheep, bullock, or other such domestic animal, he shall forfeit and pay, as a penalty, any sum not exceeding Ten pounds; but the recovery of such penalty shall not affect the right of proceeding by action or otherwise for damages as aforesaid.

Inciting dogs to mischief.

23. IN any action or other proceeding for damages for injury done to man or beast by any dog, it shall not be necessary for the party seeking such damages to show a previous mischievous propensity in such animal, or the owner's knowledge of such previous mischievous propensity, or that the injury was attributable to neglect on the part of such owner.

Owner of dog liable for injuries done.

24. ALL offences against this Act, and all penalties in respect thereof, shall be heard and determined, and all damages (in cases where the amount claimed shall not exceed twenty pounds) for any injury occasioned or done by any dog as hereinbefore mentioned, and the value of any dog improperly destroyed as aforesaid, may be ascertained and recovered in a summary way before any Justice of the Peace.

Jurisdiction.

25. ALL registration fees paid or recovered in any municipality shall be paid and belong to the council of the municipality; and all such fees paid or recovered elsewhere shall be paid into the Colonial Treasury. One half of all fines and penalties under this Act shall, in municipalities, be paid to the municipality, and shall elsewhere be paid into the Colonial Treasury; and one half of the said fines and penalties shall be paid to the person who has informed against the offender.

Appropriation of fees.

26. THE sections in the Schedule of "The Shortening Ordinance, 1853," lettered respectively A, C, F, and G, shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Sections A, C, F, and G of Shortening Ordinance incorporated.

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.

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SCHEDULES.

Section 2.

First Schedule.

Date of Act.	Title of Act.	Extent of Repeal
4 & 5 Vic., No. 14.	<i>“ An Act to remove the annoyance occasioned by “ Dogs in the Colony of Western Australia.”</i>	The whole.
10 Vic., No. 5.	<i>“ An Ordinance to provide further remedies for “ the annoyance arising from Dogs.”</i>	The whole.
38 Vic., No. 2.	<i>“ An Act to amend the Ordinance 5th Victoria, “ No. 14, of 1841.”</i>	The whole.

Section 5.

Second Schedule.

Fees for Registration.

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

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Third Schedule.

Form of Description.

A description of _____ dogs now owned and intended to be kept by A.B.,
of _____ in _____ during the year ending on the _____ Section 5.
thirty-first day of December, 18 _____

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

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

Dated this _____ day of _____ 18 _____
A.B. (*or*, C.D.)

Fourth Schedule.

Receipt.

Received this _____ day of _____ 18 _____ the sum of _____ for
_____ dogs registered by A.B., of _____ in _____ for year ending Section 5.
on the thirty-first day of December, 18 _____, 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.	Color or peculiar mark.	Description or kind of dog.	Purpose for which such dog is to be employed.

E.F., Clerk of the Petty Sessions,
(*or* person appointed by the Petty Sessions or Municipality).

Fifth Schedule.

To A.B., Police Constable (*or* to C.D. of _____)

I, E.F., being one of Her Majesty's Justices of the Peace for the Colony of Western Australia, do authorise and order you forthwith to destroy, or cause the destruction of a dog, belonging to G.H., an aboriginal native, and which dog I have made known to you. Section 18.

Signed, (E.F.)
date (_____)