



Western Australia

Dog Act 1976

Dog Regulations 2013

Dog Regulations 2013

Contents

| | | |
|-----|---|----|
| 1. | Citation | 1 |
| 2. | Commencement | 1 |
| 3. | Terms used | 1 |
| 4. | Dangerous dog (restricted breed) breeds | 1 |
| 5. | Dog management facility operators | 2 |
| 6. | Microchip identification devices | 2 |
| 7. | Microchip database company bodies | 3 |
| 8. | Microchip implanter: persons | 3 |
| 9. | Microchip implanter: qualifications | 3 |
| 10. | Microchipping a dog | 4 |
| 11. | Bodies having custody of dogs for which registration not required | 5 |
| 12. | Training organisations for assistance dogs | 5 |
| 13. | Review of CEO's decisions about assistance dogs | 5 |
| 14. | Form of certificate for authorised persons | 5 |
| 15. | Warrants | 5 |
| 16. | Information to be recorded in register of dogs | 6 |
| 17. | Registration fees | 6 |
| 18. | Extended period of registration | 8 |
| 19. | Refund of portion of registration fees for subsequently sterilised dogs | 8 |
| 20. | Application for registration, evidence for concessional rates | 9 |
| 21. | Certificate of registration | 10 |
| 22. | Owner's delegate appointment form | 10 |
| 23. | Change of ownership form | 10 |
| 24. | Particulars to be contained in registration tag | 10 |

Contents

| | | |
|------|---|----|
| 25. | Information to be given by microchip implanter to microchip database company | 11 |
| 26. | Notice of dog's seizure and detention form | 11 |
| 27. | Holding, tethering of dogs | 11 |
| 28. | Training programme for greyhounds | 12 |
| 29. | Collars for dangerous dogs | 12 |
| 30. | Warning signs about dangerous dogs | 13 |
| 31. | Local government expenses as to dangerous dogs (declared) | 14 |
| 32. | Nuisance dog complaint form | 14 |
| 33A. | Form of order to prevent a dog being a nuisance | 14 |
| 33. | Modified penalties for offences under the principal Act | 15 |
| 34. | Modified penalties for offences under the regulations | 24 |
| 35. | Dealing with alleged offenders without prosecuting them | 25 |
| 37. | Transitional regulation: provisions of certain local laws have no effect after 31 July 2014 | 26 |

Schedule 1 — Forms

Notes

| | |
|-------------------|----|
| Compilation table | 48 |
|-------------------|----|

Defined terms

Western Australia

Dog Act 1976

Dog Regulations 2013

1. Citation

These regulations are the *Dog Regulations 2013*¹.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*¹;
- (b) regulation 4 — on 8 November 2013;
- (c) the rest of the regulations — on 1 November 2013.

3. Terms used

In these regulations, unless the contrary intention appears —

Form, followed by a number, means the form of that number set out in Schedule 1;

RWWA means the body corporate called Racing and Wagering Western Australia established by the *Racing and Wagering Western Australia Act 2003* section 4;

section means section of the Act.

[Regulation 3 amended: Gazette 23 Mar 2018 p. 1027.]

4. Dangerous dog (restricted breed) breeds

These breeds are prescribed as restricted breeds for the definition of **dangerous dog (restricted breed)** in section 3(1) —

- (a) dogo Argentino;
- (b) fila Brasileiro;
- (c) Japanese tosa;
- (d) American pit bull terrier;
- (e) pit bull terrier;
- (f) perro de presa Canario or presa Canario;
- (g) any other breed of dog the importation of which is prohibited absolutely by the *Customs (Prohibited Imports) Regulations 1956* (Commonwealth).

5. Dog management facility operators

These bodies are prescribed for paragraph (b) of the definition of ***dog management facility*** in section 3(1) —

- (a) Royal Society for the Prevention of Cruelty to Animals Western Australia (Incorporated);
- (b) Dogs' Refuge Home (W.A.) Inc.

[Regulation 5 amended: Gazette 23 Mar 2018 p. 1027.]

6. Microchip identification devices

- (1) An identification device of a type that complies with both of the following Australian Standards is prescribed for the definition of ***microchip*** in section 3(1) of the Act —
 - (a) AS 5018 — 2001 Electronic Animal Identification — National coding scheme, as amended from time to time;
 - (b) AS 5019 — 2001 Electronic Animal Identification — Radiofrequency methods, as amended from time to time.
- (2) A person must not sell, supply or provide for implanting in a dog an identification device that is not a microchip.
Penalty: a fine of \$5 000.
- (3) A person must not implant in a dog an identification device that is not a microchip.

Penalty for an offence under this subregulation: a fine of \$5 000.

7. Microchip database company bodies

These bodies are prescribed for paragraph (a)(ii) of the definition of *microchip database company* in section 3(1) —

- (a) Royal Agricultural Society of NSW (ABN 69 793 644 351), trading as “Australasian Animal Registry”;
- (b) Central Animal Records (Aust) Pty. Ltd;
- (c) PetBase Pty Ltd, trading as “Petsafe”;
- (d) HomeSafeID;
- [(e) deleted]*
- (f) OzChase Greyhound Racing System;
- (g) Global Microchip Registry Pty Ltd, trading as “Global Micro Animal Registry”.

[Regulation 7 amended: Gazette 20 May 2014 p. 1603; 23 Mar 2018 p. 1027.]

8. Microchip implanter: persons

These persons are prescribed for paragraph (a) of the definition of *microchip implanter* in section 3(1) —

- (a) a veterinarian;
- (b) a veterinary nurse, as defined in the *Veterinary Surgeons Act 1960* section 2.

9. Microchip implanter: qualifications

- (1) In this regulation —
registered training provider has the meaning given by the *Vocational Education and Training Act 1996* section 5(1).

- (2) The qualifications for paragraph (b) of the definition of **microchip implanter** in section 3(1) comprise the successful completion of —
- (a) a unit of competency in microchip implantation of cats and dogs entitled “ACMMIC401A Implant microchip in cats and dogs” (provided by a registered training provider); and
 - (b) one or more of the following courses (provided by a registered training provider) —
 - (i) ACM40412 Certificate IV in Veterinary Nursing;
 - (ii) LGAREGS404A Undertake Appointed Animal Control Duties and Responsibilities;
 - (iii) LGA40504 Certificate IV in Local Government (Regulatory Services);
 - (iv) ACM30210 Certificate III in Animal Technology;
 - (v) ACMSS00001 Microchip Implantation for Dogs and Cats Skill Set;
 - (vi) ACM30410 Certificate III in Companion Animal Services;
 - (vii) ACM40110 Certificate IV in Animal Control and Regulation;
 - (viii) ACM40210 Certificate IV in Captive Animals;
 - (ix) ACM40310 Certificate IV in Companion Animal Services.

[Regulation 9 amended: Gazette 20 May 2014 p. 1603.]

10. Microchipping a dog

For the definition of **microchipped** in section 3(1), a dog is microchipped if it is implanted with a microchip in a manner in which a microchip implanter has been trained to implant a microchip in a dog.

11. Bodies having custody of dogs for which registration not required

RWWA is prescribed for section 7(3)(b)(iii).

[Regulation 11 amended: Gazette 23 Mar 2018 p. 1027.]

12. Training organisations for assistance dogs

These organisations are prescribed for paragraph (a) of the definition of *assistance dog* in section 8(1) —

- (a) Assistance Dogs Australia Ltd;
- (b) Lions Hearing Dogs Inc.;
- (c) Seeing Eye Dogs Australia — a division of Vision Australia Ltd;
- (d) Royal Guide Dogs Associations of Australia and affiliated bodies.

13. Review of CEO's decisions about assistance dogs

A person aggrieved by a decision of the CEO not to approve —

- (a) a person to be a person to whom section 8(2) applies; or
- (b) a dog to be an assistance dog as defined in section 8(1),

may apply to the State Administrative Tribunal for a review of the decision.

14. Form of certificate for authorised persons

The certificate required by section 11(3) is to be in the form of Form 1.

15. Warrants

- (1) An application for a warrant under section 12A(3) or 29(5a) is to be in the form of Form 2.
- (2) A warrant under section 12A(3) or 29(5a) is to be in the form of Form 3.

16. Information to be recorded in register of dogs

For section 14(3), this information is to be recorded —

- (a) the dog owner's full name;
- (b) the dog owner's residential address;
- (c) the dog owner's postal address (if different from the residential address);
- (d) the dog owner's date of birth;
- (e) the dog owner's contact telephone numbers — home, work and mobile;
- (f) the dog owner's email address;
- (g) details of the owner's delegate, if any;
- (h) the address at which the dog is normally kept;
- (i) the dog's name;
- (j) the dog's registration number;
- (k) the dog's sterilisation status;
- (l) if the dog is microchipped, the dog's microchip number;
- (m) the date of birth or age, breed (if known), colour and gender of the dog;
- (n) if the dog is a dangerous dog (declared), dangerous dog (restricted breed) or a commercial security dog;
- (o) if the dog is an assistance dog or a dog that is used in the droving or tending of stock.

17. Registration fees

- (1) In this regulation —
pensioner means an eligible pensioner as defined in the *Rates and Charges (Rebates and Deferments) Act 1992* section 3(1).
- (2) For section 15(1), the amount of the registration fee is set out in item 1 of the Table.

- (3) For section 15(3), the concessional rates of registration fee set out in item 2 of the Table are payable for dogs other than dangerous dogs.

Table

| Item | Description of fee | Fee (\$) |
|------|---|----------|
| 1. | (a) Registration of unsterilised dog other than a dangerous dog for one year (unless owned by pensioner) | 50.00 |
| | (b) Registration of a dangerous dog for one year | 50.00 |
| | Note: s. 15(4), (5) and (6) of Act | |
| 2. | (a) Registration of unsterilised dog owned by pensioner for one year | 25.00 |
| | (b) Registration of sterilised dog for one year — | |
| | (i) for dog owned by pensioner | 10.00 |
| | (ii) otherwise | 20.00 |
| | (c) Registration of sterilised dog for 3 years — | |
| | (i) for dog owned by pensioner | 21.25 |
| | (ii) otherwise | 42.50 |
| | (d) Registration of unsterilised dog for 3 years — | |
| | (i) for dog owned by pensioner | 60.00 |
| | (ii) otherwise | 120.00 |
| | (e) Registration of sterilised dog for its lifetime — | |
| | (i) for dog owned by pensioner | 50.00 |
| | (ii) otherwise | 100.00 |

| Item | Description of fee | Fee (\$) |
|-------------|---|--------------------------|
| | (f) Registration of unsterilised dog for its lifetime — | |
| | (i) for dog owned by pensioner | 125.00 |
| | (ii) otherwise | 250.00 |
| | (g) Registration of dog kept in an approved kennel establishment licensed under s. 27 | 200.00 per establishment |
| | Note: s. 15(5) and (6) of Act | |

18. Extended period of registration

The period for section 15(3)(b) is a period of 3 years.

19. Refund of portion of registration fees for subsequently sterilised dogs

- (1) If an unsterilised dog is registered for a period of one year and is sterilised within that period, the owner is entitled to a refund for that registration period of an amount equal to the difference between the registration fee paid for that year and the registration fee which would have been payable for a sterilised dog.
- (2) If an unsterilised dog is registered for a period of 3 years and is sterilised in the first year of that period, the owner is entitled to a refund for that registration period of an amount equal to the difference between the registration fee paid for those 3 years and the 3 year registration fee that would have been payable for a sterilised dog.
- (3) If an unsterilised dog is registered for a period of 3 years and is sterilised in the second year of that period, the owner is entitled to a refund for that registration period of an amount equal to the difference between two-thirds of the registration fee paid for those 3 years and two-thirds of the 3 year registration fee that would have been payable for a sterilised dog.

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- (4) If an unsterilised dog is registered for a period of 3 years and is sterilised in the third year of that period, the owner is entitled to a refund for that registration period of an amount equal to the difference between one-third of the registration fee paid for those 3 years and one-third of the 3 year registration fee that would have been payable for a sterilised dog.
- (5) If an unsterilised dog is registered for its lifetime and is sterilised —
- (a) in the 1st year after it is registered, the owner is entitled to a refund of an amount equal to the difference between the registration fee paid and the lifetime registration fee that would have been payable for a sterilised dog; or
 - (b) in the 2nd year after it is registered, the owner is entitled to a refund of an amount equal to the difference between two-thirds of the registration fee paid and two-thirds of the lifetime registration fee that would have been payable for a sterilised dog; or
 - (c) in the 3rd year after it is registered, the owner is entitled to a refund of an amount equal to the difference between one-third of the registration fee paid and one-third of the lifetime registration fee that would have been payable for a sterilised dog.

[Regulation 19 amended: Gazette 24 Jan 2017 p. 746.]

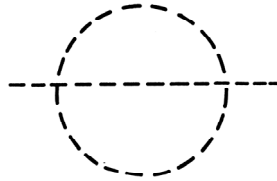
20. Application for registration, evidence for concessional rates

- (1) An application under section 16(1) is to be in the form of Form 4.
- (2) Persons intending to claim concessional rates of registration fee may be required to furnish satisfactory evidence as to eligibility.
- (3) The fee payable in respect of the registration of a dog must be assessed at the appropriate concessional rate for a sterilised dog if —
- (a) there is produced to the registration officer a certificate signed by a veterinarian, or a statutory declaration stating, that the dog has been effectively sterilised; or

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- (b) the registration officer is satisfied that there is a sterilisation tattoo on an ear of the dog.
- (4) For subregulation (3), a sterilisation tattoo must consist of a broken circle having a diameter of not less than 8 mm, with a bisecting broken line not less than 15 mm in length.

Example:



21. Certificate of registration

A certificate under section 16(6)(a) is to be in the form of Form 5.

22. Owner's delegate appointment form

An appointment under section 16AA(1) is to be in the form of Form 4 Parts A, B, E and F.

23. Change of ownership form

A notification under section 16A(1) is to be in the form of Form 4 Parts A, B, C, E and F.

24. Particulars to be contained in registration tag

These particulars are prescribed for section 18(1)(c) —

- (a) the registration number;
- (b) the name and telephone number of the local government by which it is issued;
- (c) the year of expiry of the registration to which it relates.

25. Information to be given by microchip implanter to microchip database company

For section 24, this information is to be given —

- (a) the microchip barcode information or sticker;
- (b) the microchip number;
- (c) the microchip implanter's full name;
- (d) if the microchip implanter is a part of a company or organisation, the name of that company or organisation;
- (e) full contact details for the microchip implanter's company or organisation (if applicable);
- (f) the date the dog was microchipped;
- (g) the dog owner's full name;
- (h) the dog owner's residential address;
- (i) the dog owner's contact telephone numbers — home, work and mobile;
- (j) the dog owner's email address;
- (k) the address at which the dog is normally kept;
- (l) the dog's name;
- (m) the date of birth or age, breed (if known), colour, gender and sterilisation status of the dog;
- (n) if the dog is a dangerous dog (declared), dangerous dog (restricted breed) or a commercial security dog.

26. Notice of dog's seizure and detention form

A notice under section 29(8)(a) or (8A)(a) is to be in the form of Form 6.

27. Holding, tethering of dogs

For sections 31(1), 32(2)(c) and 33GA(4)(b)(ii) and (iii) and (7)(a) and (b), the maximum length of a chain, cord, leash or harness is 2 metres measured from the base of the dog's neck.

28. Training programme for greyhounds

The training programme for section 33(1)(b) is that known as the “Greyhounds as Pets Program” conducted by RWWA.

[Regulation 28 amended: Gazette 23 Mar 2018 p. 1028.]

29. Collars for dangerous dogs

- (1) For section 33GA(1)(a), a collar worn by a commercial security dog must have alternating red and yellow stripes, each stripe being 25 mm wide and set at an angle of 45 degrees to the rim of the collar, with one of those colours being fluorescent so that the collar is visible in darkness.
- (2) For section 33GA(1)(b), a collar worn by a dangerous dog other than a commercial security dog must have alternating red and yellow stripes, each stripe being 25 mm wide and set at an angle of 45 degrees to the rim of the collar, with one of those colours being fluorescent so that the collar is visible in darkness.
- (3) For section 33GA(1)(a) and (b), a collar worn by a dangerous dog must —
 - (a) be made of durable materials; and
 - (b) be capable of being securely fastened; and
 - (c) be capable of being attached to a leash; and
 - (d) have a minimum width —
 - (i) in the case of a dog weighing less than 10 kg, 15 mm; or
 - (ii) in the case of a dog weighing 10 kg or more but less than 20 kg, 25 mm; or
 - (iii) in the case of a dog weighing 20 kg or more but less than 40 kg, 40 mm; or
 - (iv) in the case of a dog weighing 40 kg or more, 50 mm.
- (4) A person must not put on a dog, or allow a dog to wear, a collar of a kind required to be worn by a dangerous dog or resembling

such a collar unless the dog is a dangerous dog and the collar is of a kind required to be worn by that kind of dangerous dog.

Penalty for an offence under this subregulation: a fine of \$1 000.

Modified penalty for an offence under this subregulation: \$100.

[Regulation 29 amended: Gazette 20 May 2014 p. 1604.]

30. Warning signs about dangerous dogs

- (1) For section 33GA(5), a warning sign must —
 - (a) be a white rectangle measuring 200 mm by 300 mm; and
 - (b) be made of a durable material; and
 - (c) contain the word “WARNING” in white capital letters 30 mm high on a red rectangular panel measuring 190 mm by 45 mm near the top of the rectangle referred to in paragraph (a); and
 - (d) contain below the panel referred to in paragraph (c) a red circle 160 mm in diameter containing a picture of the black head and neck of a dog 100 mm high wearing a collar mentioned in regulation 29(2) (whether in colour or black and white); and
 - (e) contain below the circle referred to in paragraph (d) the words “DANGEROUS DOG” in capital letters 20 mm high.

Example:



- (2) A person must not display in or at premises, other than premises where a dangerous dog is ordinarily kept or ordinarily permitted to live, a sign resembling a warning sign required by section 33GA(5).

Penalty for an offence under this subregulation: a fine of \$1 000.

Modified penalty for an offence under this subregulation: \$100.

31. Local government expenses as to dangerous dogs (declared)

- (1) The maximum amount for section 33M(1)(a) is \$250.
- (2) The amount of the fixed charge for section 33M(1)(b)(ii) is \$100.

32. Nuisance dog complaint form

A complaint under section 38(2) is to be in the form of Form 7.

33A. Form of order to prevent a dog being a nuisance

An order under section 38(3) may be in the form of Form 8A.

[Regulation 33A inserted: Gazette 20 May 2014 p. 1604.]

33. Modified penalties for offences under the principal Act

- (1) For section 45A(1)(a), the offences under a provision of the Act specified in column 2 of the Table are offences in relation to which a modified penalty applies.
- (2) The amount specified in column 4 of the Table in relation to an offence is the modified penalty payable in respect of that offence if dealt with under regulation 35 if the dog that is the subject of the offence is a dog other than a dangerous dog.
- (3) The amount specified in column 5 of the Table in relation to the offence is the modified penalty payable in respect of that offence if dealt with under regulation 35 if the dog that is the subject of the offence is a dangerous dog.
- (4) The amount specified in column 6 of the Table in relation to the offence is the modified penalty payable in respect of that offence if dealt with under regulation 35 whether the dog that is the subject of the offence is or is not a dangerous dog.

Table

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|-------------|-------------------------|---|--|--|---|
| 1. | s. 7(1) | Unregistered dog | 200 | 400 | |
| 2. | s. 16A(1) | Failure to notify local government of new owner | 200 | | |

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|-------------|-------------------------|---|--|--|---|
| 3. | s. 20(1)(d) | Registration tag, certificate offences | 200 | 400 | |
| 4. | s. 20(2) | Unlawful application of sterilisation tattoo | | | 200 |
| 5. | s. 21(1), (2) | Failure to ensure dog microchipped | 200 | | |
| 6. | s. 22(2) | Failure to ensure dangerous dog microchipped | | 400 | |
| 7. | s. 23(1) | Failure to notify local government of microchip details | | | 200 |
| 8. | s. 26A | Removing, interfering with, dog's microchip | | | 200 |

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|-------------|-------------------------|---|--|--|---|
| 9. | s. 26B(1) | Transfer of ownership of unmicro-chipped dog | | | 200 |
| 10. | s. 26C | Failure to notify microchip database company of new owner | | | 200 |
| 11. | s. 26D | Failure to notify local government, microchip database company of information changes | | | 200 |
| 12. | s. 26(4) | Keeping more than the prescribed number of dogs | 200 | 400 | |
| 13. | s. 27(2) | Breach of kennel establishment licence | | | 200 |

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|-------------|-------------------------|--|--|--|---|
| 14. | s. 30(2) | Dog not wearing collar with attached registration tag | 200 | | |
| 15. | s. 31(3) | Dog not held or tethered in public place or dog in specified public place at prohibited time | 200 | | |
| 16. | s. 32(4) | Dog in exercise areas, rural areas offences | 200 | | |
| 17. | s. 33(3) | Greyhound not muzzled | 200 | | |
| 18. | s. 33A(3) | Dog in place without consent | 200 | 400 | |
| 19. | s. 33D(1) | Dog attack or chase causing physical injury | 400 | | |

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|-------------|-------------------------|---|--|--|---|
| 20. | s. 33D(2A) | Dog attack or chase causing no physical injury | 200 | 400 | |
| 21. | s. 33GA(1) | Dangerous dog not wearing prescribed collar with prescribed information | | 400 | |
| 22. | s. 33GA(2) | Not complying with dangerous dog enclosure requirement | | 400 | |
| 23. | s. 33GA(4) | Not complying with commercial security dog requirements | | 400 | |

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|-------------|-------------------------|--|--|--|---|
| 24. | s. 33GA(5) | Warning signs about dangerous dogs not displayed | | 400 | |
| 25. | s. 33GA(6) | Dangerous dog not muzzled | | 400 | |
| 26. | s. 33GA(7) | Dangerous dog not held or tethered | | 400 | |
| 27. | s. 33GA(8) | Dangerous dog not controlled by capable person | | 400 | |
| 28. | s. 33GA(9) | Dangerous dog in prohibited place | | 400 | |
| 29. | s. 33GB(1) | Dangerous dog (restricted breed) not sterilised | | 400 | |

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|-------------|-------------------------|--|--|--|---|
| 30. | s. 33GC(2) | Dangerous dog (restricted breed) or pup advertised | | 400 | |
| 31. | s. 33GC(3) | Dangerous dog (restricted breed) or pup sold | | 400 | |
| 32. | s. 33GC(4) | Dangerous dog (restricted breed) or pup transferred | | 400 | |
| 33. | s. 33GC(5) | Buying or accepting ownership of dangerous dog (restricted breed) or pup | | 400 | |

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|------|------------------|---|---|---|--|
| 34. | s. 33GD | Breeding, or breeding from, dangerous dog (restricted breed) | | 400 | |
| 35. | s. 33GE(2) | Dangerous dog (declared) sold or transferred to under 18 year old | | 400 | |
| 36. | s. 33K(1) | Failure to notify person of responsibilities under Part VI Div. 2 | | 400 | |
| 37. | s. 33K(2) | Failure to notify local government of a dangerous dog event | | 400 | |

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|-------------|-------------------------|--|--|--|---|
| 38. | s. 33K(3) | Failure to notify new local government that dangerous dog kept in its district | | 400 | |
| 39. | s. 33K(4) | Failure to provide a notice to new owner about a dangerous dog (declared) | | 400 | |
| 40. | s. 33K(5A) | Failure to provide written notice to new owner about a dangerous dog (restricted breed) or dangerous dog (commercial security dog) | | 400 | |

| Item | Provision of Act | Nature of offence | Modified penalty for dogs other than dangerous dogs \$ | Modified penalty for dangerous dogs \$ | Modified penalty whether or not dog is a dangerous dog \$ |
|------|------------------|---|---|---|--|
| 41. | s. 33K(5) | Failure to notify local government of dangerous dog's new district or death | | 400 | |
| 42. | s. 38(5) | Failure to comply with a nuisance dog order | 200 | 400 | |
| 43. | s. 43(2) | Failure to produce document when so required | 200 | 400 | |
| 44. | s. 43A | Failure to give name, date of birth or address on demand | 200 | 400 | |

[Regulation 33 amended: Gazette 20 May 2014 p. 1604; 11 Mar 2016 p. 689.]

34. Modified penalties for offences under the regulations

An offence under these regulations that has following its penalty provision the words "modified penalty" is an offence that is prescribed for section 45A(1)(b), and the modified penalty

specified immediately after the penalty provision is the modified penalty payable in respect of that offence if dealt with under regulation 35.

35. Dealing with alleged offenders without prosecuting them

- (1) Where an authorised person has reason to believe that a person has committed an offence mentioned in regulation 33 or 34, the authorised person may serve on the alleged offender a notice in the form of Form 8 (an *infringement notice*) informing the alleged offender that, if he or she does not wish to be prosecuted in court for the alleged offence, he or she may pay to the local government specified in the notice, within the time specified in the notice, the amount prescribed as the modified penalty.
- (2) An infringement notice may be served on an alleged offender personally or by posting it to his or her address as ascertained from the alleged offender, at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by the local government under the Act.
- (3) Where a person who receives an infringement notice fails to pay the prescribed penalty within the time specified in the notice, or within such further time as may in any particular case be allowed, the person must be regarded as having declined to have the allegation dealt with by way of a modified penalty.
- (4) An alleged offender on whom an infringement notice has been served may, within the time specified in that notice or such further time as may in any particular case be allowed, send or deliver to the local government specified in that notice the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and then —
 - (a) the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or
 - (b) the local government, or an authorised person acting on behalf of the local government, may withdraw the

infringement notice under subregulation (5) and refund the amount so paid.

- (5) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn by the local government, or an authorised person acting on behalf of the local government, by the sending of a notice in the form of Form 9 to the alleged offender at the address specified in the notice or his or her last known place of residence or business and in that event any amount received by way of modified penalty must be refunded and any acknowledgment of the receipt of that amount must for the purposes of any proceedings in respect of the alleged offence be regarded as not having been issued.
- (6) A person appointed under section 29(1) to exercise the power of an authorised person to serve infringement notices under subregulation (1) is not eligible to be appointed under that subsection to exercise the power of an authorised person to withdraw infringement notices under subregulation (5).

[36. *Omitted under the Reprints Act 1984 s. 7(4)(e).*]

37. Transitional regulation: provisions of certain local laws have no effect after 31 July 2014

- (1) In this regulation —
place control provision means a provision of a local law that was made under the *Dog Act 1976* section 51(b), (ba) or (bb) before 1 November 2013 (the day on which section 51(b), (ba) and (bb) were deleted by the *Dog Amendment Act 2013* section 56(a)).
- (2) Each place control provision has no effect after 31 July 2014.
[Regulation 37 inserted: Gazette 20 May 2014 p. 1604.]

Schedule 1 — Forms

Form 1

[r. 14]

Dog Act 1976 s. 11(3)

Certificate of authorisation

(1) _____

This is to certify that (2) _____

has been appointed by the (1) _____

to exercise the powers of a (3) _____

and has been authorised for the purposes of the *Dog Act 1976*, to (4) _____

in accordance with the provisions of that Act.

Signed _____ CEO of the local government.

Signature of person authorised _____

Dated _____

Valid until _____

Insert:

- (1) name of local government;
- (2) name of person authorised;
- (3) name of office, e.g. “registration officer”, “dog management facility operator”, “ranger”;
- (4) brief description of duties, e.g. “register dogs”, “impound dogs”, “seize, detain and dispose of dogs”.

Form 2

Form 2

[r. 15]

Dog Act 1976 s. 12A(3) and 29(5a)

**Application for warrant to enter and inspect premises
or to seize and detain attack dog or pups of
dangerous dog (restricted breed)**

I, ⁽¹⁾ _____
of ⁽²⁾ _____
in the State of Western Australia, make oath and say as follows —

1. I am ⁽³⁾ _____ a police officer, ⊕
⁽⁴⁾ a _____ appointed by the
⁽⁵⁾ _____, ⊕ and authorised
to exercise the powers mentioned in section(s) 12A(2) and/or 29⊕ of the
Dog Act 1976.
- 2.⊕ I apply for a warrant to be issued under the *Dog Act 1976* section 12A(3)
to enter and inspect premises at _____
_____ ⁽⁸⁾ for the purpose of
_____ (relating to the enforcement
of the Act). The grounds for seeking the warrant are

- 3.⊕ I apply for the issue of a warrant under the *Dog Act 1976* section 29(5a)
authorising the seizure and detention of a dog ⁽⁶⁾ _____
that has attacked ⁽⁷⁾ _____
and that has or may have caused injury or damage. The premises to be
entered are at _____ ⁽⁸⁾
The grounds for seeking the warrant are _____

4.⊕ I apply for the issue of a warrant under the *Dog Act 1976* section 29(5a) authorising the seizure and detention of the pups of a dangerous dog (restricted breed) that may be the subject of an offence under the *Dog Act 1976* section 33GD (breeding of dangerous dogs (restricted breed)).

The premises to be entered are at _____⁽⁸⁾

The grounds for seeking the warrant are _____

Applicant's signature

Sworn at
this day of
by the applicant
before me

}

J.P.

Insert:

- (1) name of applicant;
- (2) address of applicant;
- (3) number, rank or description;
- (4) description of employment (e.g. "ranger");
- (5) name of local government;
- (6) description of dog;
- (7) name or description of person, animal or property attacked;
- (8) address or description of premises.

⊕ Delete if not appropriate.

[Form 2 amended: Gazette 20 May 2014 p. 1605.]

Form 3

Form 3

[r. 15]

Dog Act 1976 s. 12A(3) and 29(5a)

**Warrant to enter and inspect premises or to
seize and detain attack dog or pups of
dangerous dog (restricted breed)**

I, a justice of the peace, being satisfied that there are reasonable grounds for doing so, issue this warrant under the *Dog Act 1976* section 12A(3) for _____⁽¹⁾, a person authorised to exercise powers mentioned in section 12A(2) and all police officers, to enter and inspect premises at _____⁽²⁾ for the purpose of _____ (relating to the enforcement of the Act).

OR

I, a justice of the peace, being satisfied that on the balance of probabilities that an attack by a dog⁽³⁾ _____ has or may have caused injury or damage to _____⁽⁴⁾, issue this warrant under the *Dog Act 1976* section 29(5a) for _____⁽¹⁾, a person authorised to exercise powers mentioned in section 29(5a) and all police officers, to seize and detain the dog. By issuing this warrant the authorised person may, under the *Dog Act 1976* section 29(5a)(b), enter any premises if the person has reasonable grounds to believe that it is necessary to do so for the purpose of seizing the dog.

OR

I, a justice of the peace, being satisfied that on the balance of probabilities that a dangerous dog (restricted breed) has given birth to one or more pups, issue this warrant under the *Dog Act 1976* section 29(5a) for _____⁽¹⁾, a person authorised to exercise powers mentioned in section 29(5a) and all police officers, to seize and detain each pup. By issuing this warrant the authorised person may, under the *Dog Act 1976* section 29(5b)(b), enter any premises if the person has reasonable grounds to believe that it is necessary to do so for the purpose of seizing the pups.

Signed _____
Justice of the Peace

Dated _____

Insert:

- (1) name of person to whom warrant is issued;
- (2) address or description of premises;
- (3) description of dog;
- (4) name or description of person attacked.

[Form 3 inserted: Gazette 11 Mar 2016 p. 689-90.]

Form 4

Form 4

[r. 20, 22 and 23]

Application/information form

Part A — Owner details

Dog owner's full name _____

Residential address _____

Postal address
(if different from above) _____

Age (dd/mm/yy) ____/____/_____
(owner must be 18 years or older)

Contact telephone number
(home, work, mobile) (H) _____

(W) _____

(M) _____

Email address (if available) _____

Can your local government use this email address to issue renewal notices and other relevant information?

Yes/No (delete one)

Owner's delegate contact details (optional)

Name of alternative _____

Residential address _____

Postal address
(if different from above) _____

Age (dd/mm/yy) _____ / _____ / _____
(must be 18 years or older)

Contact telephone number

(home, work, mobile) (H) _____

(W) _____

(M) _____

Part B — Dog details

Address where dog is normally kept

(if different from above) _____

Number of dogs to be located at these premises _____

Will the dog/s be effectively confined in or at the premises identified above?

Yes/No (delete one)

Dog details

Dog's name _____

Age (dd/mm/yy) _____ / _____ / _____

Breed (if known) _____

Colour _____

Gender _____

Microchip number _____

Microchip database company _____

Is the dog sterilised? **Yes/No** (delete one)

Any distinguishing features or marks?

Is the dog kept, or to be kept, as a commercial security dog?

Yes/No (delete one)

Form 4

Has the dog been declared a dangerous dog?

Yes/No (*delete one*)

If yes, please provide details _____

Is the dog a pit bull terrier, an American pit bull terrier or a mix of one or both of those breeds?

Yes/No/Unknown (*delete two*)

Is the dog kept for the purposes of the Crown?

Yes/No (*delete one*) (If yes, note that the *Dog Act 1976* does not apply: section 6(4).)

Part C — Notification of new owner

New dog owner's name _____

New owner's residential address _____

New owner's contact numbers

(*home, work, mobile*) (H) _____

(W) _____

(M) _____

Part D — Registration

Application or renewal for —

• a period of 1 year (✓):

• a period of 3 years (✓):

Application for lifetime registration (✓):

Prescribed fee for —

• a period of 1 year (✓):

• a period of 3 years (✓):

Prescribed lifetime fee (✓):

Assistance dog (✓):

Dog for droving or tending stock (✓):

Are you eligible for a pensioner concession? ? **Yes/No** (*delete one*)

Previous local government where dog was registered (*if known*)

Registration number

(*to be issued by local government*) _____

Part E — Previous convictions, relevant orders

Do you have any convictions for offences against the *Dog Act 1976*, *Cat Act 2011* or *Animal Welfare Act 2002* in past 3 years?

Yes/No (*delete one*)

If yes, please give details, specifying the date of the conviction(s), nature of the offence and the legislation involved

Are you currently banned, or have you ever been banned, from owning or keeping a dog under an order under the *Dog Act 1976* section 46A(2) either permanently or for a period specified in the order?

Yes/No (*delete one*)

If yes, please give details of the order

Form 4

Part F — Declaration

The local government may refuse an application if any or all of the required information is not provided within the time period specified in the legislation.

I, _____
(person's full name or organisation/company name)

of _____
(address)

(postcode)

declare that the information I have provided is true and correct.

I am aware that it is an offence to provide false and misleading information.

Signature _____

[A signature is not required to effect the form when the form is lodged through a local government website.]

[Local government details and logo here]

Payment options:

[Each local government is to detail their payment options here]

Further details required by local government

Part G — Local government use only

Registration approved (✓):

- Assigned registration number _____

[Form 4 amended: Gazette 20 May 2014 p. 1605.]

Form 5

Form 5

[r. 21]

Dog Act 1976 s. 16(6)(a)

Certificate of registration

This is to certify that —

Name of dog _____

Description of dog _____
(gender, age, sterilisation status, breed (if known), colour)

Has been registered by —

Name _____
(person's full name or organisation/company name)

Street Address _____

Suburb/Town _____ Postcode _____

By *(insert name of local government)*

Registration number of dog _____

This registration expires on ____/____/____

Fee paid \$ _____

Form 6

[r. 26]

Dog Act 1976 s. 29(8)(a) and (8A)(a)

Notice of the seizure and detention of a dog

(Place) _____

(Date) _____

To _____
(insert name and address of owner or owner's delegate)

TAKE NOTICE that a dog, of which you are the owner or owner's delegate, has been seized and detained under the powers conferred by the *Dog Act 1976* section 29(3)(d) OR under a warrant issued under the *Dog Act 1976* section 29(5a) (*delete whichever does not apply*)

and is now at _____

The registered number of the dog is _____

If not claimed within 7 days from the date of the service of this notice, the dog will be destroyed or otherwise disposed of in accordance with the *Dog Act 1976* and the owner is liable for the cost of the dog's destruction and disposal.

If the dog is seized and detained under the *Dog Act 1976* section 29(3)(d), the owner is liable for the costs of the dog's detention, return and maintenance in addition to fees, charges, expenses and penalties in accordance with section 29(4).

If the dog is seized and detained under a warrant the owner is liable for the costs of the dog's maintenance in accordance with section 29(8A)(e).

(to be signed by a police officer
or an authorised person)

Form 7

Form 7

[r. 32]

Dog Act 1976 s. 38(2)

Complaint as to a nuisance created by a dog

To _____
(insert name of local government)

TAKE NOTICE that a dog, believed to be a _____⁽¹⁾
has created a nuisance by⁽²⁾ _____

The dog is believed to be owned by⁽³⁾ _____

and is ordinarily kept at⁽⁴⁾ _____

and I/we⁽⁵⁾ _____ of _____
request the local government to institute proceedings if the nuisance does not
stop and undertake —

- (a) to give full information to the local government as to this matter; and
- (b) to appear in court and give evidence as a witness to the truth of this complaint.

Dated the _____ day of _____ 20_____

(to be signed by the complainant/s)

- ⁽¹⁾ Insert breed or kind of dog and, where possible, its name, gender and identifying marks.
- ⁽²⁾ Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the dog was at the time of the nuisance.

- (3) State name and address of the person believed to be the owner.
- (4) State, if known, where the dog is ordinarily kept.
- (5) Insert name and address of each person making the complaint.

[Form 7 amended: Gazette 20 May 2014 p. 1605.]

Form 8A

Form 8A

[r. 33A]

Dog Act 1976 s. 38(3)

Order to prevent a dog being a nuisance

To _____
(insert name of person liable for the control of the dog)

I am satisfied that a dog _____⁽¹⁾

is a nuisance by⁽²⁾ _____

The dog is believed to be owned by⁽³⁾ _____

and is ordinarily kept at⁽⁴⁾ _____

THIS ORDER requires you to prevent the nuisance behaviour described above
by/...../ 20.....

This order will be in effect for a period of 6 months after the day on which it is
issued.

Failure to comply with the order during the period in which it has effect may
result in a penalty.⁽⁵⁾

Issued the _____ day of _____ 20_____

(Name and signature of authorised person)

- (1) Insert breed or kind of dog, registration number and, where possible, its name, gender and identifying marks.
- (2) Describe details of the nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the dog was at the time of the nuisance.
- (3) State name and address of the person believed to be the owner.

- (4) State, if known, where the dog is ordinarily kept.
- (5) Penalty for an offence relating to a dangerous dog — a fine of \$10 000 with a minimum of \$500 and a fine of \$500 for each separate and further offence.

Penalty for an offence relating to a dog other than a dangerous dog — a fine of \$5 000.

[Form 8A inserted: Gazette 20 May 2014 p. 1605-6.]

Form 8

Form 8

[r. 35(1)]

Infringement notice

| | | |
|---|--------------------------------|-------------------------|
| <i>Dog Act 1976</i> | | Infringement notice no. |
| Infringement notice | | |
| Alleged offender | Name | Family name |
| | Given names | |
| | or | Company name |
| | ACN | |
| | Address | |
| | | Postcode |
| Alleged offence | Description of offence | |
| | <i>Dog Act 1976 s.</i> | |
| | or | |
| | <i>Dog Regulations 2013 r.</i> | |
| Date | / /20 | Time a.m./p.m. |
| Modified penalty \$ | | |
| Authorised person/officer issuing notice | Name | |
| | Signature | |
| | Office | |
| Date | Date of notice / /20 | |

| | |
|-----------------------------------|--|
| Notice to alleged offender | <p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post Send a cheque or money order (payable to 'CEO [<i>Relevant local government</i>] — <i>Dog Act 1976</i>') to —</p> <p>CEO [<i>Relevant local government and address</i>]</p> <p>In person Pay the cashier at —</p> <p>[<i>Relevant local government and address</i>]</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Authorised Person at the above postal address.</p> <p>If you want this matter to be dealt with by prosecution in court, sign here —</p> <p>_____</p> <p>and post this notice to the CEO [<i>Relevant local government</i>] at the above postal address within 28 days after the date of this notice.</p> |
|-----------------------------------|--|

Form 9

Form 9

[r. 35(5)]

Withdrawal of infringement notice

| | | |
|--|--------------------------------------|---------------------|
| <i>Dog Act 1976</i> | | Withdrawal no. |
| Withdrawal of infringement notice | | |
| Alleged offender | Name Family name | |
| | Given names | |
| | or | Company name |
| | ACN | |
| | Address | |
| Postcode | | |
| Infringement notice | Infringement notice no. | |
| | Date of issue / /20 | |
| Alleged offence | Description of offence | |
| | <i>Dog Act 1976 s.</i> | |
| | or <i>Dog Regulations 2013 r.</i> | |
| Date / /20 | | Time a.m./p.m. |
| CEO withdrawing notice | Name | |
| | Signature | |
| | <i>[Relevant local government]</i> | |

| Date | Date of withdrawal / /20 |
|---|---|
| Withdrawal of infringement notice [*delete whichever is not applicable] | The above infringement notice issued against you has been withdrawn. If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed. or * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to — CEO [Relevant local government] — Dog Act 1976 [Relevant local government and address] Signature / /20 |



Notes

¹ This is a compilation of the *Dog Regulations 2013* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|--|---------------------------|---|
| <i>Dog Regulations 2013</i> | 31 Oct 2013 p. 4831-78 | r. 1 and 2: 31 Oct 2013 (see r. 2(a)); Regulations other than r. 1, 2 and 4: 1 Nov 2013 (see r. 2(c)); r. 4: 8 Nov 2013 (see r. 2(b)) |
| <i>Dog Amendment Regulations 2014</i> | 20 May 2014 p. 1602-6 | r. 1 and 2: 20 May 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 21 May 2014 (see r. 2(b)) |
| <i>Dog Amendment Regulations 2016</i> | 11 Mar 2016 p. 688-90 | r. 1 and 2: 11 Mar 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Mar 2016 (see r. 2(b)) |
| <i>Dog Amendment Regulations 2017</i> | 24 Jan 2017 p. 746 | r. 1 and 2: 24 Jan 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Jan 2017 (see r. 2(b)) |
| Reprint 1: The Dog Regulations 2013 as at 1 Sep 2017 (includes amendments listed above) | | |
| <i>Local Government Regulations Amendment (Cat and Dog) Regulations 2018 Pt. 3</i> | 23 Mar 2018 p. 1025-8 | 24 Mar 2018 (see r. 2(b)) |

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

| Defined term | Provision(s) |
|-----------------------------------|---------------------|
| Form..... | 3 |
| infringement notice | 35(1) |
| pensioner..... | 17(1) |
| place control provision..... | 37(1) |
| registered training provider..... | 9(1) |
| RWWA | 3 |
| section | 3 |