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DOG AMENDMENT ACT 1996

(No. 24 of 1996)

PROCLAMATION

WESTERN AUSTRALIA
P. M. Jeffery,
Governor.
[L.S.]

} By His Excellency Major General Philip Michael
Jeffery, Companion of the Order of Australia, Officer
of the Order of Australia (Military Division), Military
Cross, Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the Dog Amendment Act 1996, and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 12 September 1996.

By His Excellency's Command,

P. D. OMODEI, Minister for Local Government.

GOD SAVE THE QUEEN !

DOG ACT 1976

DOG AMENDMENT REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Dog Amendment Regulations 1996*.

Commencement

2. These regulations come into operation on the day, or the later or latest of the days, as the case requires, fixed under section 2 of the *Dog Amendment Act 1996*.

Principal regulations

3. In these regulations the *Dog Regulations 1976** are referred to as the principal regulations.

[* *Published in Gazette 24 December 1976, pp. 5092-7.*
For amendments to 10 September 1996, see 1995 Index to Legislation of Western Australia, Table 4, pp. 61-2.]

Regulation 4A inserted

4. After regulation 4 of the principal regulations the following regulation is inserted —

“

Council expenses

4A. The charge which a local government may require an owner to pay under section 33M shall be —

- (a) if determined by the local government having regard to the actual expense incurred, an amount not exceeding \$100; and

- (b) if required to be paid as a fixed charge at a prescribed amount, \$50.

”

Regulation 10B inserted

5. After regulation 10A of the principal regulations the following regulation is inserted —

“

Collars and signs warning of a dangerous dog

10B. (1) For the purpose of section 33F (5), the owner of a dangerous dog shall ensure that —

- (a) the dangerous dog wears a distinctive collar conforming to that provided for in Part 2 of the Third Schedule, as the local government may require, to warn people that the dangerous dog is dangerous; and
- (b) at each entrance to premises where the dangerous dog is kept a sign, conforming to that provided for in Part 3 of the Third Schedule, is displayed to warn people that a dangerous dog is kept there.

(2) The owner of a dog which is not a dangerous dog must not put on the firstmentioned dog, or allow that dog to wear, a collar referred to in subregulation (1) (a) or a collar resembling such a collar.

Penalty: \$1 000.

(3) A person must not display a sign resembling the sign referred to in subregulation (1) (b) on premises other than premises where a dangerous dog is kept.

Penalty: \$1 000.

”

Regulation 12A inserted

6. After regulation 12 of the principal regulations the following regulation is inserted —

“

Complaint and warrant as to offences

12A. (1) A complaint seeking a warrant in respect of an offence to which section 29 applies may be made in the form of Form 4A in the First Schedule.

(2) A warrant in respect of an offence to which section 29 applies may be issued in the form of Form 4B in the First Schedule.

”

Regulation 13 amended

7. (1) Regulation 13 (1) of the principal regulations is amended by inserting, after “pursuant to this regulation”, the following —

“

in respect of a dog which is not a dangerous dog, but if the dog is a dangerous dog the amount appearing in column five is the prescribed modified penalty in respect of that offence

”

(2) Regulation 13 (1) of the principal regulations is amended by deleting the table and substituting the table following —

“

Item	Section	Matter to which section relates	General Penalty	Dangerous Dog Penalty
			\$	\$
1.	7 (1)	Unregistered dog	100	200
2.	16A (1)	Failure to give notice of new owner	40	
3.	26 (4)	Keeping more than prescribed number of dogs	100	
4.	27 (2)	Breach of kennel establishment licence	200	
5.	30 (2)	Dog in public place without collar or registration tag	50	100
6.	30 (2)	Owner's name and address not on collar	50	100
7.	31 (3)	Dog not held by a leash in certain public places	100	200
8.	32 (4)	Failure to control dog in exercise areas and rural areas	100	200
9.	33 (3)	Greyhound not muzzled	200	
10.	33A (3)	Dog in place without consent	100	200
11.	33L (1) (a) & (b)	Dangerous Dog not muzzled		250
12.	33L (1) (a) & (b)	Dangerous Dog not on leash in exercise area		200
13.	33L (1) (a) & (b)	Dangerous Dog not under continuous supervision		200
14.	33L (1) (a) & (b)	Dangerous Dog in specifically prohibited area		200
15.	33L (1) (a) & (b)	Dangerous Dog enclosure requirement not complied with		200
16.	33L (1) (a) & (b)	Dangerous Dog not wearing specified collar		200
17.	33L (1) (a) & (b)	Dangerous Dog signs not displayed		200
18.	33L (1) (d)	Local government not advised of Dangerous Dog attack		200
19.	33L (1) (d)	Local government not advised of missing Dangerous Dog		200
20.	33L (1) (d)	Local government not advised of Dangerous Dog ownership change		200
21.	33L (1) (d)	Local government not advised of Dangerous Dog location change		200
22.	36 (1)	Failure to take steps against parasites	50	
23.	38 (1a)	Dog causing nuisance	100	200
24.	43 (2)	Failure to produce document issued under Act	100	
25.	43A	Failure of alleged offender to give name and address	100	

”.

(3) Regulation 13 of the principal regulations is amended by inserting after subregulation (1) the following subregulation —

“

(1a) The offences created by regulation 10B (2) and (3) are prescribed under section 45A of the Act as offences in relation to which a modified penalty applies, and \$100 is the prescribed modified penalty for each of those offences if dealt with under this regulation.

”

First Schedule amended

8. The First Schedule to the principal regulations is amended by inserting, after Form 4, the new Form 4A and Form 4B following —

“

Form 4A

Western Australia
Dog Act 1976

[Section 29]

COMPLAINT SEEKING WARRANT TO SEIZE AND DETAIN DOG AND TO ENTER PREMISES

I, ⁽¹⁾

of ⁽²⁾

in the State of Western Australia, make oath and say as follows:

1. I am ⁽³⁾ a Police officer, ⊗
⁽⁴⁾ appointed by the ⁽⁵⁾ ⊗ and authorized to
exercise the powers conferred by section 29 of the *Dog Act 1976*.
2. I believe on reasonable grounds that a dog ⁽⁶⁾
has or may have attacked a person ⁽⁷⁾
or is concerned in an offence to which section 29 of the Dog Act
applies namely ⁽⁸⁾
and that it is reasonably necessary for the enforcement of the Act
that the dog be seized and detained.
3. I believe on reasonable grounds that in order to seize the dog to
which this complaint relates it is or may be necessary to enter
premises at ⁽⁹⁾
 - ⊗ to which admission has been or may be refused;
 - ⊗ which are apparently unoccupied;
 - ⊗ where a request for admission might defeat the object
of entry.
4. I hereby seek the issue of a warrant under section 29 of the *Dog Act 1976* authorizing the seizure and detention of the dog under that Act.

Sworn at)
this day of)
by the said deponent)
before me)

.....

Insert:

- (1) name of complainant;
- (2) address of complainant;
- (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 attacked;
- (8) description of offence;
- (9) address or description of premises.

⊗ Delete if not appropriate

Form 4B

Western Australia
Dog Act 1976

[Section 29]

**WARRANT TO SEIZE AND DETAIN DOG
AND TO ENTER PREMISES**

I, ⁽¹⁾

of ⁽²⁾

in the State of Western Australia, Justice of the Peace, being satisfied that
a dog ⁽³⁾

has or may have attacked a person ⁽⁴⁾ or is concerned
in an offence to which section 29 of the *Dog Act 1976* applies, namely ⁽⁵⁾

hereby grant to ⁽⁶⁾
a person authorized to exercise powers conferred by that section

this warrant, hereby authorizing the seizure and detention of that dog
under that Act and authorizing ⁽⁶⁾

and ⁽⁷⁾
or any Police officer to pursue the dog on, and if required to enter by force,
the premises at ⁽⁸⁾

Signed
Justice of the Peace

Dated

Insert:

- (1) name of Justice of the Peace;
- (2) address of Justice of the Peace;
- (3) description of dog;
- (4) name or description of person attacked;
- (5) description of offence;
- (6) name of person to whom warrant is issued;
- (7) name of person authorized to assist in execution of the warrant;
- (8) address or description of premises.

”

Second Schedule amended

9. The Second Schedule to the principal regulations is amended —

1. by deleting Part 1; and
2. in Part 2, by deleting “**PART 2 —**”.

Third Schedule amended

10. The Third Schedule to the principal regulations is amended —

1. by deleting the Schedule designation “Third Schedule” and substituting the following —

“

THIRD SCHEDULE

[Regulations 6 (3a) and 10B]

PART 1 — PROOF OF STERILIZATION

”;

and

2. by inserting, after Part 1, the Parts following —

“

**PART 2 — DANGEROUS DOGS TO
BE IDENTIFIED**

Specifications: The collar to be worn by a dangerous dog shall —

- (a) bear alternating red stripes and yellow stripes, each stripe being 25 mm wide and set at an angle of 45 degrees to the rim of the collar; and
- (b) reflect light from at least one of those colours so that the collar can be rendered visible in darkness; and
- (c) be made of durable materials; and
- (d) be capable of being securely fastened; and
- (e) be capable of being attached to a leash; and
- (f) 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.

PART 3 — SIGNS TO BE DISPLAYED WHERE A DANGEROUS DOG IS KEPT

Specifications: The sign to be displayed at each entrance to premises where a dangerous dog is kept shall —

- (a) be a white rectangle measuring 200 mm by 300 mm; and
- (b) 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 the black head and neck of a dog 100 mm high wearing the collar provided for in Part 2 of this Schedule; and
- (e) contain below the circle referred to in paragraph (d) the words “DANGEROUS DOG” in capital letters 20 mm high.

A black and white version of that sign is shown below.

Dangerous dog sign**References to “Council” and “council” amended**

11. (1) The provisions of the principal regulations specified in the Table to this subregulation are amended by deleting “council” wherever it occurs and substituting in each case the following —

“ local government ”.

TABLE

Regulations 3, 5, 6 (3a) and (5), 7 (1), (2) and (4), 11 and 13 (2), (5) and (6) and First Schedule (Forms 1 and 7).

(2) Regulations 6 (4) and 13 (3) of the principal regulations are amended by deleting "Council" and substituting the following —

" local government ".

(3) The provisions of the principal regulations specified in the Table to this subregulation are amended by deleting "Council" wherever it occurs and substituting in each case the following —

" Local government ".

TABLE

First Schedule (Forms 1, 2, 3, 5, 6, 7 and 8).

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

