



Western Australia

Dog (Restricted Breeds) Regulations (No. 2) 2002

Compare between:

[09 Dec 2005, 00-e0-03] and [09 Mar 2006, 00-f0-04]

Western Australia

Dog Act 1976

Dog (Restricted Breeds) Regulations (No. 2) 2002

1. Citation

- (1) These regulations may be cited as the *Dog (Restricted Breeds) Regulations (No. 2) 2002*¹.
- (2) These regulations are made under section 53 of the Act.

2. Repeal

The *Dog (Restricted Breeds) Regulations 2002* are repealed.

3. Interpretation

In these regulations, unless the contrary intention appears —
“**Act**” means the *Dog Act 1976*;

“**restricted breed dog**” means a dog of any of the following breeds —

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

and includes any dog of a mixed breed which visibly contains any of the above breeds.

4. Application of *Dog Regulations 1976*

- (1) These regulations are to be read with the *Dog Regulations 1976*.
- (2) If there is a conflict or inconsistency between a provision of these regulations and a provision of the *Dog Regulations 1976*, the provision of these regulations prevails.

5. Restricted breed dogs to wear prescribed collars

If at any time a restricted breed dog is not wearing a collar that conforms with the requirements of the Third Schedule Part 2 of the *Dog Regulations 1976* a person liable for the control of the dog contravenes these regulations.

6. Restricted breed dogs to be kept in secure places

- (1) If the enclosure within which a restricted breed dog is confined at any time is not constructed —
 - (a) so that young children cannot get in to it; and
 - (b) so that the dog cannot escape from it,a person liable for the control of the dog contravenes these regulations.
- (2) Subregulation (1) applies whether or not the enclosure is at the premises at which the restricted breed dog is ordinarily kept.
- (3) If a sign that conforms to that provided for in the Third Schedule Part 3 of the *Dog Regulations 1976* is not displayed at any entrance to the premises at which a restricted breed dog is ordinarily kept the owner of premises contravenes these regulations.

7. Restricted breed dogs, control of

- (1) If, at a time when a restricted breed dog is ~~neither~~—

- ~~_____ (a) at the premises of its owner; nor~~
~~_____ (b) not~~ confined in accordance with regulation ~~6~~,
- ~~_____~~ the dog is not muzzled in such a manner that prevents it from biting a person or another animal, a person liable for the control of the dog contravenes these regulations.
- (2) If ~~_____~~ at a time when a restricted breed dog is ~~neither~~ ~~_____~~
~~_____ (a) at the premises of its owner; nor~~
~~_____ (b) not~~ confined in accordance with regulation 6,
- ~~_____~~ the dog is not on a leash or chain held by a person who is physically able to control the dog in all circumstances, a person liable for the control of the dog contravenes these regulations.
- (3) If ~~_____~~ at a time when a restricted breed dog is ~~neither~~ ~~_____~~
~~_____ (a) at the premises of its owner; nor~~
~~_____ (b) not~~ confined in accordance with regulation ~~6~~,
- ~~_____~~ a person under the age of 18 ~~_____~~ years is in control of the dog, that person and any other person liable for the control of the dog contravenes these regulations.

[\[Regulation 7 inserted in Gazette 9 Dec 2005 p. 5885.\]](#)

8. Number of restricted breed dogs that may be owned

- (1) A person must not own more than 2 restricted breed dogs unless he or she has a written permit from the local government of the district in which the person lives.
- (2) An application for such a permit is to be in a form approved by the local government concerned.
- (3) The permit must specify the number of restricted breed dogs that the applicant may own and may be issued subject to conditions.
- (4) The holder of such a permit must comply with its terms and conditions.

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- (5) A local government may, for good reason, cancel a permit issued under this regulation.

8A. Restricted breed dogs to be sterilised

(1) If requested by an authorised person, the owner of a restricted breed dog must either —

(a) immediately satisfy the authorised person that the dog has an ear tattoo conforming to that provided for in the Third Schedule to the *Dog Regulations 1976*;

(b) satisfy the authorised person, within 24 hours, that the dog is under the age of 6 months; or

(c) produce to the authorised person, within 24 hours, a certificate signed by a registered veterinary surgeon stating that the dog —

(i) was sterilised or sterile before the request by the authorised person was made;

(ii) has a physical condition that is likely to cause the dog to die if it is sterilised; or

(iii) is receiving a course of treatment, other than treatment to maintain or increase fertility, from the veterinary surgeon, and the effectiveness of treatment will be reduced if the dog is sterilised during the course of treatment.

(2) A certificate as described in subregulation (1)(c)(ii) or (iii) —

(a) must state the period for which the physical condition or the course of treatment, as the case may be, is expected to last; and

(b) ceases to have effect for the purposes of this regulation at the end of the period.

(3) The owner of a restricted breed dog who does not obey a request under subregulation (1) contravenes these regulations.

[Regulation 8A inserted in Gazette 9 Dec 2005 p. 5885-6.]

9. Person under 18 not to be sold restricted breed dogs

A person must not sell or otherwise transfer ownership of a restricted breed dog to a person under the age of 18 years.

10. Seller to notify buyer that dog is a restricted breed dog

Before a person sells or otherwise transfers ownership of a restricted breed dog to another person he or she must inform the other person in writing that the dog is a restricted breed dog.

11. Local government to be notified of change of premises where restricted breed dog ordinarily kept

If the place where a restricted breed dog is ordinarily kept changes from one premises to another, a person who is liable for the control of the dog must, as soon as practicable after the change, in writing, inform the local government that has registered the dog under the Act of the fact and of the address of the new premises.

12. Local government to be notified if restricted breed dog is missing etc.

If a restricted breed dog is missing or dies, a person who is liable for the control of the dog must as soon as practicable after becoming aware of the fact, in writing, inform the local government that has registered the dog under the Act of the fact.

13. Restricted breed dogs may be seized and destroyed

- (1) If an authorised person or a police officer has reasonable grounds to believe that there has been a contravention of regulation 5, 6, 7 or 78A in relation to a restricted breed dog, he or she may seize and detain the dog.
- (2) A person who seizes and detains a dog under subregulation (1) must make reasonable attempts to ascertain who owns the dog.

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- (3) If the person is unable to ascertain who owns the dog the person may cause the dog to be destroyed.
- (4) If the person ascertains who owns the dog, he or she must give the owner a notice —
 - (a) informing the owner of the seizure and the place where the dog is detained;
 - (b) stating the contravention of these regulations that resulted in the seizure; and
 - (c) informing the owner that unless he or she remedies the contravention within 8 days after the giving of the notice the dog will be destroyed.
- (5) If the owner of a restricted breed dog that has been seized and detained does not remedy the contravention within 8 days after the notice is given, the person detaining the dog may destroy it.

~~14. — Expiry~~

~~— These regulations expire on 22 April 2006.~~

~~[Regulation [1413](#) amended in Gazette [4 Apr 2003 p. 1027](#);
[2 Apr 2004 p. 1112](#); [1 Apr 9 Dec 2005 p. 10655886](#).]~~

~~[[14.](#) [Repealed in Gazette 9 Dec 2005 p. 5886.](#)]~~

Notes

- ¹ This is a compilation of the *Dog (Restricted Breeds) Regulations (No. 2) 2002* and includes the amendments made by the other written laws referred to in the following table^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Dog (Restricted Breeds) Regulations (No. 2) 2002</i>	9 Aug 2002 p. 3883-91	9 Aug 2002
<i>Dog (Restricted Breeds) Amendment Regulations 2003</i>	4 Apr 2003 p. 1027	4 Apr 2003
<i>Dog (Restricted Breeds) Amendment Regulations 2004</i>	2 Apr 2004 p. 1112	2 Apr 2004
<i>Dog (Restricted Breeds) Amendment Regulations 2005</i>	1 Apr 2005 p. 1065	1 Apr 2005

- ^{1a} ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Dog (Restricted Breeds) Amendment Regulations (No. 2) 2005</i> r. 4-7 ²	9 Dec 2005 p. 5884-6	9 Mar 2006 (see r. 2)

- ² ~~On the date as at which this compilation was prepared, the *Dog (Restricted Breeds) Amendment Regulations (No. 2) 2005* r. 4-7 had not come into operation. They read as follows:~~

~~“~~

~~4. **Regulation 7 replaced**~~

~~Regulation 7 is repealed and the following regulation is inserted instead~~

~~“~~

~~7. **Restricted breed dogs, control of**~~

~~(1) If, at a time when a restricted breed dog is not confined in accordance with regulation 6, the dog is not muzzled in such a manner that prevents it from biting a person or another~~

animal, a person liable for the control of the dog contravenes these regulations.

- ~~—(2) If, at a time when a restricted breed dog is not confined in accordance with regulation 6, the dog is not on a leash or chain held by a person who is physically able to control the dog in all circumstances, a person liable for the control of the dog contravenes these regulations.~~
- ~~—(3) If, at a time when a restricted breed dog is not confined in accordance with regulation 6, a person under the age of 18 years is in control of the dog, that person and any other person liable for the control of the dog contravenes these regulations.~~

”.

5. ~~Regulation 8A inserted~~

~~After regulation 8 the following regulation is inserted —~~

“

8A. ~~Restricted breed dogs to be sterilised~~

- ~~—(1) If requested by an authorised person, the owner of a restricted breed dog must either —~~
 - ~~—(a) immediately satisfy the authorised person that the dog has an ear tattoo conforming to that provided for in the Third Schedule to the *Dog Regulations 1976*;~~
 - ~~—(b) satisfy the authorised person, within 24 hours, that the dog is under the age of 6 months; or~~
 - ~~—(c) produce to the authorised person, within 24 hours, a certificate signed by a registered veterinary surgeon stating that the dog —~~
 - ~~—(i) was sterilised or sterile before the request by the authorised person was made;~~
 - ~~—(ii) has a physical condition that is likely to cause the dog to die if it is sterilised; or~~
 - ~~—(iii) is receiving a course of treatment, other than treatment to maintain or increase fertility, from the veterinary surgeon, and the effectiveness of treatment will be reduced if the dog is sterilised during the course of treatment.~~
- ~~—(2) A certificate as described in subregulation (1)(c)(ii) or (iii) —~~

- ~~—(a)— must state the period for which the physical condition or the course of treatment, as the case may be, is expected to last; and~~
- ~~—(b)— ceases to have effect for the purposes of this regulation at the end of the period.~~
- ~~—(3) The owner of a restricted breed dog who does not obey a request under subregulation (1) contravenes these regulations.~~

~~6. **Regulation 13 amended**~~

~~— Regulation 13(1) is amended by deleting “6 or 7” and inserting instead —~~

~~— “ 6, 7 or 8A ”.~~

~~7. **Regulation 14 repealed**~~

~~— Regulation 14 is repealed.~~

~~”.~~