

DOG.

10° Elizabeth II., No. LV.

No. 55 of 1961.

AN ACT to amend the Dog Act, 1903-1960.

[Assented to 23rd November, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Dog Act Amendment Act, 1961.* Short title and citation.

(2) In this Act the Dog Act, 1903-1960, is referred to as the principal Act. Reprinted in Vol. 14 Reprinted Acts approved for reprint 25th August, 1959, and amended by Act No. 42 of 1960.

(3) The principal Act as amended by this Act may be cited as the Dog Act, 1903-1961.

S. 3
amended.

2. Section three of the principal Act is amended—

- (a) by substituting for the interpretation, “District” the following interpretation—

“District” means an area of the State, the inhabitants of which area are a municipality under the Local Government Act, 1960. ;

- (b) by substituting for the interpretation, “Local Authority”, the following interpretation—

“Local Authority” means the Council of a municipality constituted under the Local Government Act, 1960. .

S. 5
amended.

3. Subsection (2) of section five of the principal Act is amended by substituting for the word, “section” in line two, the word, “subsection”.

S. 6A
amended.

4. Section six A of the principal Act is amended—

- (a) by adding after the word, “disease”, being the last word in the subsection, the passage, “or is, in the opinion of the local authority, vicious, dangerous, or unduly mischievous”;

- (b) by adding after subsection (1) the following subsection—

(1a) The registering officer shall, as soon as practicable after he receives the direction of the local authority, serve written notice of it on the owner of such dog.

Penalty: Two pounds. ;

- (c) by adding after subsection (2) the following subsections—

(2a) Where the Local Court affirms the direction of the local authority, the Court shall direct an officer of the local authority to destroy the dog the subject of appeal, and thereupon that officer shall seize the dog and shoot it or cause it to be shot.

(2b) Where the owner of a dog, the registration of which has been refused, does not appeal as provided in this section, the clerk of the local authority that refused such registration shall, as soon as practicable after the time prescribed for making the appeal has expired, apply to a justice for an order authorising the seizure and destruction of that dog.

(2c) Where on an application under subsection (2b) of this section the justice is satisfied that the owner of the dog has been given notice of the reason for the direction to refuse to register the dog and has not appealed against it as provided in this section, the justice shall direct an officer of the local authority to seize the dog and shoot it or cause it to be shot.

(2d.) Where the Local Court quashes a direction of the local authority made pursuant to subsection (1) of this section and directs the registration of the dog, the registering officer of that local authority shall, upon payment of the appropriate registration fee, register the dog as directed by the Local Court. ;

- (d) by adding after the last line of subsection (3) the following passage—

Penalty: Five pounds.

5. Section fifteen of the principal Act is repealed and re-enacted as follows—

repealed and
S. 15
re-enacted.

15. (1) A local authority shall keep at its public office a list or a record consisting of cards, arranged in alphabetical order showing—

List of
registered
dogs to be
kept by
local
authority.

- (a) the name of each person who has registered a dog with the local authority during the current year;

- (b) the number of dogs registered by each such person; and
- (c) the registration number of each dog so registered,

and the list or record shall be open to public inspection during the time the public office, where it is kept, is open to the public.

(2) When the name of a person is inserted in a registration receipt, issued pursuant to section eight of this Act, as the owner of a dog in substitution for the name of the previous owner of the dog, as provided in section fourteen of this Act, the list or record referred to in subsection (1) of this section shall be amended by the local authority accordingly.

(3) A person applying to the local authority for all or any of the following—

- (a) the particulars of any dog registered by the local authority;
- (b) the name of the owner of a dog so registered; or
- (c) a certified copy of a registration receipt referred to in subsection (2) of this section, certified by an officer of the local authority authorised for the purpose,

is entitled to receive the same on payment of a fee of two shillings and sixpence.

(4) An officer who is authorised by a local authority to permit inspection of the list or record referred to in subsection (1) of this section or to receive and deal with an application made under subsection (3) of this section who—

- (a) refuses to allow the list or record to be inspected at any time during which the public office where the list or record is kept, is open to the public; or

- (b) on receipt of such application and after tender of the fee of two shillings and sixpence, refuses or neglects to supply the applicant with the particulars, name or certified copy referred to in subsection (3) of this section required by the applicant,

is guilty of an offence.

Penalty: One pound.

(5) The local authority shall make up, on or before the thirty-first day of August in each year, the list or record referred to in subsection (1) of this section and shall from time to time revise the list or record so as to include therein any alteration in a registration receipt or the addition of the name of any new owner of a dog registered under this Act.

6. Subsection (1) of section nineteen of the principal Act is amended by adding after the word, "pound", being the last word in the subsection, the passage, "but if any such dog is not wearing a collar around its neck with a registration label attached thereto at the time it is so found and, in the opinion of the member of the Police Force or the officer of the local authority, it is impracticable to seize the dog the member or officer may, without seizing the dog, destroy it by shooting it or causing it to be shot and shall dispose of the carcass of the dog". S. 19
amended.

7. Section twenty-two A of the principal Act is amended— S. 22A
amended.

- (a) by substituting for the passage, "Subject to the regulations, it" in line one, the word, "It";
- (b) by substituting for the word, "Aborigines" in line six, the word, "Natives";
- (c) by substituting for the words, "main road", being the last two words in the proviso to the section, the passage, "road, reserve or public place".

S. 29
amended.

8. Section twenty-nine of the principal Act is amended—

- (a) by substituting for the words, “male aboriginal native” in line one of subsection (1), the passage, “person, who is a native as defined in the Native Welfare Act, 1905”;
- (b) by repealing subsection (2) and re-enacting it as follows—

(2) Where a member of the Police Force or an officer of a local authority finds a dog in the control or possession of such a native, if at the time it is so found the dog is not registered under this Act the member or the officer if he is an officer of the local authority of that district may, without seizing the dog, destroy the dog by shooting it or may cause it to be so destroyed and shall cause the carcass of the dog to be disposed of. .

S. 35A
amended.

9. Section thirty-five A of the principal Act is amended by deleting the passage, “or road district, as the case may be,” in lines seven and eight.

S. 36
repealed.

10. Section thirty-six of the principal Act is repealed.

Second
Schedule
amended

11. The Second Schedule to the principal Act is amended by deleting the passage, “[or Road Board]” where it occurs in the last and second last lines of the forms headed “Duplicate Receipt” and “Receipt”.