

DOGS.

No. 6 of 1903

(as amended by No. 1 of 1923 and No. 24 of 1928).

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

[Assented to 1st December, 1903.]

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

1. This Act may be cited as the *Dog Act*, 1903-1928, and shall come into operation on the thirty-first day of December, One thousand nine hundred and three. Short title and commencement.
2. The Acts mentioned in the First Schedule to this Act are hereby repealed. Repeal.
First Schedule.
3. In this Act, unless the context otherwise requires,— Interpretation.
 - “District” means a municipality or a road district, as the case may be.
 - “Dog” means a dog of either sex of an age exceeding three months.
 - “Local Authority” means a municipal council or road board, as the case may be.
 - “Prescribed” means prescribed by regulations made under this Act.
 - “Registering Officer” means and includes every person authorised by a local authority to enter the registration of dogs within the district.

Dogs.

Persons to be deemed the owners of dogs.

4. Every person having a dog in his possession or under his control or being the occupier of any house or premises where a dog is kept or harboured, or permitted to live or remain, shall be deemed to keep and to be the owner of the dog.

Where there are more occupiers than one of any house or premises, the occupier of that part of the house or premises in which the dog is kept or harboured, or permitted to live or remain, shall be deemed to keep and to be the owner of the dog.

Dogs to be registered.

No. 1 of 1923, s. 2.

No. 24 of 1928, s. 2.

5. Any person who shall keep a dog without causing such dog to be registered, and such registration to be again made from year to year, in manner hereinafter mentioned, shall be liable, for every dog so kept, to a penalty not exceeding forty shillings, and not less than ten shillings, above the amount of the fee payable in respect of such registration.

This section shall not apply to the Royal Society for the Prevention of Cruelty to Animals of Western Australia, as regards dogs in their custody from time to time in depots licensed for the purpose, pursuant to regulations made under this Act, and held temporarily by them for the purpose of finding the dogs suitable homes.

Registration offices.

6. Registration shall be made at the office of the local authority of the district in which it is intended to keep the dog, or at such other convenient places within the district as may be appointed by the local authority for the purpose.

Registration of destructive dogs may be refused.

No. 24 of 1928, s. 3.

6a. (1.) The local authority may direct the registering officer to refuse to register the dog on the ground that such dog is, in the opinion of the local authority, of a destructive nature.

(2.) The owner may, in the prescribed manner and within the prescribed time, appeal against such direction to the Local Court held nearest to the office of the local authority, and such Court may either affirm the direction or quash it and direct the registration of the dog, as shall be just.

(3.) The registering officer shall act in conformity with the direction of the local authority or the Local Court, as the case may be.

Mode of registration.

7. Registration shall be made by the owner, or some person in his behalf, delivering at the registration office an application signed by such owner or person, in the form A in the

Second Schedule, containing the particulars indicated by such form, and paying the registration fee to the registering officer.

8. The registering officer shall—

- (1) make out a receipt for the registration fee in the form B in the Second Schedule and a duplicate thereof;
- (2) enter on the application receipt and duplicate the registration number of the dog;
- (3) deliver to the owner or person making the registration the receipt and a registration label numbered according to the registration;
- (4) file the application and duplicate receipt.

Registration receipt.
No. 1 of 1923, s. 3.

9. Every registration label shall be a metal disc or plate of the prescribed size and shape, on which shall be inscribed the name of the district, the year of registration, and the registration number.

Registration labels.

10. (1.) Every registration shall be in force from the day upon which it is made until the first day of January next ensuing and no longer, and shall be again made in like manner from year to year.

Registration to be renewed yearly.
No. 6 of 1903, s. 10.

(2.) Every registration after the 31st day of December, 1922, shall be in force from the day on which it is made until the 30th day of June next ensuing and no longer, and shall be again made in like manner from year to year: Provided that every registration made within twenty-one days of the first day of July in any year shall be deemed to have been made on that day: Provided also that the fee to be paid for registration for the financial year ending the 30th day of June, 1923, shall be at one-half the rates set out in the Third Schedule.

Registrations after 31 Dec., 1922.
No. 1 of 1923, s. 4.

11. The fee to be paid for registration shall be as stated in the Third Schedule; and until the proper registration fee is paid, no registration shall be deemed to have been made:

Registration fee.
No. 1 of 1923, s. 5

Provided that when any person makes use of any dog or dogs in or about the droving or tending of not less than five head of great cattle or twenty head of small cattle, he shall, on making application in the prescribed form, be entitled to register any such dog at half the prescribed rate.

Registration of
dogs not kept
within a district.

12. Any person who keeps a dog at any place not within the boundaries of any district shall, for the purposes of this Act, be deemed to keep the dog within such district a boundary of which is nearest to the place in which such dog is kept.

Registration to
extend over State.
No. 1 of 1923, s. 6.

13. Every registration made under this Act shall be in force throughout the State, and any owner may remove a dog to any other district than the one wherein such dog is registered, without payment of any further fee.

Change of owner-
ship.

14. Where an ownership of a dog is changed, the registration of such dog shall continue good; but the name of the new owner shall, upon application by him, be inserted in the registration receipt and the duplicate thereof in substitution of the name of the previous owner without payment of any fee, and thereupon, for the purpose of this Act, such new owner shall take the place of the previous owner.

List of registered
dogs to be exhibited.

15. (1.) There shall be kept at the office of every local authority, for public inspection, a list arranged in alphabetical order of the names of all persons who shall have registered dogs during the current year within the district, and the number of dogs registered by each person, and the registered number of each dog.

Whenever the name of any person is inserted in a registration receipt, in substitution of the name of the previous owner, the list shall be amended accordingly.

Any person applying for the particulars of any dog so registered, or for the name of the 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 officer 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 officer to be a correct copy thereof, shall be liable to a penalty not exceeding ten shillings.

No. 1 of 1923, s. 7.

(2.) The town clerk or secretary of every local authority shall, as soon as practicable after each such list as aforesaid has been made up, deliver a copy thereof free of charge to the officer in charge of the police station nearest to the

office of the local authority. Such list shall be made up on or before the 31st of July in every year, and a revised list made up every three months thereafter and delivered in like manner to such officer.

(3.) The police shall, when it comes to their knowledge, notify the local authority of the name of any person keeping or owning an unregistered dog.

Penalty: Two pounds.

16. A receipt for the registration of any dog, or a certified copy thereof purporting to be signed by a registration officer, shall be *prima facie* evidence in any proceeding—

Receipt to be *prima facie* evidence of registration and ownership.

(1) of such registration; and

(2) that the owner therein named as the owner of the dog is the owner of such dog.

17. Any owner or other person by whom a registration is made who wilfully inserts or omits, or permits to be inserted or omitted, in any application for registration, any matter or thing whatsoever contrary to or for the purpose of concealing the truth, shall be liable to a penalty not exceeding five pounds.

Penalty for false registration.

17a. (1.) Every registered dog shall have a collar round its neck, and the dog's registration disc shall be and remain attached to the collar.

Dogs to have collar with disc attached. No. 1 of 1923, s. 8.

(2.) If any dog is found in any public place without a collar round its neck with the registration disc attached thereto, the owner of such dog (unless he shall prove that the breach of this section was not due either to his negligence or wilful act or omission) shall be liable to a penalty not exceeding five pounds.

18. Any person, not being the owner, who wilfully removes the registration label from the neck of a dog shall be liable to a penalty not exceeding five pounds, and shall pay to the owner of any dog that may have been sold or destroyed under the provisions of this Act, in consequence of the removal of the label, the full value of the dog.

Penalty for removing collar or disc.

19. Any dog found wandering at large may be seized and kept by the police, or any authorised officer of a local authority.

Power to seize stray dogs.

Dogs.

If such dog is not claimed, and one shilling and sixpence for its keep paid, by the owner, within three days from the time of such seizure, it may be destroyed or sold, and any purchaser shall, upon the registration of the dog, become the lawful owner of the dog.

The proceeds of sale shall belong to and be paid into the funds of the local authority:

Provided that if any dog, at the time of such seizure, has a collar round its neck with a registration label for the current year affixed, such dog shall not be destroyed or sold until after the expiration of forty-eight hours from the service upon the registered owner of notice in the form of the Fourth Schedule:

No. 1 of 1923, s. 9.

Provided further, that if in the opinion of an officer of police or of an officer of the local authority it shall be impracticable to capture any dog as aforesaid, and such dog is not wearing a collar round its neck with the registration disc attached thereto, such officer may shoot such dog or cause such dog to be shot without seizing or keeping the same.

Service of notices.

No. 1 of 1923, s. 10.

20. Notices under the last preceding section may be served—

- (1) by leaving the same at the usual last known address of the owner; or
- (2) by forwarding the same by post in a prepaid letter addressed to the owner at his such address.

A notice sent by post shall be deemed to have been served at the time at which the letter would be delivered in the ordinary course of post.

Penalty for allowing sluts to be at large at certain times.

21. If any slut is at large in any street, road, or public place while she is in heat, the owner shall be liable to a penalty not exceeding five pounds.

Owner or occupier of enclosed land may destroy any trespassing dogs not under control.

No. 1 of 1923, s. 11.

22. The owner or occupier of any enclosed field, paddock, yard, or other place in which any sheep or cattle are confined, or any person acting under the authority of such owner or occupier, may, without incurring any liability in respect thereof, shoot or otherwise destroy, without cruelty by some speedy means, any dog found at large therein, whether the owner of such dog is or is not known:

Provided that it shall not be lawful to shoot or otherwise destroy any such dog if accompanied by and under the control of its owner or any other person.

22a. Subject to the regulations, it shall be lawful for the owner or occupier of any field, paddock, yard, or other place in or on which any sheep or cattle are confined or depasturing, or any person, not being an aboriginal or half-caste except with the consent of the nearest protector of aborigines, acting under his authority, to lay poison upon such field, paddock, yard or other place for the destruction of dogs wandering at large and trespassing on any such place:

Poison may be laid in certain cases.
No. 24 of 1923, s. 4.

Provided that such poison shall not be laid within one chain of a main road.

23. If any dog rushes at, attacks, worries, or chases any person or any horse, cattle, sheep, poultry, or any domestic animal, other than those trespassing, the owner of such dog shall be liable to a penalty not exceeding twenty pounds.

Penalty on owners of dogs attacking persons, etc.
No. 24 of 1923, s. 5.

When a dog has actually bitten any person, the court or justices, in addition to inflicting a penalty, may order that such dog be destroyed forthwith, and may give all necessary directions to make such order effective.

The fact that such dog was, immediately before the rushing at, attacking, worrying, or chasing, in company with and had been seen closely following the person complained of, or issued from the premises occupied by such person, shall be *prima facie* evidence that the person so complained of is the owner of such dog.

23a. No person shall be deemed to be guilty of an offence or be liable in damages on account of the death of or any injury or harm suffered by any dog wandering at large, owing to measures taken by such person, reasonably and in good faith, for the purpose of destroying or exterminating vermin or dogs wandering at large, whether by means of traps, poison, or otherwise, in conformity with any Act or statutory regulation, or by reason of the fact that the death of the dog has occurred in a place or on premises not belonging to or in the occupation of such person.

Freedom from liability for acts done for destruction of vermin or dogs wandering at large.
No. 24 of 1923, s. 6.

24. The owner of every dog shall be liable in damages for injury done by his dog; and it shall not be necessary for the party seeking damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such mischievous propensity, or that the injury was attributable to neglect on the part of the owner of the dog.

Mischievous propensity in dogs need not be proved.

Penalty on persons setting on dogs to attack persons, etc.

25. Any person who wilfully sets on, urges, or permits any dog to attack, worry, or chase any person, or any horse, cattle, sheep, or poultry, or any domestic animal, unless such horse, cattle, sheep, or poultry, or any domestic animal be trespassing at the time, shall be liable, on summary conviction, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

A conviction under this section shall not affect the right of action of any person for any damage such dog may have done.

Penalty for using counterfeit labels.

26. Any person who falsely makes or counterfeits, or knowing the same to be false or counterfeit purchases, uses, or has in his possession any label resembling, or apparently intended to resemble, or pass for a registration label issued under this Act, shall be liable for every such offence to a penalty not exceeding twenty pounds.

Penalty for using obsolete labels.
No. 24 of 1923, s. 7.

27. Any person who, after the twenty-second day of July in any year, keeps any dog wearing a registration label issued in any previous year, which dog shall not have been registered for the then current year, shall be liable to a penalty not exceeding five pounds.

Penalty for using label issued for another dog.

28. Any person who keeps any dog wearing a registration label issued in respect of another dog shall be liable to a penalty not exceeding ten pounds.

Dogs of aboriginal natives.
No. 1 of 1923, s. 12.

29. Any adult male aboriginal native may register one male dog free of charge, the collar and disc for which shall be supplied free of charge by the registering authority, but such dog shall be kept free from mange or other contagious disease. Upon representation being made by any person to a justice of the peace that such dog is a dangerous dog or is liable to spread disease by reason of its neglected state, the justice may order the destruction of the dog.

Whenever the number of dogs found in the possession of one or more natives shall be in excess of the number of adult natives in such party, such dog or dogs in excess, except such of the said dogs as are duly registered, shall be liable to be destroyed, and all police officers and constables are hereby authorised to destroy the same.

30. No fee shall be charged for the registration of any dog *bona fide* kept and used as a guide for any blind person. Dogs used by the blind to be registered without fee.
31. In any proceeding under this Act the proof of due registration, or that any dog is under the age of three months, or has not been kept by the owner thereof, shall in each case be on the defendant. Onus of proof of registration, etc., on owner.
No. 1 of 1923, s. 13.
32. All penalties incurred under this Act, and damages not exceeding twenty pounds for any injury occasioned or done by any dog as hereinbefore mentioned, or for any dog improperly sold or destroyed, shall be recoverable summarily before any two or more justices of the peace in petty sessions. Recovery of penalties.
33. All fees payable within any district, and all fines and penalties recovered in respect of offences committed within any district, shall be paid to the local authority as part of its ordinary revenue. Application of fines.
34. All expenses incident to the administration in each district shall be paid out of the ordinary revenue of the local authority. Expense and administration.
- 34a. A local authority may, for the protection of owners of stock, make by-laws for— Power to make by-laws.
No. 24 of 1928, s. 8.
- (a) requiring dogs to be kept chained or otherwise under effective control from sunset to sunrise, and authorising the destruction of any dog not so kept under control and found wandering at large;
 - (b) imposing a penalty not exceeding ten pounds for the breach of any such by-law.
35. The Governor may make regulations for carrying this Act into effect, and such regulations may impose a penalty not exceeding five pounds for any breach thereof. Regulations.
No. 1 of 1923, s. 14.
36. Sections sixA, twenty-twoA, twenty-threeA, and thirty-fourA shall not have effect within the metropolitan area as defined by the regulations under this Act, or within any municipality outside the metropolitan area, unless extended to such municipality by an Order in Council published in the *Gazette*. Application of sections 6A, 22A, 23A, and 34A.
No. 24 of 1928, s. 9

Dogs.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
47 Vict., No. 13	The Dog Act, 1883	The whole.
49 Vict., No. 10	An Act to amend the Dog Act, 1883 ...	The whole.
63 Vict., No. 12	An Act to further amend the Dog Act, 1883	The whole.

Section 7.

SECOND SCHEDULE.

(Form A.)

No. 1 of 1923, s. 15.

Description of Dogs for Registration.

A description of _____ ; dogs intended to be kept by
 A.B. of _____, in _____, during the year ending on
 the 30th day of June, 19 _____.

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

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

Dated this _____ day of _____, 19 _____
 A.B. or C.D.

Dogs.

(Form B.)

Duplicate Receipt.

Section 8.

Received this day of , 19 , the sum of £ , for dogs registered by A.B. of , in , for year ending on the 30th day of June, 19 , 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.	Colour or peculiar mark.	Description or kind of dog.	Purpose for which such dog is to be employed.

E.F.

Registering Officer for the Municipality [or Road Board].

Receipt.

Received this day of , 19 , the sum of £ , for dogs registered by A.B. of , in , for year ending on the 30th day of June, 19 , 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.	Colour or peculiar mark.	Description or kind of dog.	Purpose for which such dog is to be employed.

E.F.

Registering Officer for the Municipality [or Road Board].

Section 11.
No. 1 of 1923, s. 16.

THIRD SCHEDULE.

Fees for Registration.

	£	s.	d.
For every dog	0	7	6
For every bitch	0	10	0
For every pack of hounds not less than 10 <i>bona fide</i> kept together in kennel exclusively for the purpose of hunting, in lieu of any individual registration	2	0	0

In respect of every first registration made after the 31st day of December in any year, only one-half of the registration fee shall be payable.

Section 13.

FOURTH SCHEDULE.

Notice of Seizure of Dog.

(Place)

(Date)

To A.B.
of

Take Notice, a dog, of which you are the registered owner, has been found wandering at large and seized, and is now at

If not claimed within forty-eight hours from the service of this notice, the dog will be sold or destroyed.

The registered number of the dog is

(To be signed by the officer in charge of a police station, or an officer of the local authority.)