

WESTERN AUSTRALIA.

---

**DOGS.**

---

**No. 6 of 1903.**

*(Affected by Act No. 26 of 1932.)*

[As amended by Acts:

No. 1 of 1923, assented to 15th February, 1923;

No. 24 of 1928, assented to 27th December, 1928;

No. 74 of 1948, assented to 21st January, 1949,

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

---

**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 the 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, 1903-1948*, and shall come into operation on the thirty-first day of December, One thousand nine hundred and three.

Short title and commencement.  
Amended by No. 74 of 1948, s. 2.

2. The Acts mentioned in the First Schedule to this Act are hereby repealed.

Repeal.  
First Schedule.

Interpretation.  
Amended by  
No. 74 of  
1948, s. 3.

3. In this Act, unless the context otherwise requires,—

“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.

“Wandering at large” means roaming about without any control whatever.

[Added by  
74 of 1948,  
s. 3.]

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.  
Amended by  
No. 1 of  
1923, s. 2.  
No. 24 of  
1928, s. 2.  
No. 74 of  
1948, s. 4.

5. (1) Any person who keeps any dog which is not registered pursuant to the provisions of this Act commits an offence against this Act.

Maximum penalty—Two pounds.

Minimum penalty irreducible in mitigation, notwithstanding the provisions of section one hundred and sixty-six of the Justices Act, 1902-1942,<sup>1</sup> and of sections nineteen and six hundred and ninety-nine of the Criminal Code, 1913<sup>2</sup>—Ten shillings.

<sup>1</sup> See now Justices Act, 1902-1957.

<sup>2</sup> See now Criminal Code, 1913-1956.

(2) On convicting any person of an offence under the provisions of the last preceding section the Court of Petty Sessions shall order payment by the person of the registration fee which should have been paid and the amount of the fee shall be recoverable in the same manner as that in which the penalty imposed for the offence is recoverable.

(3) 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.

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  
offices.

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.

Registration  
of destruc-  
tive dogs  
may be  
refused.  
Added by No.  
24 of 1928,  
s. 3.

(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.

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

Mode of  
registration.

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.

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

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 labels.

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 to be renewed yearly.  
Amended by No. 1 of 1923, s. 4.

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

(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.

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.  
Amended by 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.

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 of dogs not kept within a district.

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.

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

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.

Change of ownership.

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.

List of registered dogs to be exhibited.  
Amended by No. 1 of 1923, s. 7.

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.

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

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—

- (1) of such registration; and
- (2) that the person 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. Added by 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 or placed in a pound, which may be established and maintained for impounding of dogs by the local authority, constituted for the municipal district or the road district, as the case may be, in which the dog is seized.

Power to seize stray dogs. Amended by No. 1 of 1923, s. 9. No. 74 of 1943, s. 5.

Any dog so seized shall be held and disposed of in manner prescribed:

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.  
Amended by  
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.  
Amended by  
No. 1 of 1923,  
s. 11.  
No. 74 of  
1948, s. 6.

22. The owner or occupier of any enclosed field, paddock, yard, or other place in which any sheep or cattle or poultry 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. Added by No. 24 of 1928, 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. Amended by No. 24 of 1928, 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,

Freedom from liability for acts done for destruction of vermin or dogs wandering at large. Added by No. 24 of 1928, s. 6.

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.

Mischievous propensity in dogs need not be proved.

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.

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.  
Amended by No. 24 of 1928, 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.

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.

Penalty for using label issued for another dog.

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.

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

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. Amended by 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

Recovery of penalties.

mentioned, or for any dog improperly sold or destroyed, shall be recoverable summarily before any two or more justice of the peace in petty sessions.

Application  
of fines.

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.

Expense and  
administra-  
tion.

34. All expenses incident to the administration in each district shall be paid out of the ordinary revenue of the local authority.

Power to  
make  
by-laws.  
Added by No.  
24 of 1928,  
s. 8.

34a. A local authority may, for the protection of owners of stock, make by-laws for—

- (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.

Regulations.  
Amended by  
No. 1 of 1923,  
s. 14.  
No. 74 of  
1948, s. 7.

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 and without prejudice to the generality of the foregoing the Governor may, subject to the provisions of this Act, make regulations—

- (a) empowering any local authority, subject to the provisions of the Act under which it is constituted to establish and maintain pounds for the impounding of dogs seized pursuant to the provisions of this Act;
- (b) for the care, detention, release, disposal and destruction of dogs so seized;

- (c) prescribing fees to be payable in respect of the seizing, care, detention, release, disposal and destruction of dogs so seized;
- (d) prescribing the liability of any person in respect of payment of the fees referred to in the last preceding paragraph;
- (e) prohibiting the release from any pound of any dog except in accordance with the regulations;
- (f) prohibiting the obstruction or hindrance of any employee of a local authority or member of the Police Force in the performance of anything authorised by the provisions of this Act or the regulations made in pursuance of those provisions;
- (g) imposing as an absolute prohibition an obligation on the owner of any dog that the dog shall not enter or be in—
  - (i) such places as may be prescribed, in any circumstances whatever; or
  - (ii) such places as may be prescribed, unless on a leash held by a person.

35A. By Order in Council the Governor may empower,—

subject to such conditions and restrictions as may be specified in the Order,—

Delegation  
of powers to  
local  
authorities.  
Added by No.  
74 of 1948,  
s. 8.

any local authority to exercise,—

as a power to make by-laws to have effect within the municipal district or road district, as the case may be, in respect of which it is constituted,—

any power of making regulations conferred upon the Governor by the provisions of this Act, and the Order, until revoked or amended, may be acted upon by the local authority in the manner and subject to any conditions and restrictions specified in the Order.

Application of sections 6A, 22A, 23A, and 34A. Added by No. 24 of 1928, s. 9.

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*.

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.)

*Description of Dogs for Registration.*

No. 1 of 1923, s. 15.

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.*

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 19.

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.)*