

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

1689



PERTH, FRIDAY, 22 MARCH 2002 No. 53 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

© STATE OF WESTERN AUSTRALIA

DOG ACT 1976

**DOG
(RESTRICTED BREEDS)
REGULATIONS 2002**

Western Australia

Dog (Restricted Breeds) Regulations 2002

CONTENTS

- 1 . Citation and authority
- 2 . Commencement
- 3 . Interpretation
- 4 . Application of *Dog Regulations 1976*
- 5 . Restricted breed dogs to wear prescribed collars
- 6 . Restricted breed dogs to be kept in secure places
- 7 . Restricted breed dogs, control of
- 8 . Number of restricted breed dogs that may be owned
- 9 . Person under 18 not to be sold restricted breed dogs
- 10 . Seller to notify buyer that dog is a restricted breed dog
- 11 . Local government to be notified of change of premises where restricted breed dog ordinarily kept
- 12 . Local government to be notified if restricted breed dog is missing etc.
- 13 . Restricted breed dogs may be seized and destroyed
- 14 . Expiry

Dog Act 1976

Dog (Restricted Breeds) Regulations 2002

Made by the Governor in Executive Council.

1. Citation and authority

- (1) These regulations may be cited as the *Dog (Restricted Breeds) Regulations 2002*.
- (2) These regulations are made under section 53 of the Act.

2. Commencement

These regulations come into operation on the first Monday after the 28th day after they are published in the *Gazette*.

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

Dog (Restricted Breeds) Regulations 2002**r. 4**

- (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.

Dog (Restricted Breeds) Regulations 2002

r. 7**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) 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) 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) 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.

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.

Dog (Restricted Breeds) Regulations 2002**r. 9**

- (4) The holder of such a permit must comply with its terms and conditions.
- (5) A local government may, for good reason, cancel a permit issued under this regulation.

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

Dog (Restricted Breeds) Regulations 2002

r. 14

regulation 5, 6 or 7 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.
- (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 cease to operate on the anniversary of the day on which they come into operation.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

! 200200053GG!