

!2013194GG!

**WESTERN
AUSTRALIAN
GOVERNMENT**
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

4831



PERTH, THURSDAY, 31 OCTOBER 2013 No. 194 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.45 PM

© STATE OF WESTERN AUSTRALIA

DOG ACT 1976

DOG REGULATIONS 2013

Western Australia

Dog Regulations 2013

Contents

1. Citation
2. Commencement
3. Terms used
4. Dangerous dog (restricted breed) breeds
5. Dog management facility operators
6. Microchip identification devices
7. Microchip database company bodies
8. Microchip implanter: persons
9. Microchip implanter: qualifications
10. Microchipping a dog
11. Bodies having custody of dogs for which registration not required
12. Training organisations for assistance dogs
13. Review of CEO's decisions about assistance dogs
14. Form of certificate for authorised persons
15. Warrants
16. Information to be recorded in register of dogs
17. Registration fees
18. Extended period of registration
19. Refund of portion of registration fees for subsequently sterilised dogs
20. Application for registration, evidence for concessional rates
21. Certificate of registration
22. Owner's delegate appointment form
23. Change of ownership form
24. Particulars to be contained in registration tag
25. Information to be given by microchip implanter to microchip database company
26. Notice of dog's seizure and detention form

Dog Regulations 2013**Contents**

- 27. Holding, tethering of dogs
- 28. Training programme for greyhounds
- 29. Collars for dangerous dogs
- 30. Warning signs about dangerous dogs
- 31. Local government expenses as to dangerous dogs
(declared)
- 32. Nuisance dog complaint form
- 33. Modified penalties for offences under the principal
Act
- 34. Modified penalties for offences under the
regulations
- 35. Dealing with alleged offenders without prosecuting
them
- 36. *Dog Regulations 1976* repealed

Schedule 1 — Forms

Dog Act 1976

Dog Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dog Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) regulation 4 — on 8 November 2013;
- (c) the rest of the regulations — on 1 November 2013.

3. Terms used

In these regulations, unless the contrary intention appears —

Form, followed by a number, means the form of that number set out in Schedule 1;

section means section of the Act;

WA Greyhound Racing Association means the Western Australian Greyhound Racing Association established under the *Western Australian Greyhound Racing Association Act 1981*.

Dog Regulations 2013**r. 4**

4. Dangerous dog (restricted breed) breeds

These breeds are prescribed as restricted breeds for the definition of *dangerous dog (restricted breed)* in section 3(1) —

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

5. Dog management facility operators

These bodies are prescribed for paragraph (b) of the definition of *dog management facility* in section 3(1) —

- (a) Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;
- (b) Dogs' Refuge Home (W.A.) Inc.

6. Microchip identification devices

- (1) An identification device of a type that complies with both of the following Australian Standards is prescribed for the definition of *microchip* in section 3(1) of the Act —
 - (a) AS 5018 — 2001 Electronic Animal Identification — National coding scheme, as amended from time to time;
 - (b) AS 5019 — 2001 Electronic Animal Identification — Radiofrequency methods, as amended from time to time.
- (2) A person must not sell, supply or provide for implanting in a dog an identification device that is not a microchip.

Penalty: a fine of \$5 000.

Dog Regulations 2013

r. 7

- (3) A person must not implant in a dog an identification device that is not a microchip.

Penalty for an offence under this subregulation: a fine of \$5 000.

7. Microchip database company bodies

These bodies are prescribed for paragraph (a)(ii) of the definition of *microchip database company* in section 3(1) —

- (a) Royal Agricultural Society of NSW (ABN 69 793 644 351), trading as “Australasian Animal Registry”;
- (b) Central Animal Records (Aust) Pty. Ltd;
- (c) PetBase Pty Ltd, trading as “Petsafe”;
- (d) HomeSafeID;
- (e) The Lost Dogs Home Inc., trading as “National Pet Register”;
- (f) OzChase Greyhound Racing System.

8. Microchip implanter: persons

These persons are prescribed for paragraph (a) of the definition of *microchip implanter* in section 3(1) —

- (a) a veterinarian;
- (b) a veterinary nurse, as defined in the *Veterinary Surgeons Act 1960* section 2.

9. Microchip implanter: qualifications

- (1) In this regulation —

registered training provider has the meaning given by the *Vocational Education and Training Act 1996* section 5(1).

Dog Regulations 2013**r. 10**

- (2) The qualifications for paragraph (b) of the definition of **microchip implanter** in section 3(1) comprise the successful completion of—
- (a) a unit of competency in microchip implantation of cats and dogs entitled “ACMMIC401A Implant microchip in cats and dogs” (provided by a registered training provider); and
 - (b) one or more of the following courses (provided by a registered training provider) —
 - (i) Advanced Certificate in Veterinary Nursing;
 - (ii) Certificate IV in Veterinary Nursing;
 - (iii) Certificate III in Animal Technology;
 - (iv) Certificate III in Companion Animal Services;
 - (v) Certificate III in Local Government (Animal Management);
 - (vi) Certificate IV in Animal Control and Regulation;
 - (vii) Certificate IV in Animal Welfare (Regulation);
 - (viii) Certificate IV in Captive Animals;
 - (ix) Certificate IV in Companion Animal Services.

10. Microchipping a dog

For the definition of **microchipped** in section 3(1), a dog is microchipped if it is implanted with a microchip in a manner in which a microchip implanter has been trained to implant a microchip in a dog.

11. Bodies having custody of dogs for which registration not required

The WA Greyhound Racing Association is prescribed for section 7(3)(b)(iii).

Dog Regulations 2013

r. 12**12. Training organisations for assistance dogs**

These organisations are prescribed for paragraph (a) of the definition of *assistance dog* in section 8(1) —

- (a) Assistance Dogs Australia Ltd;
- (b) Lions Hearing Dogs Inc.;
- (c) Seeing Eye Dogs Australia — a division of Vision Australia Ltd;
- (d) Royal Guide Dogs Associations of Australia and affiliated bodies.

13. Review of CEO's decisions about assistance dogs

A person aggrieved by a decision of the CEO not to approve —

- (a) a person to be a person to whom section 8(2) applies; or
- (b) a dog to be an assistance dog as defined in section 8(1),

may apply to the State Administrative Tribunal for a review of the decision.

14. Form of certificate for authorised persons

The certificate required by section 11(3) is to be in the form of Form 1.

15. Warrants

- (1) An application for a warrant under section 12A(3) or 29(5a) is to be in the form of Form 2.
- (2) A warrant under section 12A(3) or 29(5a) is to be in the form of Form 3.

16. Information to be recorded in register of dogs

For section 14(3), this information is to be recorded —

- (a) the dog owner's full name;
- (b) the dog owner's residential address;

Dog Regulations 2013**r. 17**

- (c) the dog owner's postal address (if different from the residential address);
- (d) the dog owner's date of birth;
- (e) the dog owner's contact telephone numbers — home, work and mobile;
- (f) the dog owner's email address;
- (g) details of the owner's delegate, if any;
- (h) the address at which the dog is normally kept;
- (i) the dog's name;
- (j) the dog's registration number;
- (k) the dog's sterilisation status;
- (l) if the dog is microchipped, the dog's microchip number;
- (m) the date of birth or age, breed (if known), colour and gender of the dog;
- (n) if the dog is a dangerous dog (declared), dangerous dog (restricted breed) or a commercial security dog;
- (o) if the dog is an assistance dog or a dog that is used in the droving or tending or stock.

17. Registration fees

- (1) In this regulation —
pensioner means an eligible pensioner as defined in the *Rates and Charges (Rebates and Deferrals) Act 1992* section 3(1).
- (2) For section 15(1), the amount of the registration fee is set out in item 1 of the Table.
- (3) For section 15(3), the concessional rates of registration fee set out in item 2 of the Table are payable for dogs other than dangerous dogs.

Dog Regulations 2013**r. 17****Table**

Item	Description of fee	Fee (\$)
1.	(a) Registration of unsterilised dog other than a dangerous dog for one year (unless owned by pensioner)	50.00
	(b) Registration of a dangerous dog for one year	50.00
	Note: s. 15(4), (5) and (6) of Act	
2.	(a) Registration of unsterilised dog owned by pensioner for one year	25.00
	(b) Registration of sterilised dog for one year —	
	(i) for dog owned by pensioner	10.00
	(ii) otherwise	20.00
	(c) Registration of sterilised dog for 3 years —	
	(i) for dog owned by pensioner	21.25
	(ii) otherwise	42.50
	(d) Registration of unsterilised dog for 3 years —	
	(i) for dog owned by pensioner	60.00
	(ii) otherwise	120.00
	(e) Registration of sterilised dog for its lifetime —	
	(i) for dog owned by pensioner	50.00
	(ii) otherwise	100.00

Dog Regulations 2013**r. 18**

Item	Description of fee	Fee (\$)
	(f) Registration of unsterilised dog for its lifetime —	
	(i) for dog owned by pensioner	125.00
	(ii) otherwise	250.00
	(g) Registration of dog kept in an approved kennel establishment licensed under s. 27	200.00 per establishment
	Note: s. 15(5) and (6) of Act	

18. Extended period of registration

The period for section 15(3)(b) is a period of 3 years.

19. Refund of portion of registration fees for subsequently sterilised dogs

- (1) If an unsterilised dog is registered for a period of one year and is sterilised within that period, the owner is entitled to a refund for that registration period of an amount equal to the difference between the registration fee paid for that year and the registration fee which would have been payable for a sterilised dog.
- (2) If an unsterilised dog is registered for a period of 3 years and is sterilised in the first year of that period, the owner is entitled to a refund for that registration period of an amount equal to the difference between the registration fee paid for those 3 years and the 3 year registration fee that would have been payable for a sterilised dog.
- (3) If an unsterilised dog is registered for a period of 3 years and is sterilised in the second year of that period, the owner is entitled to a refund for that registration period of an amount equal to the difference between two-thirds of the registration fee paid for

Dog Regulations 2013**r. 20**

those 3 years and two-thirds of the 3 year registration fee that would have been payable for a sterilised dog.

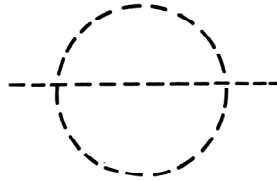
- (4) If an unsterilised dog is registered for a period of 3 years and is sterilised in the third year of that period, the owner is entitled to a refund for that registration period of an amount equal to the difference between one-third of the registration fee paid for those 3 years and one-third of the 3 year registration fee that would have been payable for a sterilised dog.
- (5) If an unsterilised dog is registered for its lifetime and is sterilised in the 3 year period immediately after that registration, the owner is entitled to a refund of an amount equal to the fee that would have been payable for registering the dog for a period of 3 years if it were sterilised.

20. Application for registration, evidence for concessional rates

- (1) An application under section 16(1) is to be in the form of Form 4.
- (2) Persons intending to claim concessional rates of registration fee may be required to furnish satisfactory evidence as to eligibility.
- (3) The fee payable in respect of the registration of a dog must be assessed at the appropriate concessional rate for a sterilised dog if —
 - (a) there is produced to the registration officer a certificate signed by a veterinarian, or a statutory declaration stating, that the dog has been effectively sterilised; or
 - (b) the registration officer is satisfied that there is a sterilisation tattoo on an ear of the dog.
- (4) For subregulation (3), a sterilisation tattoo must consist of a broken circle having a diameter of not less than 8 mm, with a bisecting broken line not less than 15 mm in length.

Dog Regulations 2013**r. 21**

Example:

**21. Certificate of registration**

A certificate under section 16(6)(a) is to be in the form of Form 5.

22. Owner's delegate appointment form

An appointment under section 16AA(1) is to be in the form of Form 4 Parts A, B, E and F.

23. Change of ownership form

A notification under section 16A(1) is to be in the form of Form 4 Parts A, B, C, E and F.

24. Particulars to be contained in registration tag

These particulars are prescribed for section 18(1)(c) —

- (a) the registration number;
- (b) the name and telephone number of the local government by which it is issued;
- (c) the year of expiry of the registration to which it relates.

25. Information to be given by microchip implanter to microchip database company

For section 24, this information is to be given —

- (a) the microchip barcode information or sticker;
- (b) the microchip number;
- (c) the microchip implanter's full name;

Dog Regulations 2013**r. 26**

- (d) if the microchip implanter is a part of a company or organisation, the name of that company or organisation;
- (e) full contact details for the microchip implanter's company or organisation (if applicable);
- (f) the date the dog was microchipped;
- (g) the dog owner's full name;
- (h) the dog owner's residential address;
- (i) the dog owner's contact telephone numbers — home, work and mobile;
- (j) the dog owner's email address;
- (k) the address at which the dog is normally kept;
- (l) the dog's name;
- (m) the date of birth or age, breed (if known), colour, gender and sterilisation status of the dog;
- (n) if the dog is a dangerous dog (declared), dangerous dog (restricted breed) or a commercial security dog.

26. Notice of dog's seizure and detention form

A notice under section 29(8)(a) or (8A)(a) is to be in the form of Form 6.

27. Holding, tethering of dogs

For sections 31(1), 32(2)(c) and 33GA(4)(b)(ii) and (iii) and (7)(a) and (b), the maximum length of a chain, cord, leash or harness is 2 metres measured from the base of the dog's neck.

28. Training programme for greyhounds

The training programme for section 33(1)(b) is that known as the "Greyhounds as Pets Program" conducted by the WA Greyhound Racing Association.

Dog Regulations 2013**r. 29**

29. Collars for dangerous dogs

- (1) For section 33GA(1)(a), a collar worn by a commercial security dog must have alternating red and silver stripes, each stripe being 25 mm wide and set at an angle of 45 degrees to the rim of the collar, with one of those colours being fluorescent so that the collar is visible in darkness.
- (2) For section 33GA(1)(b), a collar worn by a dangerous dog other than a commercial security dog must have alternating red and yellow stripes, each stripe being 25 mm wide and set at an angle of 45 degrees to the rim of the collar, with one of those colours being fluorescent so that the collar is visible in darkness.
- (3) For section 33GA(1)(a) and (b), a collar worn by a dangerous dog must —
 - (a) be made of durable materials; and
 - (b) be capable of being securely fastened; and
 - (c) be capable of being attached to a leash; and
 - (d) have a minimum width —
 - (i) in the case of a dog weighing less than 10 kg, 15 mm; or
 - (ii) in the case of a dog weighing 10 kg or more but less than 20 kg, 25 mm; or
 - (iii) in the case of a dog weighing 20 kg or more but less than 40 kg, 40 mm; or
 - (iv) in the case of a dog weighing 40 kg or more, 50 mm.
- (4) A person must not put on a dog, or allow a dog to wear, a collar of a kind required to be worn by a dangerous dog or resembling such a collar unless the dog is a dangerous dog and the collar is of a kind required to be worn by that kind of dangerous dog.

Dog Regulations 2013**r. 30**

Penalty for an offence under this subregulation: a fine of \$1 000.

Modified penalty for an offence under this subregulation: \$100.

30. Warning signs about dangerous dogs

- (1) For section 33GA(5), a warning sign must —
- (a) be a white rectangle measuring 200 mm by 300 mm; and
 - (b) be made of a durable material; and
 - (c) contain the word “WARNING” in white capital letters 30 mm high on a red rectangular panel measuring 190 mm by 45 mm near the top of the rectangle referred to in paragraph (a); and
 - (d) contain below the panel referred to in paragraph (c) a red circle 160 mm in diameter containing a picture of the black head and neck of a dog 100 mm high wearing a collar mentioned in regulation 29(2) (whether in colour or black and white); and
 - (e) contain below the circle referred to in paragraph (d) the words “DANGEROUS DOG” in capital letters 20 mm high.

Example:



Dog Regulations 2013**r. 31**

- (2) A person must not display in or at premises, other than premises where a dangerous dog is ordinarily kept or ordinarily permitted to live, a sign resembling a warning sign required by section 33GA(5).

Penalty for an offence under this subregulation: a fine of \$1 000.

Modified penalty for an offence under this subregulation: \$100.

31. Local government expenses as to dangerous dogs (declared)

- (1) The maximum amount for section 33M(1)(a) is \$250.
- (2) The amount of the fixed charge for section 33M(1)(b)(ii) is \$100.

32. Nuisance dog complaint form

A complaint under section 38(2) is to be in the form of Form 7.

33. Modified penalties for offences under the principal Act

- (1) For section 45A(1)(a), the offences under a provision of the Act specified in column 2 of the Table are offences in relation to which a modified penalty applies.
- (2) The amount specified in column 4 of the Table in relation to an offence is the modified penalty payable in respect of that offence if dealt with under regulation 35 if the dog that is the subject of the offence is a dog other than a dangerous dog.
- (3) The amount specified in column 5 of the Table in relation to the offence is the modified penalty payable in respect of that offence if dealt with under regulation 35 if the dog that is the subject of the offence is a dangerous dog.
- (4) The amount specified in column 6 of the Table in relation to the offence is the modified penalty payable in respect of that offence if dealt with under regulation 35 whether the dog that is the subject of the offence is or is not a dangerous dog.

Dog Regulations 2013

r. 33

Table

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
1.	s. 7(1)	Unregistered dog	200	400	
2.	s. 16A(1)	Failure to notify local government of new owner	200		
3.	s. 20(1)(d)	Registration tag, certificate offences	200	400	
4.	s. 20(2)	Unlawful application of sterilisation tattoo			200
5.	s. 21(1), (2)	Failure to ensure dog microchipped	200		
6.	s. 22(2)	Failure to ensure dangerous dog microchipped		400	

Dog Regulations 2013**r. 33**

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
7.	s. 23(1)	Failure to notify local government of microchip details			200
8.	s. 26A	Removing, interfering with, dog's microchip			200
9.	s. 26B(1)	Transfer of ownership of unmicro-chipped dog			200
10.	s. 26C	Failure to notify microchip database owner of new owner			200
11.	s. 26D	Failure to notify local government, microchip database owner of information changes			200

Dog Regulations 2013

r. 33

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
12.	s. 26(4)	Keeping more than the prescribed number of dogs	200	400	
13.	s. 27(2)	Breach of kennel establishment licence			200
14.	s. 30(2)	Dog not wearing collar with attached registration tag	200		
15.	s. 31(3)	Dog not held or tethered in certain public places	200		
16.	s. 32(4)	Dog in exercise areas, rural areas offences	200		
17.	s. 33(3)	Greyhound not muzzled	200		

Dog Regulations 2013**r. 33**

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
18.	s. 33A(3)	Dog in place without consent	200	400	
19.	s. 33D(1)	Dog attack or chase causing physical injury	400		
20.	s. 33D(2A)	Dog attack or chase causing no physical injury	200	400	
21.	s. 33GA(1)	Dangerous dog not wearing prescribed collar with prescribed information		400	
22.	s. 33GA(2)	Not complying with dangerous dog enclosure requirement		400	

Dog Regulations 2013

r. 33

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
23.	s. 33GA(4)	Not complying with commercial security dog requirements		400	
24.	s. 33GA(5)	Warning signs about dangerous dogs not displayed		400	
25.	s. 33GA(6)	Dangerous dog not muzzled		400	
26.	s. 33GA(7)	Dangerous dog not held or tethered		400	
27.	s. 33GA(8)	Dangerous dog not controlled by capable person		400	
28.	s. 33GA(9)	Dangerous dog in prohibited place		400	

Dog Regulations 2013**r. 33**

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
29.	s. 33GB(1)	Dangerous dog (restricted breed) not sterilised		400	
30.	s. 33GC(2)	Dangerous dog (restricted breed) or pup advertised		400	
31.	s. 33GC(3)	Dangerous dog (restricted breed) or pup sold		400	
32.	s. 33GC(4)	Dangerous dog (restricted breed) or pup transferred		400	
33.	s. 33GC(5)	Buying or accepting ownership of dangerous dog (restricted breed) or pup		400	

Dog Regulations 2013

r. 33

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
34.	s. 33GD	Breeding, or breeding from, dangerous dog (restricted breed)		400	
35.	s. 33GE(2)	Dangerous dog (declared) sold or transferred to under 18 year old		400	
36.	s. 33K(1)	Failure to notify person of responsibilities under Part VI Div. 2		400	
37.	s. 33K(2)	Failure to notify local government of a dangerous dog event		400	

Dog Regulations 2013**r. 33**

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
38.	s. 33K(3)	Failure to notify new local government that dangerous dog kept in its district		400	
39.	s. 33K(4)	Failure to provide a notice to new owner about a dangerous dog (declared)		400	
40.	s. 33K(5A)	Failure to provide written notice to new owner about a dangerous dog (restricted breed) or dangerous dog (commercial security dog)		400	

Dog Regulations 2013

r. 34

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
41.	s. 33K(5)	Failure to notify local government of dangerous dog's new district or death		400	
42.	s. 38(5)	Failure to comply with a nuisance dog order	200	400	
43.	s. 43(2)	Failure to produce document when so required	200	400	
44.	s. 43A	Failure to give name, date of birth or address on demand	200	400	

34. Modified penalties for offences under the regulations

An offence under these regulations that has following its penalty provision the words "modified penalty" is an offence that is prescribed for section 45A(1)(b), and the modified penalty specified immediately after the penalty provision is the

Dog Regulations 2013**r. 35**

modified penalty payable in respect of that offence if dealt with under regulation 35.

35. Dealing with alleged offenders without prosecuting them

- (1) Where an authorised person has reason to believe that a person has committed an offence mentioned in regulation 33 or 34, the authorised person may serve on the alleged offender a notice in the form of Form 8 (an *infringement notice*) informing the alleged offender that, if he or she does not wish to be prosecuted in court for the alleged offence, he or she may pay to the local government specified in the notice, within the time specified in the notice, the amount prescribed as the modified penalty.
- (2) An infringement notice may be served on an alleged offender personally or by posting it to his or her address as ascertained from the alleged offender, at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by the local government under the Act.
- (3) Where a person who receives an infringement notice fails to pay the prescribed penalty within the time specified in the notice, or within such further time as may in any particular case be allowed, the person must be regarded as having declined to have the allegation dealt with by way of a modified penalty.
- (4) An alleged offender on whom an infringement notice has been served may, within the time specified in that notice or such further time as may in any particular case be allowed, send or deliver to the local government specified in that notice the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and then —
 - (a) the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or
 - (b) the local government, or an authorised person acting on behalf of the local government, may withdraw the

Dog Regulations 2013

r. 36

infringement notice under subregulation (5) and refund the amount so paid.

- (5) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn by the local government, or an authorised person acting on behalf of the local government, by the sending of a notice in the form of Form 9 to the alleged offender at the address specified in the notice or his or her last known place of residence or business and in that event any amount received by way of modified penalty must be refunded and any acknowledgment of the receipt of that amount must for the purposes of any proceedings in respect of the alleged offence be regarded as not having been issued.
- (6) A person appointed under section 29(1) to exercise the power of an authorised person to serve infringement notices under subregulation (1) is not eligible to be appointed under that subsection to exercise the power of an authorised person to withdraw infringement notices under subregulation (5).

36. *Dog Regulations 1976 repealed*

The *Dog Regulations 1976* are repealed.

Dog Regulations 2013**r. 36**

Schedule 1 — Forms**Form 1**

[r. 14]

Dog Act 1976 s. 11(3)**Certificate of authorisation**

(1) _____

This is to certify that ⁽²⁾ _____has been appointed by the ⁽¹⁾ _____to exercise the powers of a ⁽³⁾ _____and has been authorised for the purposes of the *Dog Act 1976*, to ⁽⁴⁾ _____

_____ in accordance with the provisions of that Act.

Signed _____ CEO of the local government.

Signature of person authorised _____

Dated _____

Valid until _____

Insert:

- (1) name of local government;
- (2) name of person authorised;
- (3) name of office, e.g. “registration officer”, “dog management facility operator”, “ranger”.
- (4) brief description of duties, e.g. “register dogs”, “impound dogs”, “seize, detain and dispose of dogs”.

Dog Regulations 2013**r. 36****Form 2**

[r. 15]

Dog Act 1976 s. 12A(3) and 29(5a)

**Application for warrant to enter and inspect premises
or to seize and detain attack dog or pups of
dangerous dog (restricted breed)**

I, ⁽¹⁾ _____
of ⁽²⁾ _____
in the State of Western Australia, make oath and say as follows —

1. I am ⁽³⁾ _____ a police officer, ⊕
⁽⁴⁾ a _____ appointed by the
⁽⁵⁾ _____, ⊕ and authorised
to exercise the powers mentioned in section(s) 12A(2) and/or 29⊕ of the
Dog Act 1976.
- 2.⊕ I apply for a warrant to be issued under the *Dog Act 1976* section 12A(3)
to enter and inspect premises at _____
_____ ⁽⁸⁾ for the purpose of
_____ (relating to the enforcement
of the Act). The grounds for seeking the warrant are

- 3.⊕ I apply for the issue of a warrant under the *Dog Act 1976* section 29(5a)
authorising the seizure and detention of a dog ⁽⁶⁾ _____
that has attacked a person ⁽⁷⁾ _____
and that has or may have caused injury or damage. The premises to be
entered are at _____ ⁽⁸⁾
The grounds for seeking the warrant are _____

Dog Regulations 2013**r. 36**

- 4.⊕ I apply for the issue of a warrant under the *Dog Act 1976* section 29(5a) authorising the seizure and detention of the pups of a dangerous dog (restricted breed) that may be the subject of an offence under the *Dog Act 1976* section 33GD (breeding of dangerous dogs (restricted breed)).

The premises to be entered are at _____⁽⁸⁾

The grounds for seeking the warrant are _____

Applicant's signature

Sworn at
this day of
by the applicant
before me

}
}

J.P.

Insert:

- (1) name of applicant;
- (2) address of applicant;
- (3) number, rank or description;
- (4) description of employment (e.g. "ranger");
- (5) name of local government;
- (6) description of dog;
- (7) name or description of person attacked;
- (8) address or description of premises.

- ⊕ Delete if not appropriate.

Dog Regulations 2013**r. 36****Form 3**

[r. 15]

Dog Act 1976 s. 12A(3) and 29(5a)**Warrant to enter and inspect premises or to
seize and detain attack dog or pups of
dangerous dog (restricted breed)**I, ⁽¹⁾ _____of ⁽²⁾ _____

in the State of Western Australia, Justice of the Peace, being satisfied that there are reasonable grounds for doing so, issue this warrant under the *Dog Act 1976* section 12A(3) for _____ ⁽⁵⁾, a person authorised to exercise powers mentioned in section 12A(2) and all police officers, to enter and inspect premises at _____ ⁽⁶⁾ for the purpose of _____ (relating to the enforcement of the Act).

OR

I, ⁽¹⁾ _____of ⁽²⁾ _____

in the State of Western Australia, Justice of the Peace, being satisfied that on the balance of probabilities that an attack by a dog ⁽³⁾ _____ has or may have caused injury or damage to _____ ⁽⁴⁾, issue this warrant under the *Dog Act 1976* section 29(5a) for _____ ⁽⁵⁾, a person authorised to exercise powers mentioned in section 29(5a) and all police officers, to seize and detain the dog. By issuing this warrant the authorised person may, under *Dog Act 1976* section 29(5a)(b), enter any premises if the person has reasonable grounds to believe that it is necessary to do so for the purpose of seizing the dog.

OR

I, ⁽¹⁾ _____of ⁽²⁾ _____

in the State of Western Australia, Justice of the Peace, being satisfied that on the balance of probabilities that a dangerous dog (restricted breed) has given birth

Dog Regulations 2013**r. 36**

to one or more pups, issue this warrant under the *Dog Act 1976* section 29(5a) for _____⁽⁵⁾, a person authorised to exercise powers mentioned in section 29(5a) and all police officers, to seize and detain each pup. By issuing this warrant the authorised person may, under *Dog Act 1976* section 29(5b)(b), enter any premises if the person has reasonable grounds to believe that it is necessary to do so for the purpose of seizing the pups.

Signed _____
Justice of the Peace

Dated _____

Insert:

- (1) name of Justice of the Peace;
- (2) address of Justice of the Peace;
- (3) description of dog;
- (4) name or description of person attacked;
- (5) name of person to whom warrant is issued;
- (6) address or description of premises.

Dog Regulations 2013**r. 36****Form 4**

[r. 20, 22 and 23]

Application/information form**Part A — Owner details**

Dog owner's full name _____

Residential address _____

Postal address

(if different from above) _____

Age (dd/mm/yy) ____/____/____

(owner must be 18 years or older)

Contact telephone number

(home, work, mobile) (H) _____

(W) _____

(M) _____

Email address *(if available)* _____

Can your local government use this email address to issue renewal notices and other relevant information?

Yes/No *(delete one)***Owner's delegate contact details** *(optional)*

Name of alternative _____

Residential address _____

Postal address

(if different from above) _____

Dog Regulations 2013**r. 36**

Age (dd/mm/yy) _____ / _____ / _____
 (must be 18 years or older)

Contact telephone number

(home, work, mobile) (H) _____

(W) _____

(M) _____

Part B — Dog details

Address where dog is normally kept

(if different from above) _____

Number of dogs to be located at these premises _____

Will the dog/s be effectively confined in or at the premises identified above?

Yes/No (delete one)

Dog details

Dog's name _____

Age (dd/mm/yy) _____ / _____ / _____

Breed (if known) _____

Colour _____

Gender _____

Microchip number _____

Is the dog sterilised? **Yes/No** (delete one)

Any distinguishing features or marks?

Is the dog kept, or to be kept, as a commercial security dog?

Yes/No (delete one)

Dog Regulations 2013**r. 36**

Has the dog been declared a dangerous dog?

Yes/No (*delete one*)

If yes, please provide details _____

Is the dog a pit bull terrier, an American pit bull terrier or a mix of one or both of those breeds?

Yes/No/Unknown (*delete two*)

Is the dog kept for the purposes of the Crown?

Yes/No (*delete one*) (If yes, note that the *Dog Act 1976* does not apply: section 6(4).)

Part C — Notification of new owner

New dog owner's name _____

New owner's residential address _____

New owner's contact numbers

(*home, work, mobile*) (H) _____

(W) _____

(M) _____

Part D — Registration

Application or renewal for —

• a period of 1 year (✓):

• a period of 3 years (✓):

Application for lifetime registration (✓):

Prescribed fee for —

• a period of 1 year (✓):

• a period of 3 years (✓):

Dog Regulations 2013**r. 36**

Prescribed lifetime fee (✓):

Assistance dog (✓):

Dog for droving or tending stock (✓):

Are you eligible for a pensioner concession? ? **Yes/No** (*delete one*)

Previous local government where dog was registered (*if known*)

Registration number

(*to be issued by local government*) _____

Part E — Previous convictions, relevant orders

Do you have any convictions for offences against the *Dog Act 1976*, *Cat Act 2011* or *Animal Welfare Act 2002* in past 3 years?

Yes/No (*delete one*)

If yes, please give details, specifying the date of the conviction(s), nature of the offence and the legislation involved

Are you currently banned, or have you ever been banned, from owning or keeping a dog under an order under the *Dog Act 1976* section 46A(2) either permanently or for a period specified in the order?

Yes/No (*delete one*)

If yes, please give details of the order

Dog Regulations 2013**r. 36****Part F — Declaration**

The local government may refuse an application if any or all of the required information is not provided within the time period specified in the legislation.

I, _____
(person's full name or organisation/company name)

of _____
(address)

_____ *(postcode)*

declare that the information I have provided is true and correct.

I am aware that it is an offence to provide false and misleading information.

Signature _____

[A signature is not required to effect the form when the form is lodged through a local government website.]

[Local government details and logo here]

Payment options:

[Each local government is to detail their payment options here]

Dog Regulations 2013**r. 36**

Further details required by local government

Part G — Local government use only

Registration approved (✓):

- Assigned registration number _____

Dog Regulations 2013

r. 36**Form 5**

[r. 21]

*Dog Act 1976 s. 16(6)(a)***Certificate of registration**

This is to certify that —

Name of dog _____

Description of dog _____
(gender, age, sterilisation status, breed (if known), colour)

Has been registered by —

Name _____
(person's full name or organisation/company name)

Street Address _____

Suburb/Town _____ Postcode _____

By (insert name of local government)_____

Registration number of dog _____

This registration expires on ____ / ____ / ____

Fee paid \$ _____

Dog Regulations 2013**r. 36**

Form 6

[r. 26]

*Dog Act 1976 s. 29(8)(a) and (8A)(a)***Notice of the seizure and detention of a dog**

(Place) _____

(Date) _____

To _____
(insert name and address of owner or owner's delegate)

TAKE NOTICE that a dog, of which you are the owner or owner's delegate, has been seized and detained under the powers conferred by the *Dog Act 1976* section 29(3)(d) OR under a warrant issued under the *Dog Act 1976* section 29(5a) (delete whichever does not apply)

and is now at _____

The registered number of the dog is _____

If not claimed within 7 days from the date of the service of this notice, the dog will be destroyed or otherwise disposed of in accordance with the *Dog Act 1976* and the owner is liable for the cost of the dog's destruction and disposal.

If the dog is seized and detained under the *Dog Act 1976* section 29(3)(d), the owner is liable for the costs of the dog's detention, return and maintenance in addition to fees, charges, expenses and penalties in accordance with section 29(4).

If the dog is seized and detained under a warrant the owner is liable for the costs of the dog's maintenance in accordance with section 29(8A)(e).

(to be signed by a police officer
or an authorised person)

Dog Regulations 2013**r. 36****Form 7**

[r. 32]

*Dog Act 1976 s. 38(3)***Complaint as to a nuisance created by a dog**

To _____
(insert name of local government)

TAKE NOTICE that a dog, believed to be a _____⁽¹⁾
 has created a nuisance by ⁽²⁾ _____

The dog is believed to be owned by ⁽³⁾ _____
 and is ordinarily kept at ⁽⁴⁾ _____

and I/we ⁽⁵⁾ _____ of _____
 request the local government to institute proceedings if the nuisance does not
 stop and undertake —

- (a) to give full information to the local government as to this matter; and
- (b) to appear in court and give evidence as a witness to the truth of this complaint.

Dated the _____ day of _____ 20_____

(to be signed by the complainant/s)

⁽¹⁾ Insert breed or kind of dog and, where possible, its gender and identifying marks.

⁽²⁾ Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the dog was at the time of the nuisance.

Dog Regulations 2013**r. 36**

- (3) State name and address of the person believed to be the owner.
- (4) State, if known, where the dog is ordinarily kept.
- (5) Insert name and address of each person making the complaint.

Dog Regulations 2013**r. 36****Form 8**

[r. 35(1)]

Infringement notice

<i>Dog Act 1976</i>		Infringement notice no.
Infringement notice		
Alleged offender	Name	Family name
		Given names
	or	Company name
		ACN
	Address	
		Postcode
Alleged offence	Description of offence	
	<i>Dog Act 1976 s.</i>	
	or	
	<i>Dog Regulations 2013 r.</i>	
Date	/ /20	Time a.m./p.m.
Modified penalty \$		
Authorised person/officer issuing notice	Name	
	Signature	
	Office	
Date	Date of notice / /20	

Dog Regulations 2013**r. 36**

<p>Notice to alleged offender</p>	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post Send a cheque or money order (payable to ‘CEO [<i>Relevant local government</i>] — <i>Dog Act 1976</i>’) to —</p> <p style="padding-left: 40px;">CEO [<i>Relevant local government and address</i>]</p> <p>In person Pay the cashier at —</p> <p style="padding-left: 40px;">[<i>Relevant local government and address</i>]</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Authorised Person at the above postal address.</p> <p>If you want this matter to be dealt with by prosecution in court, sign here —</p> <hr/> <p>and post this notice to the CEO [<i>Relevant local government</i>] at the above postal address within 28 days after the date of this notice.</p>
--	---

Dog Regulations 2013**r. 36****Form 9**

[r. 35(5)]

Withdrawal of infringement notice

<i>Dog Act 1976</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name Family name	
	Given names	
	or	Company name
	ACN	
	Address	
		Postcode
Infringement notice	Infringement notice no.	
	Date of issue / /20	
Alleged offence	Description of offence	
	<i>Dog Act 1976 s.</i>	
	or	
	<i>Dog Regulations 2013 r.</i>	
Date / /20		Time a.m./p.m.
CEO withdrawing notice	Name	
	Signature	
	<i>[Relevant local government]</i>	

Dog Regulations 2013**r. 36**

Date	Date of withdrawal / /20
<p>Withdrawal of infringement notice</p> <p><i>[*delete whichever is not applicable]</i></p>	<p>The above infringement notice issued against you has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p>or</p> <p>* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to —</p> <p>CEO <i>[Relevant local government]</i> — Dog Act 1976</p> <p><i>[Relevant local government and address]</i></p> <p>Signature / /20</p>

R. KENNEDY, Clerk of the Executive Council.