



SHIRE OF WYNDHAM | EAST KIMBERLEY

DANGEROUS DOGS

INFORMATION BOOKLET

DOGS

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Introduction

The *Dog Act 1976* has been amended to bring the provisions relating to restricted breeds from regulations into the Act. They are designed to require responsible ownership of the dogs which are known to be more genetically disposed to be aggressive.

Dangerous dogs can be of any breed; however, it has been determined that some breeds are more prone to attacking than others. Measures are in place to increase the safety of the community and to ensure that the owners take increased responsibility for dogs that are known to be potentially dangerous.

Types of Dangerous Dogs



Any dog can be dangerous however the Dog Act 1976 identifies three types of dangerous dogs:

- Dangerous dog (restricted breed)
- Dangerous dog (declared)
- Commercial security dog.

Restricted Breeds

Some breeds have been identified and declared restricted in Australia and Western Australia. They have been banned from import in to Australia and each state has introduced legislation to protect the community from these breeds. The following breeds are classified as restricted:

<ul style="list-style-type: none">• Dogo Argentino	
<ul style="list-style-type: none">• Fila Brasileiro	
<ul style="list-style-type: none">• Japanese Tosa	
<ul style="list-style-type: none">• American Pit Bull Terrier	

<ul style="list-style-type: none"> • Pit Bull Terrier 	
<ul style="list-style-type: none"> • Perro de Presa Canario or Presa Canario 	

These include a mix of two or more breeds, one being a restricted breed.

Declaring a Dog Dangerous

Local Governments are able to declare a dog dangerous based on its behaviour. Reasons that a dog may be declared dangerous include:

- Causing injury or damage by an attack, or chasing, a person or animal
- Repeatedly showing a tendency to attack or chase, a person, animal or vehicle; or
- Threatening to attack.

The Shire will provide written notice to the dog owner declaring it dangerous, this notice will take effect within seven days after the notice is given.

Commercial Security Dogs

An owner of a commercial security dog must ensure that the dog wears a collar of a kind prescribed to be worn by commercial security dogs with information attached to or endorsed on the collar in accordance with the regulations.

When a commercial security dog is working at a premises, every person liable for the control of the dog and the person who arranges for the dog to guard or protect the premises must ensure that the dog is confined to the premises.

They must ensure that the enclosure within which the dog is confined is constructed in such a manner as to prevent the dog from escaping or from being removed or released from that enclosure without the permission of the person liable for the dog's control.

They must also prevent a child who has not reached seven years of age from entering or inserting any part of its body into that enclosure (See Section 33GA of the *Dog Act 1976* for further information).

Ownership Regulations of Restricted Breeds

Owners of restricted breeds must:

- Register their dog from three months of age
- State the breed of dog on the registration form and
- From six months of age, provide proof that the dog is sterilised and micro chipped to an authorised officer of the Local Government.

In addition, owners must:

- Be over 18 years of age to own a restricted breed.
- Display "Dangerous Dog" warning signs at all entrances to the property. (Regulation 30 *Dog Regulations 2013*)
- Ensure that fencing at the premises is well maintained and be escape proof and child proof.
- Ensure the dog is wearing a "dangerous/restricted dog" collar at all times. (Regulation 29 *Dog Regulations 2013*)
- Notify Shire Rangers on **9168 4100** within 24 hours of an incident occurring, if the dog escapes, dies, moves to other premises or changes owners.



One person is only able to own a maximum of two restricted breed dogs, unless a permit has been applied for, and subsequently granted, by the Shire.

Transfer of Ownership

As of November 2013, conditions apply in regards to transfer of ownership and sale of restricted breeds. Restricted breeds cannot be transferred to another owner unless there are exceptional circumstances including:

- Dog forms part of a deceased estate; or
- Owner is deemed incapable of caring for the dog by a medical practitioner.

Breeding Restricted Breeds

Breeding restricted dogs is not permitted. All restricted breed dogs must be sterilised. It is also an offence to sell, buy or advertise for sale restricted breed dogs.

Dangerous Dog Identification

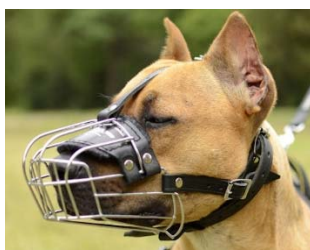
A dangerous dog (restricted breed) must wear a collar with red and yellow diagonal stripes of 25mm in width. One of these colours must be fluorescent. The width of the collar is dependent on the weight of the dog.



Dangerous Dogs in Public Places

A dangerous dog must:

- Wear specified collar identifying as a dangerous dog
- Must be confined to an enclosure that prevents
 - its escape; and
 - its release without permission; and
 - a child less than seven years old from entering or inserting part of its body
- There must be a prescribed warning sign at each entrance to the premises
- If not in the enclosure, it must:
 - be muzzled; and
 - held by means of a chain, cord, leash or harness of not more than two metres in length by an adult capable of controlling the dog or temporarily tethered in the same way.



How to Appeal a Dangerous Dog (Declared) Decision

An objection to a notice declaring a dog to be dangerous can be made to the City within seven days. Protective measures must be in place until a review of the declaration has been investigated.

A maximum penalty of \$10,000.00 applies to any breach of these regulations. The regulations also provide authorised officers with extra powers for seizure and destruction where regulations have been contravened. These regulations apply to all restricted breeds regardless of temperament or behavioural history.

What Penalties Apply

A maximum court-imposed fine is \$10, 000.00 with a minimum fine of \$500.00 for each offence.

An authorised officer (Ranger) can issue an infringement notice with a modified penalty of \$400.00.

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Requests for further authorisation should be directed to the:

Director Infrastructure
Shire of Wyndham East Kimberley
PO Box 614
Kununurra WA 6743
mail@swek.wa.gov.au