

## **Dangerous Dogs & Restricted Breeds**

The information published on this page is to assist people to understand the current legislation and regulations in Western Australia relating to "Dangerous Dogs" & "Restricted Breeds" of dogs.

If you are contemplating obtaining a dog that may be a restricted breed or disposing of a dog you may already own, contact the City of Bunbury Community Law & Safety, your vet or the Department of Local Government & Regional Development for advice and assistance in the matter.

### **Restricted Breeds**

The Government of Western Australia has introduced regulations relating to restricted dog breeds. The following information is published to assist identify these breeds and to assist the general public with enquiries about restricted breeds and provisions regarding the keeping of these dogs.

The keeping of these dogs is not prohibited, however special requirements do apply. Below is a profile on each dog and part of the Regulations 2002.

### **Dog (Restricted Breeds) Regulations**

The *Dog (Restricted Breeds) Regulations 2002* were gazetted on 22 March 2002. The legislation is provided for under section 53 of the *Dog Act 1976* and commenced operation from 22 April 2002.

These Regulations apply provisions similar to those currently imposed on dogs declared dangerous to those breeds of dog prohibited from importation under Commonwealth legislation.

Under the legislation, a "restricted breed dog" is defined as a breed whose importation into Australia is prohibited under the *Commonwealth Customs (Prohibited Imports) Regulations 1956*. At present this includes: dog Argentina (Argentinean fighting dog); fila Brasileiro (Brazilian fighting dog); Japanese tosa; American pit bull terrier and pit bull terrier breeds.

The regulations also provide for a restricted breed dog to include any dog of a mixed breed that visibly contains any of the above-prohibited breeds.

The Regulations include provisions for the enforcement of the following;

1. Dogs to wear specified collars indicating a dangerous dog and property access points to display signs indicating a dangerous dog;
2. Escape-proof and child-proof fencing;
3. A requirement for the owner to leash and muzzle the dog while in public places;
4. Persons in charge in public places must not be under 18 years of age;
5. A maximum of two restricted dogs per person without a permit from the Council;
6. Owners must be 18 years of age or over;
7. Compulsory sterilisation of any restricted breed dog;
8. Compulsory notification of a prospective owner that the dog is a restricted breed dog;
9. Compulsory notification to local government if the dog escapes, dies or there is a change of ownership; and
10. Extra powers for seizure and destruction.

The regulation provides that the owner of a restricted breed dog is to provide an enclosure in which a restricted breed dog is to be kept that is capable of preventing a young child from entering the enclosure and which prevents the dog from escaping from the premises. This provision applies whether or not the enclosure is at the premises at which the dog is ordinarily kept.

The regulation also provides that the owner of a restricted breed dog must display a sign conforming to that provided in the Third Schedule Part 3 of the *Dog Regulations 1976* at all entrances to the premises where the dog is ordinarily kept. That sign must conform to the same specifications as applying to dangerous dog signs.

Where there is any breach of the *Dog (Restricted Breeds) Regulations 2002* section 53 of the *Dog Act 1976*, there are provisions for a maximum penalty of \$5000. It also provides for the Chief Veterinary Officer of the Department of Agriculture to certify that a dog is of a restricted breed for prosecution purposes.

## **RESTRICTED**

dogo Argentino, (Argentinian Fighting Dog)

Breed History

One of the few breeds developed in South America, the Dogo Argentino is the result of a breeding programme undertaken in the 1920s by an Argentinian breeder, Dr. Antonio Nores Martinez, to produce a puma and jaguar hunter.



### Key Facts

First use: Game hunting, dog fighting.

Use today: Companion.

Life expectancy: 10-11 years.

Weight range: 36-45 kg.

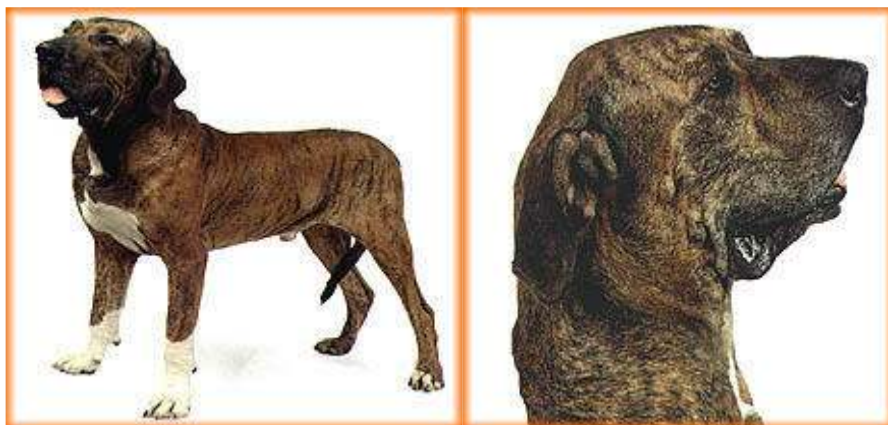
Height range: 61-69 cm.

**RESTRICTED**

filo Brasileiro (Brazilian Mastiff / Brazilian Fighting Dog)

Breed History

One of Brazil's two native breeds (the other one being the rare Brazilian Tracker), this powerful mastiff was developed from Spanish and Portuguese mastiffs and Bloodhounds in order to track and control livestock and large game.



Key Facts

First use: Tracking, large game hunting.

Use today: Companion, security.

Life expectancy: 9-11 years.

Weight range: 41-50 kg.

Height range: 61-76 cm.

**RESTRICTED**

Tosa Inu (Tosa Fighting Dog / Japanese Fighting Dog)

Breed History

Initially bred in Japan's Kochi Prefecture, from crosses between native Shikoku fighting dogs and imported mastiffs, Great Danes, bulldogs, and bull terriers, this breed was once called the Japanese Mastiff.



Key Facts

First use: Dog fighting.

Use today: Companion.

Life expectancy: 9-11 years.

Weight range: 89.5-90.5 kg.

Height range: 62-65 cm.

**RESTRICTED**

American Pit Bull Terrier, (Pit Bull Terrier, American Pit Bull)

**Breed History**

Throughout the World dogs have, at one time or another, been bred to fight. This breed descends from the Staffordshire bull terrier crossed with other fighting dogs, including the extinct fighting Bulldog.



**Key Facts**

First use: Dog fighting.

Use today: Companion.

Life expectancy: 12 years.

Weight range: 14-36 kg.

Height range: 46-56 cm.

## **Dangerous Dogs**

Dangerous dog legislation is not the same as restricted breed regulations. Any dog may be declared dangerous (from a Poodle to a Great Dane) under Sec 33E of the Dog Act 1976. The dog's size or breed is not the issue; it is the dog's behaviour. Two sections of the dangerous dog legislation are listed below to assist in understanding the difference between "Restricted Breed Regulations" and "Dangerous Dog Legislation"

### **33E. A dog may be declared to be a dangerous dog**

(1) A local government, or on behalf of the local government an authorised person or person specifically authorised by the local government for the purposes of this section either generally or in a particular case, may, by a notice in writing given in accordance with section 33F, declare a dog to be a dangerous dog if, in the opinion of the local government or that person

(a) the dog has caused injury or damage by an attack on, or chasing, a person, animal or vehicle;

(b) the dog has, repeatedly, shown a tendency

(i) to attack, or chase, a person, animal or vehicle even though no injury has been caused by that behaviour; or

(ii) to threaten to attack;

or

(c) the behaviour of the dog meets other criteria prescribed for the purpose of this section.

(2) For the purpose of subsection (1)(b), a dog to which section 30(3) applies shall not be taken to show a tendency to attack, or chase, in carrying out the activities referred to in section 30(3) in relation to a dog of that kind.

(3) The owner of a dog declared to be a dangerous dog, or detained under this Division, shall have the rights of objection and appeal referred to in this Division

### **33F. Owner to be notified of making of declaration, and as to control requirements**

(1) The local government, or the person by whom the declaration was made on behalf of the local government, must give written notice declaring a dog to be a dangerous dog to the owner of that dog, and may by that notice impose an order as to control requirements in respect of the dog.

(2) A notice to be given under subsection (1)

(a) shall give reasons for the making of the declaration;

(b) shall specify that the owner has a right under this Division, to be exercised within not more than 7 days after the giving of the notice, either

(i) to lodge a written objection with the local government, with a subsequent right of appeal to a Local Court in the manner prescribed by regulations against any decision made by the local government; or

(ii) to appeal, directly to a Local Court, in the manner prescribed by regulations, as to the declaration or as to any control requirement imposed, or as to both; and

(c) if an order as to any control requirements is to be imposed on the owner, shall set out

(i) the terms and conditions of that order; and

(ii) the date, or respective dates, by which the owner must comply with any such requirement.

(3) Whether or not any objection is lodged or appeal made, the declaration of a dog as a dangerous dog has, subject to subsection (4) and to the terms and conditions of the order as to control requirements imposed by that notice, effect upon the giving of a notice under subsection (1) and thereafter

(a) the owner is required, in accordance with section 33K(1), to ensure that any other person liable for the control of the dog is made aware of the declaration;

(b) any person liable for the control of the dog shall cause the dog to be muzzled, in such a manner as will prevent it from biting a person or animal, at all times

(i) in any public place; and

(ii) in such other circumstances as may be specified in the order as to control requirements;

and

(c) if so required by the order, a person liable for the control of the dog shall ensure that the dog is kept

(i) on a leash or chain, by a person physically able to control the dog, when in a dog exercise area and in such other circumstances as may be specified; and

(ii) under continuous supervision, by a person physically able to control the dog, in such circumstances as may be specified.

(4) The terms and conditions of an order as to control requirements, other than such as have effect under subsection (3), shall have effect on such date, or respective dates, as are specified in the notice given under subsection (1) imposing the order unless an objection is lodged or an appeal is made, in which case any such term or condition of the order to which the objection or appeal relates shall not have effect until the objection, and any relevant appeal, has been determined.

(5) In making any order imposing control requirements in respect of a dog the local government or the person giving the notice on behalf of the local government may set out any term or condition, of any kind, which is considered necessary to prevent, or reduce the likelihood of, that dog attacking, including any requirement referred to in subsection (3)(b)(ii) or (3)(c) or a requirement

(a) that the dog be confined in, or excluded from, any area specified;

(b) that any enclosure within which the dog is kept be constructed

(i) so as to restrict access by young children;

(ii) so that the dog can not escape from it; and

(iii) so that it complies with any prescribed requirement;

(c) that the owner ensure that at all times, or at such times as may be specified in the order, the dog wears a distinctive collar or device, of a kind prescribed or as approved by the local government, to warn people that the dog is dangerous; or

(d) that the owner ensure that at any entrance to premises where the dog is kept signs, of a kind prescribed or as approved by the local government, are displayed to warn people that a dangerous dog is kept there.

(6) Where an objection is lodged with a local government in accordance with subsection (2)(b)(i) the local government shall consider it and

(a) if the local government dismisses the objection, the owner may appeal to a Local Court in the manner prescribed by regulations within 7 days after the giving of a notice by the local government as to the dismissal of the objection; or

(b) if the local government has not given notice to the owner that the objection has been considered, and either upheld, varied or dismissed, within 35 days after the

giving under subsection (1) of the notice of the making of the declaration the owner may appeal to a Local Court in the manner prescribed by regulations, within not more than 42 days after the giving of the notice under subsection (1).

(7) Where a local government gives notice of the dismissal of an objection under this section, that notice must set out the reason for the dismissal of the objection

(8) The local government of a district in which the dog is at that time ordinarily kept may, by written notice to the owner of the dog, vary the terms and conditions of any order as to control requirements which has been imposed, and any such notice of variation shall be dealt with as though it were, and is subject to the same provisions as to objection and appeal as, a notice given under subsection (1).

(9) Where a dog is declared to be a dangerous dog an authorised person may, at any reasonable time, enter any premises other than a building or part of a building that is used for residential purposes, being premises

(a) where the dog is ordinarily kept; or

(b) which he has reasonable grounds to believe that it is necessary to enter for the purpose of this section, to ascertain whether or not the owner has complied with the requirements imposed by or under this section.