

# Dogs - Responsible ownership: A Fact Sheet

## **Are there regulations for keeping and controlling dogs?**

Yes, refer to the:

- Dog Act 1976 (WA)
- the Dog Regulation 2013 WA) and
- Your local government's (council's) bylaws.

## **What are my responsibilities as a dog owner?**

- You have a legal responsibility to keep your dog under control, either within a fenced area on your property or on a leash when in public. The penalty for this breach ranges from \$200.00 to \$5,000.00
- You must ensure that your dog is not creating a public nuisance by barking excessively. The penalty for this breach ranges from \$200.00 to \$5,000.00.
- As a person in charge of your dog in a public place you are required to remove your dog's droppings and adequately dispose of them. The penalties for this breach vary from one local government to another.
- If your dog attacks a person or another animal, you will be held responsible even if you are not there at the time. Penalty ranges from \$3,000 to \$20,000. As the owner you may be imprisoned too.
- It is your responsibility to register your dog. Not registering your dog may incur a penalty of \$200.
- Your dog is required to wear a collar to which must be attached a valid registration tag. This tag will be issued by your local government when you pay your registration fee. If your dog does not have a registration tag you may be fined \$200.00.
- Your dog must be microchipped.

## **How many dogs can I keep?**

Local government can limit the number of dogs (aged over three months). It can also limit the number of dogs of a specified breed that you can keep.

Your local government by laws will regulate if you are allowed to keep more than two to a maximum of six dogs (other than dangerous dogs).

Typically you can have up to two dogs. You cannot have any pup of a dangerous dog (restricted breed) that is under three months of age. If you have dangerous dogs (declared or restricted breeds) you cannot have more than two dogs which are over three months of age.

## **Is there a penalty for a breach?**

Yes, the court can impose a fine of up to \$5,000 (\$10,000 for a dangerous dog with a minimum penalty of \$500). Contact your local government for information about the by-laws in your area.

## **Can I have more than two dogs?**

Yes if your local government issues you:

- a kennel licence, or
- an exemption from your local government by-laws.

## **Can my dog be impounded?**

Yes. The police or an authorised person from a local government can impound any dog that is found wandering without a leash in any public place.

**Disclaimer:** This document is provided by Citizens Advice Bureau and is intended as a guide only. This information may not be appropriate to your specific situation and you should seek independent legal advice for your individual situation.

Published April 2016.



## **Are there exceptions to this?**

Yes if your dog is:

- in an official dog exercise area
- in a public place outside a town site or metropolitan region that is not a rural leashing area specified under the Act
- in or on a vehicle
- being exhibited for show purposes
- taking part in authorised obedience classes
- a droving or stock dog (in authorised circumstances)
- a foxhound (in authorised circumstances), or
- being used for retrieving, duck hunting or other customary sporting purposes.

## **What is a "dangerous dog"?**

A dangerous dog is defined in the Act as :

- a dangerous dog (declared), or
- a dangerous dog (restricted breed), or
- a commercial security dog.

## **What are the risks of owning such a dog?**

Dog owners and every person responsible for control of a dog can be prosecuted if their dog chases or attacks any person or animal irrespective of whether physical injury is caused or not to the person or animal. The local government can ask for a court order that the dog be destroyed if it has attacked and caused injury or damage.

## **What are the possible legal consequences of a dog attack?**

- A dog attack can result in a penalty of up to \$10,000 for the owner of a dangerous dog. For other dogs (not a dangerous dog), a dog attack may result in a fine of up to \$3,000.00.
- The penalty for setting or urging a dog (other than a dangerous dog) to chase or attack a person or animal is \$10,000 or 12 months' imprisonment or both.
- For a dangerous attack the penalty can be a fine of up to \$20,000 and imprisonment for two years with a minimum penalty of \$1,000.
- It is a criminal offence if you are responsible for a dangerous dog and it attacks someone in a way that endangers their life or kills them.
- A person who has been attacked by a dog can take private legal action for any injury or damage they have suffered, including medical costs, veterinarian bills and damage to clothing and so on.

## **Is there a defence to a dog attack claim?**

There may be a defence. Get legal advice about whether you have a defence.

## **Who do I contact if I have a complaint about a dog?**

Contact your [local government or shire](#) if you have any complaints or queries about dogs.

## **Where can I get more information about keeping dogs?**

[The Department of Local Government and Communities' website has valuable information.](#)

[Contact your local government for more information](#)

## **Need Legal Advice?**

Contact Citizens Advice Bureau to make a low cost appointment at our Perth office, or for details of how to make an appointment at your nearest branch or by telephone.

**(08) 9221 5711** (Lines open Mon-Fri 9:30am-4:00pm) **Level 1, 25 Barrack Street, Perth WA 6000**

