



30 November, 2021

Standing Committee on  
Environment and Public Affairs  
Chair - Hon Peter Foster MLC  
Email: [env@parliament.wa.gov.au](mailto:env@parliament.wa.gov.au)

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 cityofswan  
 cityofswanwa  
[www.swan.wa.gov.au](http://www.swan.wa.gov.au)

Dear Sir,

### **Response – Petition No. 020- Dog Act 1976**

I refer to the above petition which was tabled in the Legislative Council on August 5, 2021 and your correspondence seeking information from the City of Swan.

The City provides the following responses and it should be noted that this data is provided from July 1, 2016 to October 31, 2021;

- 2,025 dog attack reports received
- 402 infringement notices issued for dog attack offences
  - 110 – Dog attack/chase - No physical injury
  - 292 – Dog attack/chase - Physical injury
- 7 prosecutions initiated for offences related to dog attacks, including dangerous dogs that caused attacks
  - Of these 7 attacks, 5 destruction orders were sought and given by the Courts.
  - The remaining 2 were either surrendered to the City or no action was taken to claim them and they were also euthanised.
- The City does not have accurate records to provide in regards to how many dogs have been seized in response to a dog attack but it is currently standard process for City Officers to seize any dog involved in an attack and hold the dog at the pound, pending the outcome of the attack investigation.
- The City does not have accurate records to provide in regards to how many dogs have been destroyed in response to a dog attack other than those noted above where a destruction order was sought as part of a prosecution action. It should be noted that the City offers a voluntary surrender process to owners of dogs that have attacked and at times, this is taken by dog owners.
- The City does not have accurate records to provide in regards to how many dogs have been returned to owners as an outcome of a seizure.
- The City has not sought Court Orders to compel any owners to attend training courses in regards to a dog attack matter.

- The City currently undertakes an annual inspection process for Dangerous Dog Compliance for all dangerous dogs listed on its register, including those that have moved into the City's district and declared from other Local Government Authorities. The current list of dangerous dogs (declared) living within the City of Swan is 25 in addition to 2 dangerous dogs (restricted).
- Residents are able to report all dog attacks directly to the City 24 hours per day. During operational hours, City Officers will action the report and outside of operational hours, the City's After Hours service provider collects details and forwards these for action when the next Officer is on duty. Reports of dog attacks that result in serious or life threatening injuries are directed to contact 000 and seek immediate assistance.
- In regards to any other information to assist the Committee with its enquiries, it would be helpful if the Committee could look at clarifying the dangerous dog compliance enclosure requirements as this varies between Local Government Authorities and the City's current standard is challenged regularly. A copy of the City's Dangerous Dogs Enclosure Guide is attached for your reference.

Should you require any further information in regards to the City's current processes in regards to dog attack investigations, please contact the City's Manager Community Safety,

Yours sincerely,

**Jeremy Edwards**  
**Chief Executive Officer**  
**City of Swan**

Enc

- City of Swan – Dangerous Dogs – Enclosure Guide



# **DANGEROUS DOGS ENCLOSURE GUIDE**

(Declared & Restricted Breeds)



## **Dangerous Dogs**

Dogs within Western Australia that are defined under the Dog Act 1976 (**Act**) as a dangerous dog (either declared or restricted breed), enact specific requirements to manage such animals.

The City of Swan has compiled this document as a guide to assist dog owners to achieve compliance with the construction and confinement of enclosures for dangerous dogs. It should be noted that the information provided in this document is to be referenced as a guide only, as the City reserves the right to assess and approve enclosures using the City's discretionary authority.

**Dangerous Dogs defined**, the **Act** recognises three categories of dangerous dogs as listed below:

- 1. Dangerous dog (declared)** – An individual dog that has shown itself to be aggressive and/or a tendency to attack which is consequently declared to be a dangerous dog under Section 33E of the **Act**.
- 2. Dangerous dog (restricted breed)** – A dog that is a breed prescribed under the Dog Regulations 2013, to be a restricted breed; or is a mix of two or more breeds, with one being a breed prescribed by the Regulations to be a restricted breed.

The restricted breeds currently prescribed are listed below:

- 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)
- 3. Commercial security dog** – A dog that is kept primarily for the purpose of guarding or protecting premises that are not dwellings and that are not the premises of the dog's owner, whether or not accompanied by a dog handler.

Every person (over the age of 18) liable for the control of a dangerous dog must ensure an enclosure is constructed at the premises where the dog is ordinarily kept or ordinarily permitted to live. All enclosures must be inspected and approved by the City prior to any dangerous dog being kept within it.

Dangerous dogs that are found to be non-compliant with the dangerous dog requirements may result in the dog being seized and detained under Section 29(4)(b) of the **Act** at the City's Pound.

If a dangerous dog is detained due to non-compliance, the City cannot authorise the release of the dog until all non-compliance matters are rectified. When non-compliance matters are completed, the City will need to conduct an inspection to verify this. Once an inspection has been conducted and City Officers deem compliance has been achieved, authorisation to release the dog from the Pound will be given by the City.

## **Enclosure requirements**

To access the current legislation requirements relating to dangerous dogs within the **Act** and Dog Regulations 2013, please visit the Western Australian Legislation website [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).

Extract from the **Dog Act 1976**

### **Section 33GA**

- (2) Every person liable for the control of a dangerous dog must ensure that the enclosure within which the dog is confined, whether or not the enclosure is at the premises where the dog is ordinarily kept or ordinarily permitted to live, is constructed to –
- (a) prevent the dog from escaping; and
  - (b) prevent the dog from being removed or released from the enclosure without the permission of the person liable for the dog's control; and
  - (c) prevent a child who has not reached 7 years of age from entering, or inserting any part of its body into, the enclosure without the help of an adult.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
- (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.

## **General enclosure requirements**

Dangerous Dog enclosures are to be located within a premise where a dog is ordinarily kept or ordinarily permitted to live and the premise has adequate perimeter fencing capable of containing and preventing escape of a dog.

## **Public access to front entrance of a house**

The enclosure must not be built or situated in a way that requires a member of the public seeking access to the front entrance of a dwelling to go into the enclosed area.

## **Standard for enclosure materials**

The enclosure must consist of rigid and robust/durable materials, which are capable of containing and preventing escape of the dog, the enclosure must also be constructed to prevent a child who has not reached seven years of age from entering, or inserting any part of its body into the enclosure.

## **Enclosure frame and structure**

- Enclosure frame to be constructed of structural durable material to contain a dog to prevent escape
- Enclosure must be fully enclosed with a self-closing/latching and lockable door
- Enclosure structure to be secured/affixed to the ground to prevent escape
- Enclosures are not to be constructed or associated with, a swimming pool or area surrounding a swimming pool, or all or part of a building usually used for residential purposes

\* *A property boundary (perimeter) fence cannot be used to form part of an enclosure.*

### **Enclosure walls**

- The walls of the enclosure must be of sturdy/durable metal mesh or equivalent material that is capable to contain and prevent escape of the dog.
- The walls of the enclosure must be designed and fitted with an exterior material (mesh or equivalent) that prevents a child who has not reached seven years of age from inserting any part of its body into the enclosure, or entering the enclosure.

### **Enclosure roofing**

- Enclosure roofing to be fully enclosed with a sturdy durable material capable of containing and preventing dog escape. It shall also be capable of preventing a child who has not reached seven years of age from inserting any part of its body into the enclosure.
- Enclosure roofing if exposed to direct weather will be required to provide adequate impervious weatherproofing for effective weather protection.

### **Enclosure flooring**

- Enclosure flooring is to be fitted with a durable material capable of containing and preventing escape (mesh, paving, concrete etc).

### **Enclosure Gate**

- Enclosure gate to be self-closing/latching and have lockable door, child proof
- Enclosure gate must be of sturdy/durable metal mesh or equivalent material that is capable to contain and prevent escape of the dog
- Enclosure gate to be fitted with an exterior material (mesh or equivalent) that prevents a child who has not reached seven years of age from inserting any part of its body into the enclosure

### **Enclosed area sizing**

- The area enclosed must be no more than 10m<sup>2</sup> (area can be decreased dependant on dog size).
- The height of the enclosure must not exceed 1.8m above ground level (height can decrease dependant on dog size).  
*\* If area will exceed 10m<sup>2</sup>, contact the City of Swan's Planning and/or Building departments on telephone number 9267 9267 and seek advice on what approvals and/or permits may be required.*

### **Compliance inspections**

The City is responsible for ensuring animal management compliance under the **Act** and periodic inspections will be conducted to ensure owners of dangerous dogs are adhering to the legislative requirements.

If you have any enquiries about whether the enclosure on your property specifically complies with these requirements please contact the City's Community Safety unit on telephone number 9267 9022 to speak with a Community Safety Advocate and arrange for an inspection.

**THE CITY HAS PROVIDED THE IMAGE BELOW ONLY AS A SAMPLE GUIDE**



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