



ANNO VICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1979

No. 48 of 1979

An Act to provide for the registration of dogs; to provide for the control and to regulate the keeping of dogs; to repeal the Registration of Dogs Act, 1924-1975; to amend the Alsatian Dogs Act, 1934-1965; and for other purposes.

[Assented to 22nd March, 1979]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the "Dog Control Act, 1979".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Arrangement.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—ADMINISTRATION

DIVISION I—COUNCILS, ETC.

DIVISION II—CENTRAL DOG COMMITTEE

PART III—REGISTRATION

PART IV—CONTROL OF DOGS

PART V—MISCELLANEOUS

Repeals and transitional.

4. (1) The Registration of Dogs Act, 1924-1975, is repealed.

(2) Notwithstanding the repeal effected by subsection (1) of this section, any dog registered under the Act repealed by that subsection shall be deemed to be registered under this Act for the period during which that registration would have continued in force if that Act had not been repealed.

(3) Section 5 of the Alsatian Dogs Act, 1934-1965, is repealed.

(4) The Alsatian Dogs Act, as amended by this Act, may be cited as the "Alsatian Dogs Act, 1934-1978".

5. (1) In this Act, unless the contrary intention appears—

Interpretation.

"area" means—

- (a) an area as defined in the Local Government Act, 1934-1978;
- or
- (b) the area in relation to which a body referred to in paragraph (b) of the definition of "council" in this section may exercise its powers:

"authorized person" means—

- (a) a member of the police force;
- (b) a dog control warden;
- or
- (c) a person appointed by a council to be an authorized person under Part II of this Act:

"the Committee" means the Central Dog Committee established under Part II of this Act:

"council" means—

- (a) a council as defined in the Local Government Act, 1934-1978;
- or
- (b) any body corporate that is by virtue of any Act deemed to be, or vested with the powers of, a council:

"district council" means a district council as defined in the Local Government Act, 1934-1978:

"dog" means an animal of the genus *Canis*:

"dog control warden" means a person appointed by a council to be a dog control warden under Part II of this Act:

"municipal council" means a municipal council as defined in the Local Government Act, 1934-1978:

"occupier" in relation to premises means a person who has, or is entitled to, possession or control of the premises:

"pound" in relation to a council means a public pound established, operated and maintained by that council, whether alone or jointly with any other council, or a prescribed private pound that may be used by the council under an arrangement entered into by the council with the body operating the prescribed private pound:

"premises" includes land or any part of any premises or land:

"prescribed private pound" means a pound operated—

- (a) by the Dogs' Rescue Home;
- (b) by the Animal Welfare League of South Australia, Incorporated;
- or
- (c) by any prescribed body:

“registered dog” means a dog that is for the time being registered under Part III of this Act and **“unregistered dog”** has a correlative meaning:

“registrar” means—

(a) in relation to the area of a council, a person appointed by the council to be a registrar of dogs under Part II of this Act;

or

(b) in relation to any part of the State that is not within the area of a council, the member of the police force for the time being in charge of a police station situated within that part of the State:

“stock inspector” means an inspector within the meaning of the Stock Diseases Act, 1934-1976.

(2) For the purposes of this Act a dog shall be regarded as being under the effective control of a person if—

(a) the dog is secured and restrained by means of a chain, cord or leash held by the person;

(b) the dog has been tethered to a fixed object by the person;

or

(c) the dog is in the close proximity of the person and is responsive to his commands.

PART II

PART II

ADMINISTRATION

DIVISION I—COUNCILS, ETC.

DIVISION I

6. (1) Each council shall administer and enforce the provisions of this Act within its area. Enforcement of Act.

(2) The members of the police force of the State assigned to perform their duties within any part of the State that is not within an area shall administer and enforce the provisions of this Act within that part.

7. (1) Each council shall appoint a person to be a dog control warden. Councils to appoint dog control wardens.

(2) Notwithstanding the provisions of subsection (1) of this section, any two or more councils may enter into an arrangement under which each of those councils appoints the same person to be a dog control warden and shares the services of that dog control warden.

(3) Subject to subsection (4) of this section, a dog control warden shall, at the direction of the council or councils by which he was appointed, be engaged upon a full-time basis in the administration and enforcement of this Act.

(4) A dog control warden may be engaged by a council in the performance of other duties with the consent of the Minister.

(5) A council may appoint a person to be an authorized person for the purposes of this Act.

(6) A council shall provide its dog control warden and any other authorized person appointed by it with a certificate of identification in the prescribed form.

(7) A dog control warden or other authorized person appointed by a council shall produce his certificate at the request of any person in relation to whom he is exercising his powers under this Act.

8. (1) A member of the police force may exercise the powers of an authorized person under this Act in any part of the State. Area limitations on powers of authorized persons.

(2) An authorized person appointed by a council may exercise the powers of an authorized person under this Act—

(a) within the area of the council;

or

(b) outside the area of the council for the purposes of seizing or destroying a dog under this Act that has been pursued from a place within the area of the council.

9. No personal liability shall attach to an authorized person or any person in pursuance of this Act exercising the powers of an authorized person for any act or omission by him in good faith and in the exercise, or purported exercise, of the powers of an authorized person or in the discharge, or purported discharge, of the duties of an authorized person, under this Act. Immunity of authorized persons from personal liability.

10. (1) Each council shall appoint one of its officers to be a registrar of dogs in respect of that council. Councils to appoint registrars of dogs.

PART II
DIVISION I

(2) A registrar appointed by a council may delegate to any other officer of the council any of his powers, functions or duties under this Act.

Establishment
of pounds, etc.

11. (1) Each municipal council shall and any district council may establish, operate and maintain a public pound for the purposes of this Act.

(2) Notwithstanding the provisions of subsection (1) of this section—

(a) any council may enter in an arrangement with the body operating any prescribed private pound under which the council makes use of that pound for the purposes of this Act;

or

(b) any two or more councils may jointly establish, operate and maintain a public pound under a scheme made pursuant to Part XIX of the Local Government Act, 1934-1978.

Payments by
councils to
the Committee.

12. (1) Each council shall keep separate accounts of the moneys received by the council pursuant to this Act and the moneys paid by the council in the administration and enforcement of this Act.

(2) Each council shall pay to the Committee the prescribed percentage of the moneys paid to the council by way of dog registration fees.

DIVISION II

DIVISION II—CENTRAL DOG COMMITTEE

Establishment
and
incorporation
of the
Committee.

13. (1) There shall be a Committee entitled the "Central Dog Committee".

(2) The Committee—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall in its corporate name, be capable of suing and of being sued;

(c) shall be capable of holding, acquiring, dealing with, and disposing of real and personal property;

(d) shall be capable of acquiring or incurring any other rights or liabilities;

(e) shall have the powers, rights, duties and functions conferred, imposed or prescribed by or under this Act;

and

(f) shall perform its functions and hold its property on behalf of the Crown.

Constitution
of the
Committee.

14. (1) The Committee shall consist of eight members appointed by the Governor of whom—

(a) three shall be persons nominated by the Minister, one of whom shall be appointed to be the chairman of the Committee;

and

(b) five shall be persons appointed respectively from five panels of three persons nominated by the following bodies respectively:—

(i) the South Australian Canine Association, Incorporated;

(ii) the Local Government Association of South Australia, Incorporated;

- (iii) the Royal Society for the Prevention of Cruelty to Animals (South Australia), Incorporated;
- (iv) the Institute of Municipal Administration (South Australian Division);
- (v) the Australian Veterinary Association, Ltd.

(2) If a panel of persons is not nominated by a body for the purposes of subsection (1) of this section within thirty days after the receipt by that body of a written request from the Minister so to do, the Governor may appoint a person nominated by the Minister to be a member of the Committee and that person shall be deemed to be duly appointed upon the nomination of that body.

15. (1) A member of the Committee shall be appointed for a term of office, not exceeding five years, and upon conditions, determined by the Governor, and, upon the expiration of his term of office, shall be eligible for re-appointment. Terms and conditions of office.

(2) The Governor may remove a member of the Committee from office for—

- (a) a breach of, or non-compliance with, the conditions of his appointment;
- (b) mental or physical incapacity;
- (c) neglect of duty;
- or
- (d) dishonourable conduct.

(3) The office of a member of the Committee shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice addressed to the Minister;
- or
- (d) he is removed from office by the Governor pursuant to subsection (2) of this section.

(4) Upon the office of a member of the Committee becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, the person appointed in his place shall be appointed only for the balance of the term of his predecessor.

16. (1) A member of the Committee shall be entitled to receive expenses determined by the Minister. Expenses.

(2) Any amount payable under subsection (1) of this section shall be paid out of the moneys of the Committee.

17. (1) Five members of the Committee shall constitute a quorum of the Committee, and no business shall be transacted at a meeting of the Committee unless a quorum is present. Quorum, etc.

PART II
DIVISION II

(2) The chairman of the Committee shall preside at a meeting of the Committee at which he is present, and in the absence of the chairman from a meeting, the members present shall decide who is to preside at that meeting.

(3) A decision carried by the votes of a majority of the members of the Committee present at a meeting shall be a decision of the Committee.

(4) Each member of the Committee shall be entitled to one vote on a matter arising for determination by the Committee.

(5) The Committee shall meet for the transaction of business at least twice in each year.

(6) Subject to this Act, the business of the Committee shall be conducted in a manner determined by the Committee.

Validity of acts of the Committee and immunity of its members.

18. (1) An act or proceeding of the Committee shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, the act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

(2) No personal liability shall attach to a member of the Committee for an act or omission by him, or by the Committee, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

Due execution of documents by the Committee.

19. (1) A document is duly executed by the Committee if it is sealed with the common seal of the Committee and signed by the chairman of the Committee.

(2) An apparently genuine document purporting to have been executed in accordance with subsection (1) of this section shall be presumed in any legal proceedings, in the absence of proof to the contrary, to have been duly executed.

Functions of Committee.

20. (1) The functions of the Committee are—

(a) to receive and apply moneys in accordance with this Act;

(b) of its own motion, or at the request of the Minister, to advise the Minister on any matter relating to the registration of dogs or the control or keeping of dogs or relating to the administration of this Act;

and

(c) to promote and disseminate information as to the objects of this Act and the proper care, keeping and control of dogs.

(2) The Committee shall in the performance, exercise or discharge of its functions, powers or duties under this Act, except where it advises or is required to advise the Minister, be subject to the general control and direction of the Minister.

Moneys of the Committee.

21. (1) The moneys of the Committee shall comprise—

(a) the prescribed percentage of dog registration fees paid to it by councils pursuant to section 12 of this Act;

(b) any income from investment of its moneys;

and

(c) any other moneys received by the Committee.

(2) The Committee shall keep its moneys in an account established by it at any bank for that purpose.

(3) The account in which the Committee keeps its moneys shall be operated by cheque signed by the Chairman and countersigned by any other member of the Committee.

22. The Committee may invest any of its moneys that are not immediately required for the purposes of this Act in such manner as may be approved by the Treasurer.

Investment
by the
Committee.

23. The moneys of the Committee shall be applied as follows:—

Application
of moneys of
the Committee.

(a) firstly, in meeting its administrative costs and any other costs incurred in performing its functions under this Act;

(b) secondly, in payment of the prescribed percentage of its moneys to the Royal Society for Prevention of Cruelty to Animals (South Australia), Incorporated;

and

(c) thirdly, in payment to the public pounds and prescribed private pounds of amounts determined by the Committee.

24. (1) The Minister may enter into an arrangement with the Local Government Association of South Australia, Incorporated with respect to the provision to the Committee by that body of the staff and administrative services and facilities required by the Committee to enable it to perform its functions under this Act.

Provision of
administrative
services by
Local
Government
Association.

(2) The cost incurred by the Local Government Association of South Australia, Incorporated in providing staff, services and facilities under an arrangement referred to in subsection (1) of this section—

(a) shall be determined in accordance with the terms of the arrangement;

and

(b) shall be paid to that body by the Committee out of the moneys of the Committee.

25. (1) The Committee shall cause proper accounts to be kept of its financial affairs and in respect of each financial year prepare a statement of accounts in such form as the Treasurer may approve.

Accounts and
audit.

(2) The Auditor-General may at any time and shall at least once in respect of each financial year audit the accounts and statement of accounts of the Committee.

(3) The Auditor-General shall have and may exercise in respect of the moneys and accounts of the Committee and the persons dealing therewith the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

PART III

PART III

REGISTRATION

Offence to own or keep unregistered dog.

26. (1) Subject to this section, any person who is liable for the control of a dog shall, if the dog is unregistered, be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(2) This section does not apply—

(a) to a dog under the age of three months;

(b) to a dog held in the custody of—

(i) the Royal Society for the Prevention of Cruelty to Animals (South Australia), Incorporated;

(ii) the Dogs' Rescue Home;

(iii) the Animal Welfare League of South Australia, Incorporated;

(iv) any prescribed body;

(v) a registered veterinary surgeon acting in his capacity as such;

(vi) any person acting in pursuance of this Act or any other Act;

or

(vii) any prescribed person or person of a prescribed class.

Registration.

27. (1) An application for the registration of a dog shall be made—

(a) to the registrar of the council for the area in which the dog is to be kept;

or

(b) where the dog is to be kept in any part of the State that is not within an area, to the member of the police force in charge of the police station nearest to the place where the dog is to be kept.

(2) An application for registration of a dog must—

(a) be in the prescribed form and contain the prescribed particulars;

(b) nominate a person of or above the age of eighteen years who consents to the dog being registered in this name;

and

(c) be accompanied by the prescribed registration fee.

(3) Upon application under this section and payment of the prescribed fee, the registrar shall register the dog in the name of the person nominated.

(4) The fee prescribed for registration of any dog—

(a) that is a working dog;

or

(b) in the name of a person who is a pensioner,

shall not exceed one half of the maximum registration fee prescribed under this Act.

(5) In subsection (4) of this section—

“working dog” means a dog that is used principally for the droving or tending of stock:

“pensioner” means a person who is in receipt of a pension under the Social Services Act, 1947, as from time to time amended, of the Commonwealth.

(6) No fee shall be payable for the registration of a guide dog for the blind.

28. (1) Where registration is granted in respect of a dog that was registered on the commencement of this Act or in respect of a dog of a prescribed class, the registrar shall issue to the applicant a certificate of registration in the prescribed form and a registration disc of the prescribed kind. Registration disc or tattooing.

(2) Where registration is granted in respect of a dog other than a dog referred to in subsection (1) of this section—

(a) the registrar shall issue to the applicant a certificate of registration in the prescribed form;

and

(b) unless the dog has previously been tattooed with a registration number pursuant to this Act, the applicant shall cause the dog to be tattooed in the prescribed manner with a registration number allocated by the registrar.

(3) Notwithstanding the provisions of this section, a greyhound that is registered by the Dog Racing Control Board is not, upon registration under this Act, required to be issued with a registration disc or to be tattooed.

(4) A dog that is required to be tattooed in accordance with this section shall be deemed to be unregistered unless or until it is so tattooed.

29. Any registration granted under this Act shall expire on the thirtieth day of June next ensuing after the grant of the registration. Expiry of registration.

30. (1) Each council and the member of the police force in charge of each police station that is situated in a part of the State that is not within an area shall prepare and maintain a register in the prescribed form and containing the prescribed information as to registrations granted under this Act. Maintenance of registers.

(2) The register shall be kept at the office of the council or at the police station, as the case may be, and upon the request of any person, shall be made available for inspection by that person.

PART III

Replacement
of lost
registration
disc.

31. Where, upon application, the registrar is satisfied that the registration disc issued upon the registration of any dog has been lost or destroyed, the registrar shall, upon payment of the prescribed fee, issue to the applicant another registration disc of the prescribed kind.

Registration
of registered
dog in name
of another
person.

32. (1) A dog registered in the name of any person shall, upon application in the prescribed manner and form made—

(a) to the registrar of the council for the area in which the dog is to be kept;

or

(b) where the dog is to be kept in any part of the State that is not within an area, to the member of the police force in charge of the police station nearest to the place where the dog is to be kept,

and upon payment of the prescribed fee, be registered in the name of another person of or above the age of eighteen years who consents to the dog being registered in his name.

(2) A person aggrieved by any entry in the register recording the person in whose name a dog is registered may at any time apply in the prescribed manner to the local court for an order directed to the council for the rectification of the register.

Dogs to have
collars with
name and
address of
owner and
registration
disc.

33. (1) If a dog is in any place to which the public has access without a collar around its neck—

(a) bearing the name and address of the owner of the dog legibly and indelibly endorsed or inscribed thereon or on an attachment thereto;

and

(b) having securely attached thereto the registration disc issued upon the registration of the dog,

the person liable for the control of that dog shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(2) This section does not apply—

(a) to a dog that is tattooed in accordance with this Act;

(b) to a greyhound that is registered by the Dog Racing Control Board;

(c) to a dog that is under the effective control of a person and is—

(i) being used in the droving or tending of stock or is going to or returning from a place where it will be, or has been, so used;

or

(ii) being trained for, or participating in, organized racing, trials, classes or shows or retrieving, hunting or any other sporting exercise that customarily involves the running of one or more dogs.

PART IV

PART IV

CONTROL OF DOGS

34. (1) Subject to this section, the owner of a dog is liable for the control of the dog for the purposes of this Act and for the purposes of any civil action in relation to any injury, damage or nuisance caused by the dog, notwithstanding that he does not have possession or control of the dog or that another person has possession or control of the dog.

Liability for control of dogs.

(2) In any proceedings for an offence against this Act or in any civil proceedings in relation to any injury, damage or nuisance caused by a dog—

(a) any person who is shown in any register maintained under this Act to have been the person in whose name the dog was last registered under this Act in that register before the material time shall be deemed to have been the owner of the dog at the material time whether or not the dog had continued to be registered in his name unless he proves that the dog had been subsequently registered in the name of another person;

or

(b) where any dog, whether registered or unregistered, is shown to have been habitually in the apparent ownership of any person, that person shall, in the absence of proof to the contrary, be deemed to have been and to continue to be the owner of that dog.

(3) Any person who keeps, or has possession or control of, a dog shall, for the purposes referred to in subsection (1) of this section, while he continues to keep, or have possession or control of, the dog have the same liability for the control of the dog as the owner of the dog.

(4) In any proceedings for an offence against this Act or in any civil proceedings in relation to any injury, damage or nuisance caused by a dog, any person who was an occupier of premises in which the dog was kept or permitted to live at the material time shall be deemed to have been keeping, or to have had possession or control of, the dog at that time unless he proves that another person of or above the age of eighteen years was keeping or had possession or control of, the dog at that time.

(5) In any proceedings for an offence against this Act or in any civil proceedings in relation to any injury, damage or nuisance caused by a dog, it shall be a defence for a person who was the owner, or is deemed to have been the owner, of the dog at the material time, if he proves that the dog was at that time in the possession or control of another person without his consent.

35. (1) Where a dog is in a place to which the public has access, or in a place where the occupier has not consented that it should be, and no person is exercising effective control over the dog, the dog shall be deemed to be wandering at large and the person liable for the control of the dog shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Dogs wandering at large.

(2) A dog that is—

(a) being used in the droving or tending of stock or is going to or returning from a place where it will be, or has been, so used;

or

- (b) being trained for, or participating in, organized racing, trials, classes or shows or retrieving, hunting or any other sporting exercise that customarily involves the running of one or more dogs,

shall not thereby be deemed to be wandering at large.

Seizure of
dogs found
wandering
at large.

36. (1) Where a dog is found wandering at large an authorized person may seize and detain it.

(2) Where a dog is seized pursuant to this section the authorized person may—

(a) cause it to be returned to the person liable for the control of the dog;

or

(b) detain it,

and in either case, that person shall not be entitled to the return of the dog unless—

(c) he pays—

(i) the reasonable cost of returning the dog or of maintaining it during the period of detention, or both where that is appropriate;

(ii) any charges which by regulation may be levied in relation to the seizure and impounding of the dog;

and

(iii) any other fees or charges relating to that dog which ought to have been, but had not been, paid under this Act;

and

(d) in the case of an unregistered dog, he registers the dog.

(3) Any moneys referred to in subsection (2) of this section may be recovered as if they were a debt in any court of competent jurisdiction by the council for the area in which the dog was seized or, in any other case, by the Crown.

(4) Where a dog is seized under this section and is not forthwith returned to the person liable for its control, it shall be detained—

(a) in the case of a dog seized in the area of a council, in the council's pound or any other suitable premises;

or

(b) in any other case, in any suitable premises.

(5) Where a dog is detained under this section—

(a) the authorized person shall, as soon as practicable after the seizure, exhibit on a notice board at the office of the council for the area in which the dog was seized, or in any other case, at the nearest police station, for public viewing a legibly written notice containing a general description of the dog, the day and time it was seized, and the place at which the dog is being detained;

(b) such notice shall remain on public exhibition for not less than seventy-two hours from the time that it is first exhibited;

(c) if the dog is tattooed or wearing a registration disc or a collar bearing the name and address of the owner, or the owner or other person liable for its control is otherwise readily identifiable, the authorized person causing it to be detained shall also cause notice to be given to that person in the prescribed manner and form as soon as is practicable;

(d) the dog shall be kept and maintained for a period of at least seventy-two hours next following—

(i) where notice is given under paragraph (c) of this subsection, the giving of that notice;

or

(ii) where no such notice is given, the time at which the notice referred to in paragraph (a) of this subsection is first exhibited;

and

(e) the dog shall, subject to this section, be delivered up to a person who produces satisfactory evidence that he is entitled to the possession of the dog.

(6) Where a dog seized and detained under this section is not claimed, or where a person in the name of whom that dog is registered declines to resume possession of a dog, or any moneys due in relation to that dog are not paid, an authorized person may cause the dog to be destroyed.

(7) A dog which is liable to be destroyed pursuant to subsection (6) of this section may be disposed of by sale or otherwise and, if sold, the proceeds of the sale shall be the property of the council detaining the dog, or where the dog is being detained after seizure outside any council area, the Crown.

(8) Where it is the opinion of an authorized person that a dog seized pursuant to this section is suffering from injury, disease or sickness to such an extent that it is impracticable to maintain the dog, or from any disease or sickness that is of a contagious or infectious kind, he may cause it to be destroyed upon the written authority of a registered veterinary surgeon or stock inspector.

(9) Where a dog is found wandering at large and by reason of the savagery of that dog, repeated evasion of the attempts at seizure, or other sufficient cause, it is, in the opinion of an authorized person, dangerous or impracticable to seize the dog, the dog may be destroyed without being seized if the assistance of the owner or some other person likely to be able to control the dog is not reasonably available and there is no other practicable way to enforce the provisions of this Act.

(10) A council or an authorized person may cause a dog to be destroyed at the request in writing of the owner of that dog, whether or not the dog has been seized or detained.

(11) An authorized officer within the meaning of the Vertebrate Pests Act, 1975-1977, or an officer or employee of the Royal Society for the Prevention of Cruelty to Animals (South Australia), Incorporated, may exercise the powers of seizure of an authorized person under this section.

37. (1) With the consent of an owner or occupier of the premises an authorized person may enter any premises where he has reasonable grounds to believe that it is necessary for the due enforcement of the provisions of this Act.

Powers of entry of authorized persons.

PART IV

(2) Where an authorized person satisfies a Justice of the Peace that it is reasonably necessary for the due enforcement of the provisions of this Act that entry be made to any premises to which admission has been refused or that are apparently unoccupied or where a request for admission might defeat the object of the entry, the Justice may by warrant under his hand empower that authorized person and any other person named in the warrant to enter upon the premises, by force if those premises are not occupied, and that warrant continues in force until the purpose for which it was granted is satisfied.

Authorized person may require name and address.

38. A person who is alleged by an authorized person to be concerned in the commission of an offence against this Act shall furnish to that authorized person on demand his full name and place of abode and any person who fails to do so or who gives a false name or address shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Dogs in shops, schools, etc.

39. (1) If a dog is—

(a) in any shop, not being a pet shop or premises used for the purposes of the practice of a registered veterinary surgeon;

(b) in any school or the grounds of any school, pre-school centre or kindergarten, or other educational institution, without the permission of the principal,

the person liable for the control of that dog shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Dogs in places where food prepared, etc.

40. If a dog is in any place where any commodity used by man for food or drink, is prepared for, or exposed for, sale, or offered for sale, or is sold, the person liable for the control of that dog shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Dogs chasing vehicles.

41. If a dog rushes at or chases any vehicle the person liable for the control of that dog shall be guilty of an offence and liable to a penalty not exceeding one hundred and fifty dollars.

Abandonment of dogs.

42. Any person who abandons any dog by taking it or permitting it to be taken to a place other than that in which it is usually kept, there to fend for itself, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Faeces of dogs to be removed from public places.

43. If a dog, while in the control of any person, defecates in any place to which the public has access that person shall immediately remove the faeces and shall dispose of them in a lawful and suitable manner.

Penalty: One hundred dollars.

Dogs attacking, etc., persons or animals.

44. (1) If a dog attacks, harasses or chases any person, or any animal or bird owned by or in charge of some other person, the person liable for the control of that dog shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(2) A person who sets on or urges any dog to attack, worry or chase any person, or any animal or bird owned by or in the charge of some other person shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(3) It shall be a defence to any proceedings for an offence against this section to show that the dog was at the material time being *bona fide* used in the reasonable defence of any person or property, or for the driving or removal of any animal found trespassing.

(4) It shall not be necessary for the purposes of any proceedings under this section to show that any actual injury was caused.

45. (1) If a dog in any premises causes injury to the person or property of any person lawfully entering those premises, the person liable for the control of that dog shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Dogs attacking persons lawfully entering premises.

(2) Where a person is found guilty of an offence against subsection (1) of this section, the court may order, in addition to any penalty, that the person pay compensation for the injury caused by the dog.

46. (1) A person who owns, or any person acting under the authority of that owner, or who is for the time being lawfully in charge of, any animal or bird may lawfully shoot or otherwise destroy a dog which he finds attacking or harassing that animal or bird if there is no other way of stopping the attack and providing that notice is given to a member of the police force as soon as is practicable thereafter.

Destroying and laying poison in baits for dogs.

(2) The owner or occupier of any enclosed paddock, field, yard or other place in which any horse, cattle, sheep, swine, goats or poultry (in this section referred to as "livestock") are confined, or any person acting under the authority of that owner or occupier, may lawfully shoot or otherwise destroy any dog that is found therein and is not accompanied by some person.

(3) In any proceedings, whether civil or criminal, arising out of an attack by a dog upon any animal or bird or the worrying or chasing of livestock, the fact that the dog was immediately prior thereto in company with or had been seen continuously and closely following a person shall, in the absence of proof to the contrary, be deemed to prove that the person was liable for the control of that dog.

(4) Where it is reasonably necessary for the protection of livestock confined or depasturing on any land, the owner or occupier of that land or a person acting under his authority may lawfully lay poison on that land in baits likely to be taken by dogs wandering at large if—

- (a) the poison is not laid within twenty metres of any road, reserve or public place;
- (b) the poison is not laid in contravention of any other Act;
- (c) the poison is not so laid as to endanger children or indigenous birds or animals;

and

- (d) a notice in the prescribed form is displayed on the land in the prescribed manner.

(5) A person who lays poison in baits for dogs otherwise than in compliance with the requirements of this subsection, shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Dogs infested
by parasites.

47. (1) The person liable for the control of a dog shall take all reasonable precautions against that dog becoming infested by tapeworms or other parasites, and if the dog appears to be suffering from any infectious or contagious disease shall cause the dog to be examined by a registered veterinary surgeon or stock inspector and take all practicable steps to ensure that the condition is controlled or eradicated.

(2) Where he has reasonable grounds for believing that the provisions of subsection (1) of this section have not been complied with, any authorized person, may by notice in writing, require the person liable for the control of the dog to have that dog available at a specified place for veterinary examination at the cost of that person by a registered veterinary surgeon or stock inspector, within the period specified in that notice (not being a period of less than three days).

(3) Any person who, without reasonable excuse, fails to comply with the requirements of a notice given under subsection (2) of this section shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(4) Where pursuant to an examination made by him under this section any registered veterinary surgeon or stock inspector considers that a dog is a danger to health, an authorized person may seize and detain the dog for isolation or destruction.

(5) Where an authorized person proposes to destroy the dog—

(a) the owner shall as soon as practicable be given notice in the prescribed manner and may, in the prescribed manner and within the prescribed time, appeal against the decision to the nearest local court;

and

(b) the dog shall be detained until that local court either affirms the decision or quashes the decision.

Greyhounds
to be
muzzled.

48. (1) The person liable for the control of a greyhound shall, except while the greyhound is on land of which, or within the premises of which, that person is the occupier, cause a muzzle to be securely fixed upon the mouth of the greyhound in such a manner as will prevent it from biting any person or animal.

Penalty: One hundred dollars.

(2) This section does not apply to a greyhound at any time when the greyhound is under the effective control of any person and is being trained for, or is participating in, any organized racing, trials or shows.

Dogs
creating
nuisance.

49. (1) The occupier of any premises where a dog is kept or suffered or permitted to remain and who suffers or permits that dog, either of itself or together with other dogs (whether or not in the same ownership), to be or become a nuisance shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(2) A dog shall be taken to be a nuisance for the purposes of this section if—

(a) it is injurious or dangerous to the health of any person;

or

(b) it creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.

(3) Proceedings for an offence against subsection (1) of this section shall not be commenced—

(a) except upon the complaint of the council for the area in which the premises are situated;

and

(b) unless—

(i) a person signs a complaint in the prescribed form alleging the existence of a nuisance created by the dog;

(ii) the council, on being satisfied the complaint is justified, serves on the occupier of the premises in which the dog is being kept or suffered or permitted to remain, a notice requiring him to abate the nuisance within seven days;

and

(iii) the person fails to comply with the notice.

50. (1) Where a dog is shown to be unduly mischievous or dangerous, a court may order that the dog be destroyed.

Court may order destruction of dog.

(2) An order for the destruction of a dog may be made by a local court, upon application, or by any court (including a local court) hearing any proceedings (whether civil or criminal) in relation to the dog.

(3) Where a court is empowered to make an order for the destruction of a dog, the court may in addition thereto, or in lieu thereof, do one or more of the following things:—

(a) provide that the order shall be remitted in specified circumstances;

(b) order the seizure and detention of the dog, whether or not an order is made for the destruction of the dog;

(c) make an order requiring that the dog be controlled, or be controlled in a specified manner;

(d) make an order requiring that the dog be disposed of, or be disposed of in a specified manner;

(e) authorize a member of the police force or a person appointed by the council to give effect to the order;

(f) give all necessary directions to make the order effective;

and

(g) make an order against the person liable for the control of the dog as to costs incurred in making the order effective and as to

the payment of compensation to any person who has suffered any injury to person or property as a result of the actions of the dog.

(4) An order for the destruction of a dog shall state—

(a) to whom it is directed;

(b) whether or not it may be remitted, and, if so, in what circumstances;

and

(c) within what period it is to be put into effect.

(5) Where the destruction of a dog is ordered or authorized by this Act, it shall be effected so far as is practicable without cruelty.

(6) An order of the kind referred to in this section shall be implemented notwithstanding that the ownership of the dog has changed or is not known, or that the dog is no longer being kept in the same place, unless on an application made to the court making the original order, the court is satisfied that the changed circumstances are such that the order may be varied.

PART V

PART V

MISCELLANEOUS

51. (1) The provisions of this Act are in addition to, and do not derogate from, the provisions of the Alsatian Dogs Act, 1934-1978, or any other Act.

Effect of Act on other Acts and remedies.

(2) Except as expressly provided by this Act, the provisions of this Act shall not affect any civil remedy under any other Act or at law.

52. (1) The person liable for the control of a dog shall be liable in damages for any injury caused by the dog.

Unnecessary to prove previous mischievous propensity.

(2) It shall not be necessary in any proceedings for a party seeking damages in respect of an injury caused by a dog to show a previous mischievous propensity in the dog or knowledge of that propensity, or that the injury was attributable to neglect on the part of the person liable for the control of the dog.

53. No action, claim or demand, lies or shall be allowed by or in favour of any person against another, and no person shall be deemed guilty of an offence, by reason only of measures lawfully taken for the destruction of a dog under the provisions of this Act.

No liability for lawful destruction of dog.

54. (1) Notwithstanding the provisions of this Act or any other Act or law, a person who is blind or partially blind—

Use of guide dogs by the blind.

(a) is entitled to be accompanied by a dog that is *bona fide* used by him as a guide dog in any premises, place or vehicle used by the public or to which the public is permitted access;

and

(b) shall not be guilty of any offence by reason only that he takes such guide dog into or suffers or permits that guide dog to be in any premises, place or vehicle used by the public or to which the public is permitted access.

(2) The provisions of subsection (1) of this section shall also apply to any person who is *bona fide* engaged in the training of a guide dog.

55. (1) Any person who hinders or obstructs an authorized person in the exercise of his powers or the discharge of his duties under this Act shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Obstruction, etc., of authorized persons.

(2) Any person who fails without lawful excuse to produce any certificate or other document issued to him pursuant to this Act, or any dog in his possession or control, when required to do so by an authorized person or any other person exercising a power under this Act, or fails to allow that person, on his producing the same, to make an examination thereof shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(3) Any person who interferes with, releases, or removes from lawful custody any dog seized or detained under this Act shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

56. Any person who makes any statement that is to his knowledge false or misleading in a material particular—

False or misleading statements.

(a) in any application for registration of a dog;

(b) in any application for the registration of a registered dog in the name of another person;

or

(c) whether on his own behalf or that of any other person, for the purpose of obtaining any benefit, or avoiding any penalty or obligation, under this Act,

shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

By-laws
limiting
number of
dogs in any
premises.

57. (1) A council may make by-laws limiting the number of dogs over the age of three months and the young of those dogs under that age or the number of any specified breed or kind of dog that may be kept on any premises in any specified area.

(2) Where by-laws under this Act place a limit on the keeping of dogs in any specified area but the council is satisfied in relation to any particular premises that the provisions of this Act requiring that such premises be licensed as an approved kennel establishment need not be applied in the circumstances, the council may grant an exemption in respect of those premises but any such exemption—

(a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;

(b) may be revoked or varied at any time.

(3) Subject to the provisions of subsection (2) of this section, a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of three months in numbers exceeding any limit imposed in relation to those dogs by by-laws made under subsection (1) of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Licensing
of kennels.

58. (1) Where, pursuant to the provisions of section 57 of this Act, a council imposes a limit on the number of dogs over the age of three months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area, and a person proposes to keep dogs to which such a limit applies in numbers exceeding that limit on premises that are not exempt from the limitation, he may apply for the premises in question to be licensed as an approved kennel establishment.

(2) A licence to keep an approved kennel establishment may be granted by a council on an application made in the prescribed manner and form supported by evidence that due notice of the proposed use of the land has been given to persons in the locality who may, in the opinion of the council, be affected, and the council shall have regard to any objections raised.

(3) A council may make by-laws requiring that dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question and having specifications of a standard not less than that prescribed, sited and maintained in accordance with the requirements of public health, and sufficiently secured.

(4) A person who keeps, or permits or suffers to be kept, any dog over the age of three months of a breed or kind to which that licence applies at an

approved kennel establishment otherwise than in accordance with the licence relating to that establishment shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(5) A licence under this section has effect for a period of twelve months, and is renewable upon payment of the prescribed fee, but may be cancelled at any time by the council if the council is not satisfied that the kennel establishment complies with the standard prescribed by by-law.

(6) The cancellation of a licence under this section shall be effected by the service of a notice on the licensee to expire at the end of the period specified in the notice, which shall be a period of not less than three months.

(7) Where—

(a) a council refuses the grant of a licence under this section;

or

(b) notice of the intention to cancel a licence under this section is given, the licensee may, in the prescribed manner and in the prescribed time, appeal against the decision to the local court held nearest to the office of the council and that court may thereupon either affirm the decision of the council or quash it and direct the licensing of the establishment upon such conditions, if any, as the court thinks fit.

59. A person who wilfully and without lawful excuse kills, poisons, injures or causes unnecessary pain or suffering to any dog shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Offence to unlawfully kill or injure dog.

60. It shall be a defence to any charge of an offence against this Act if the person charged proves that the contravention occurred without his knowledge, consent or connivance and that he exercised all due diligence to prevent it.

General defence.

61. In any proceeding for an offence against this Act—

Evidence.

(a) an allegation in the complaint that a person was liable for the control of a dog or that any dog was at the material time unregistered shall be deemed to be proved in the absence of proof to the contrary;

and

(b) the onus of proving that a dog was duly registered or was at the material time under the age of three months lies on the person making that assertion.

62. Proceedings for offences against this Act shall be disposed of summarily.

Summary proceedings.

63. (1) A penalty for an offence against this Act that is recovered on the complaint of a council or an officer of a council shall be paid to that council.

Appropriation of penalties.

(2) A penalty for an offence against this Act that is recovered otherwise than on the complaint of a council or an officer of a council shall be paid into the General Revenue of the State.

PART V**Expiation of offences.**

64. Where it is alleged that a person has committed an offence against a prescribed provision of this Act, an authorized person may serve or cause to be served personally or by post upon that person a notice to the effect that he may expiate the offence—

(a) where the authorized person is an officer of a council, by payment to the council;

or

(b) in any other case, by payment to the person holding or acting in an office specified in the notice,

of an amount specified in the notice, being an amount fixed by regulation in relation to the prescribed provision, within a time fixed by the notice, and if the offence is so expiated no proceedings shall be commenced in any court with respect to the alleged offence.

Continuing offences.

65. (1) A person convicted of an offence against any provision of this Act in respect of a continuing act or omission—

(a) shall be liable, in addition to the penalty otherwise applicable to that offence, to a penalty for each day during which the act or omission continued of not more than the amount equal to one-tenth of the maximum penalty prescribed for that offence;

and

(b) shall, if the act or omission continues after he is convicted, be guilty of a further offence against that provision and liable, in addition to the penalty otherwise applicable to that further offence, to a penalty for each day during which the act or omission continued after that conviction of not more than the amount equal to one-tenth of the maximum penalty prescribed for that offence.

(2) Where an offence against a provision of this Act consists of an omission to do something that is required or directed to be done, the omission shall, for the purposes of subsection (1) of this section, be deemed to continue for so long as the thing required or directed to be done remains undone after the expiration of the period for compliance with the requirement or direction.

Regulations.

66. (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

(2) Without limiting the generality of subsection (1) of this section, those regulations may—

(a) fix fees for the purposes of this Act that may be of amounts that vary according to prescribed factors;

(b) provide for and prescribe any matter or thing relating to the identification of dogs by means of tattooing;

(c) provide for and prescribe any matter or thing relating to use of and the detention of dogs at prescribed private pounds;

(d) regulate the keeping and control of dogs of a prescribed class;

(e) prohibit the keeping of dogs of a prescribed class in prescribed places or areas;

- (f) provide for the sterilization or destruction of dogs of a prescribed class in prescribed circumstances;
 - (g) prescribe the method of identifying dogs of a prescribed class;
 - (h) provide that an apparently genuine document purporting to be a certificate of a prescribed officer as to matters of a prescribed class shall constitute proof of the matters stated therein;
- and
- (i) provide for and prescribe penalties not exceeding, in each case, two hundred dollars for breach of, or non-compliance with, any regulation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor