



ANNO DUODECIMO

GEORGI VI REGIS.

A.D. 1948.

No. 21 of 1948.

An Act to amend the Registration of Dogs Act,
1924-1929.

[Assented to 11th November, 1948.]

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

1. (1) This Act may be cited as the "Registration of Dogs Act Amendment Act, 1948". Short titles.

(2) The Registration of Dogs Act, 1924-1929, as amended by this Act, may be cited as the "Registration of Dogs Act, 1924-1948".

(3) The Registration of Dogs Act, 1924-1929, is hereinafter referred to as "the principal Act".

2. Section 10 of the principal Act is amended by adding at the end of subsection (1) thereof the words "and which are under the age of three months on such first day of January". Amendment of principal Act s. 10— Mode of registration.

3. Section 12 of the principal Act is amended—

(a) by striking out the word "metal" in the second line thereof;

(b) by inserting after subsection (1) the following subsection :—

(1a) If on the application of the owner of any dog, the registrar is satisfied that the disc issued on the registration of the dog has

Amendment of principal Act, s. 12— Registration disc.

been lost or destroyed, the registrar shall, on payment of a fee of one shilling, deliver to the owner another disc of the kind provided by subsection (1).

Amendment of principal Act, s. 13—
Transfer of registration.

4. Section 13 of the principal Act is amended by adding at the end thereof the words “ and pays a fee of one shilling ”.

Amendment of principal Act, s. 14—
Removal to another district.

5. Section 14 of the principal Act is amended by striking out the words “ without payment of any fee ” in the third line thereof and by inserting in lieu thereof the words “ on payment of a fee of one shilling to the council of that other district ”.

Amendment of principal Act, s. 19—
Penalty for dog without collar or disc.

6. Section 19 of the principal Act is amended by striking out the words “ or, in the case of a dog substituted for a registered dog which has died during the current year, not having a collar round its neck with the disc issued in respect of the dead dog suspended therefrom,” in the fourth to seventh lines thereof.

Amendment of principal Act, s. 20—
Provisions as to stray dogs.

7. Section 20 of the principal Act is amended—

(a) by striking out the words “ sum of sixpence per day for its keep is paid by its owner ” in the second and third lines of subsection (3) thereof and by inserting in lieu thereof the words “ amounts prescribed by the fifth schedule have been paid ” ;

(b) by inserting after the word “ sold ” first occurring in the fourth line of subsection (3) thereof the words “ (either by auction or by private contract) ”.

Enactment of s. 21a of principal Act—

8. The following section is enacted and inserted in the principal Act after section 21 thereof :—

Order for destruction of destructive or dangerous dog.

21a. (1) The owner or occupier of an enclosed field, paddock, yard or other place in which any cattle, sheep, horses, or poultry is or are confined may take proceedings in any court of summary jurisdiction for the destruction of any dog which has worried, killed, or injured any such cattle, sheep, horse or poultry.

(2) If the life or limbs of any person have been endangered by reason of a dog rushing at or attacking that person, that person or, if he is an infant, the parent or guardian thereof, may take proceedings in any court of summary jurisdiction for the destruction of the dog.

(3) Any such proceedings shall be instituted by a complaint laid by the owner or occupier aforesaid or, as the case may be, the person, parent or guardian aforesaid, against the owner of the dog and the Justices Act, 1921-1943, shall apply to any such proceedings.

(4) Upon the hearing of the complaint, if the court is satisfied that any cattle, sheep, horse, or poultry confined as aforesaid has or have been worried, killed or injured by the dog or, as the case may be, that the life or limbs of the person aforesaid have been endangered as aforesaid by the dog, and that an order should be made, the court may order that the dog shall be destroyed.

(5) Any member of the police force may, on payment of his reasonable expenses by the owner or occupier or person laying the complaint, execute the order of the court and destroy the dog to which the order relates and for that purpose the member of the police force may enter upon any land or premises upon which he has reasonable cause to believe that the dog may be found.

9. Section 22 of the principal Act is amended by adding at the end of subsection (3) thereof the words " or any dog which is kept in any premises and which he believes to be suffering from any contagious or infectious disease and which is kept under such conditions that it is likely to infect other animals or persons with that disease ".

Amendment of principal Act, s. 22—
Destruction of diseased dogs.

10. Section 24 of the principal Act is amended by striking out the words " whereby the life or limbs of any person is endangered, or in any way injures or endangers any property " therein and by inserting in lieu thereof the words " so that the life or limbs of any person are endangered or so that any horse, bullock, cattle, or other animal or other property is or may be injured or endangered, then, in any such case ".

Amendment of principal Act, s. 24—
Dogs attacking persons, etc.

11. Section 30 of the principal Act is amended by adding at the end thereof the following subsections (the preceding portion of the said section being read as subsection (1) thereof):—

Amendment of principal Act, s. 30—
Evidentiary provision.

(2) In any proceedings for an offence against this Act the allegation in the complaint that any dog is unregistered shall, in the absence of proof to the contrary, be sufficient evidence of the fact alleged.

(3) In any proceedings under this Act, the receipt of a registrar of the payment of the registration fee in respect of any dog shall be sufficient evidence that the dog is duly registered under this Act until the thirtieth day of June next following the date of the receipt.

Enactment of
s. 31a of
principal Act—

12. The following section is enacted and inserted in the principal Act after section 31 thereof :—

Giving of
notices, etc.,
by post.

31a. (1) Any particulars or notice required by this Act to be given to any registrar may be given by post.

(2) If under any provision of this Act, a registrar is required to give or deliver to any person any receipt, certified copy of the description of a dog, disc, notice or document, that receipt, certified copy, disc, notice, or document may be given to the person aforesaid by post.

Amendment of
principal Act,
s. 33—

13. Section 33 of the principal Act is amended so as to read as follows :—

Disposal of
fees and
penalties.

33. (1) Any fees imposed under this Act for the registration, or otherwise in respect of dogs intended to be kept within any municipality or district council district shall be paid to the municipal corporation or district council within the district of which the dog is to be kept. All other such fees shall be paid into the general revenue of the State.

(2) All penalties imposed for any offence committed within any municipality or district council district shall be paid to the municipal corporation or district council thereof. All penalties for offences committed elsewhere shall be paid into the general revenue of the State.

Amendment of
principal Act,
s. 34—

14. Section 34 of the principal Act is amended by adding at the end thereof the following paragraph :—

Regulations.

III. Varying the provisions of the second or fifth schedules and prescribing fees in lieu of or in addition to those prescribed by those schedules.

Enactment of
s. 34a of
principal Act—

15. The following section is enacted and inserted in the principal Act after section 34 thereof :—

By-laws.

34a. (1) A municipal council or district council may make by-laws—

(a) providing that dogs shall not be permitted, or shall be permitted only upon the conditions set out in the by-law, to be upon any streets, roads, parks, reserves, or other public places or places of public resort within the municipality or district of the council or upon any foreshore under the control of the council;

(b) prescribing penalties not exceeding ten pounds upon the owners or persons in charge of dogs which are upon any street, road, park, reserve, other public place, place of public resort, or foreshore contrary to any such by-law.

(2) All by-laws made pursuant to this section shall be made in manner prescribed by and be subject to the provisions of Division I. of Part XXXIX. of the Local Government Act, 1934-1946, and the provisions of the said Division shall apply to all such by-laws to the same extent as if the by-laws had been made pursuant to the Local Government Act, 1934-1946.

16. The following section is enacted and inserted in the principal Act after section 36 thereof :—

Enactment of
s. 37 of
principal Act—

37. (1) If any municipal or district council is satisfied that premises situated within the district are conducted, either in whole or in part, as a place where dogs for which there is no apparent owner are taken in and cared for, then the council may by resolution of the council declare that this section shall apply to those premises. Any such resolution may be passed subject to any conditions included in the resolution and may be revoked or varied by subsequent resolution of the council.

Exemption of
dogs kept at
dogs' home.

(2) Any unregistered dog may be kept in any premises to which any such resolution applies and during the time such resolution continues to apply if—

- (a) the dog has no known owner ; and
- (b) all conditions (if any) of the resolution are fully complied with ; and
- (c) the occupier of the premises gives to the council such information as is required by the council (whether by general or specific direction) relating to the dog and the circumstances in which he was received into the premises.

(3) In any proceedings for an offence against section 9 with respect to any dog the onus shall be upon the defendant to satisfy the court that the provisions of this section apply to that dog.

17. The second schedule to the principal Act is amended by adding at the end thereof the following passage :—

Amendment of
principal Act,
second
schedule.

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“ If any fee for the registration of a dog is not paid within 31 days of the time when pursuant to this Act the fee should have been paid, the fee shall be increased by an amount of 1s. ”.

Enactment of
fifth schedule
of principal
Act.

18. The following schedule is enacted and inserted in the principal Act after the fourth schedule thereto :—

FIFTH SCHEDULE.

Registration of Dogs Act, 1924.

The following fees shall be payable in respect of any dog seized pursuant to section 20 :—

	<i>s. d.</i>
For the first period of twenty-four hours or any part thereof after the dog was seized	5 0
For every subsequent period of twenty-four hours or any part thereof	1 0

If the dog so seized was unregistered, then, in addition to the fees computed according to the above table, the requisite fee for the licensing of the dog shall be also payable.

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

C. W. M. NORRIE, Governor.