

## VICTORIA.



ANNO UNDEVICESIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8079.

An Act to consolidate and amend the Law relating  
to Dogs.

[22nd December, 1970.]

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Dog Act 1970* and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette* and is divided into Parts as follows :—

Short title,  
commencement  
and division.

Part I.—Registration ss. 4–10.

Part II.—Offences and Penalties Generally ss. 11–22.

Part III.—Special Provisions relating to Destruction of  
Dogs ss. 23–26.

Part IV.—Miscellaneous ss. 27–33.

2. (1) The Acts mentioned in the First Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.

Repeal  
First Schedule.

(2) Except

(2) Except as in this Act expressly or by necessary implication provided—

- (a) all persons things and circumstances appointed or created by or under the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;
- (b) in particular and without affecting the generality of the foregoing paragraph any by-law order authority licence condition notice or registration issued made or granted under any provision of the repealed Act that was in force immediately before the commencement of this Act shall subject to this Act have the same force and effect as if it had been issued made or granted under a corresponding provision of this Act.

Interpretation.

3. (1) In this Act unless inconsistent with the context or subject-matter—

“Alsatian dog.”

“Alsatian dog” means a dog which is wholly or partly of the species or kind commonly known as “Alsatian dog” or “Alsatian wolf-hound” or “German shepherd dog”, or which belongs wholly or partly to any variety of the said species by whatever name such variety is known.

“Municipality.”

“Municipality” includes the city of Melbourne and the city of Geelong.

“Owner.”

“Owner” in relation to a dog, includes a person who keeps or harbours the dog or has the dog in his care for the time being whether the dog is at large or in confinement.

“Proper officer.”

“Proper officer” means the officer appointed under section 27 by the council of a municipality.

“Registration collar.”

“Registration collar” means a collar to which is fixed or attached a badge inscribed with the particulars referred to in sub-paragraph (ii) of paragraph (b) of section 8.

(2) For the purposes of sub-section (1) of sections 12, 19 and 20 and sub-section (3) of section 22 a dog shall be deemed to be outside the premises of its owner if it is not within an area which is securely fenced or is not otherwise securely confined to the premises.

PART I.—REGISTRATION.

4. (1) Every dog over the age of six months shall be registered in accordance with the provisions of this Act. Dogs to be registered.

(2) The owner of any dog that is over the age of six months and not so registered shall be guilty of an offence and liable to a fine of not more than \$20 or, in the case of an Alsatian dog, of not more than \$40.

5. The council of each municipality shall appoint—

- (a) one or more registration offices within its municipal district ; and
  - (b) in respect of each such office, a registration officer.
- Council to appoint registration offices and officers.

6. (1) Registration of a dog—

- (a) shall be effected by lodging with a registration officer for the municipal district within which the dog is ordinarily kept—
- Manner of registration.

- (i) an application in or to the effect of the form in the Second Schedule ; and

Second Schedule.

- (ii) the appropriate registration fee ; and

- (b) shall expire on the 10th April next succeeding the date of the registration.

(2) A person who wilfully inserts in or omits from or causes or permits to be inserted in or omitted from an application for registration any matter or thing whatsoever contrary to or for the purpose of concealing the truth shall be guilty of an offence.

Penalty : \$50.

7. (1) Subject to this section, the registration fee payable within each particular municipality shall be the amount (not exceeding in the case of an unsterilized bitch \$7 and in any other case \$3) prescribed in that behalf by the council of the municipality, plus, in the case of an Alsatian dog or a dog of a class or description specified for the purposes of this section by proclamation of the Governor in Council published in the *Government Gazette*, an additional amount of \$15. Registration fee.

(2) The council of the municipality may by resolution—

- (a) prescribe a reduced amount to be the registration fee in respect of dogs owned by persons who are in necessitous circumstances ; or
- (b) provide that no fee shall be payable in respect of the registration of any such dog.

(3) The council of a municipality shall at least once in every year publish in a newspaper circulating in the municipal district notice of the registration fees prescribed by the council.

(4) Where

(4) Where registration is first effected after the 10th October in any year one-half only of the registration fee shall be payable.

Duties of registration officer upon registration of dog.

8. Upon the registration of a dog the registration officer concerned shall—

- (a) allocate to it a registration number ; and
- (b) deliver or send to the owner—
  - (i) a registration certificate in or to the effect of the form in the Third Schedule ; and
  - (ii) a badge of metal plastic or other suitable material clearly and durably marked with the name of the municipality the registration number of the dog and the year of the registration.

Registration officer to keep register.

9. A registration officer shall—

- (a) keep at his office a register in which he shall enter in respect of each dog registered by any person the particulars set out in the Fourth Schedule ; and
- (b) allow any person during office hours to inspect the register free of charge.

Certificate of registration officer.

10. Upon request by any person and payment of the fee (not exceeding fifty cents (\$0.50)) prescribed in that behalf by the council of the municipality concerned, a registration officer shall give to the person a certificate signed by him setting out all or any requested registered particulars in relation to any specified dog.

## PART II.—OFFENCES AND PENALTIES GENERALLY.

Owner's name and address to be endorsed on registration collar.

11. The owner of a registered dog shall cause his name and address to be endorsed or inscribed on the dog's registration collar or on the badge attached thereto.

Penalty : \$10.

Dog not to be outside premises of owner without registration collar.

12. (1) The owner of a registered dog found outside the premises of its owner without a registration collar around its neck shall be guilty of an offence.

Penalty : \$10.

(2) The provisions of sub-section (1) do not apply in respect of—

- (a) a fox hound beagle or greyhound engaged in a public coursing match or in a hunt organized by a registered hunt club ;
- (b) a dog engaged in working livestock ; or
- (c) a dog

- (c) a dog going to a place for the purpose of working livestock or returning from a place where it has been working livestock if it is under the effective control of some person.

13. The owner of an unregistered dog found wearing a registration collar shall be guilty of an offence.

Penalty : \$20.

Penalty where unregistered dog found wearing registration collar.

14. A person, not being the owner, who removes a registration collar from the neck of a dog or wilfully removes alters or defaces the badge on a registration collar shall be guilty of an offence.

Penalty : \$10.

Offence to remove, &c., registration collar.

15. The owner of any dog found wandering at large shall be guilty of an offence and liable to a fine of not more than \$20, or where the dog is so found during the period between sunset and sunrise, to a fine of not more than \$50.

Dogs wandering at large.

16. (1) The owner of any dog—

Dogs in shops, &c.

(a) found on the premises of a school or a shop (other than a shop where dogs are sold or treated for illness) ; or

(b) (not being a dog being used in the droving of livestock) found—

(i) in or about a railway station or in a shopping area specified by order of the council of a municipality ; and

(ii) not under the effective control of some person by means of a chain cord or leash—

shall be guilty of an offence.

Penalty : First offence \$20. Second or subsequent offence \$50.

(2) The owner of a dog found on a beach specified by order of the council of a municipality during any period specified in relation thereto in the order shall be guilty of an offence.

Penalty : \$50.

(3) The council of a municipality may for the purpose of this section by order published in the *Government Gazette* and in a newspaper circulating in its municipal district—

(a) specify any shopping area within its municipal district ;  
and

(b) specify

- (b) specify any beach within its municipal district or within 500 yards thereof but not within any other municipal district and the periods during which dogs are not permitted thereon.

Power to  
seize dogs.

17. (1) A dog found in an area or circumstances that would render its owner guilty of an offence under section 15 or section 16 may be seized by any person.

(2) Any person, not being a proper officer, who seizes a dog under sub-section (1) shall forthwith deliver it to a proper officer.

(3) Where a dog seized under sub-section (1) has around its neck a registration collar with the name and address of its owner endorsed or inscribed thereon or on a badge attached thereto the proper officer by whom it was seized or to whom it was delivered shall within four days after the seizure deliver notice in writing thereof either personally or by registered post to the owner.

(4) The owner of a dog seized under sub-section (1) may within eight days after the seizure upon payment to the council of the municipality concerned of the amount (not exceeding \$10) prescribed in that behalf by the council of the municipality, recover the dog.

(5) Any dog not so recovered may be sold or destroyed by the proper officer of the municipality.

Dogs in  
railway  
trucking  
yards.

18. The owner of a dog which is found—

(a) in a railway trucking yard while sheep are present therein (whether or not the dog is being used in the droving or drafting of sheep); and

(b) not muzzled in a manner sufficient to prevent the dog causing injury by biting—

shall be guilty of an offence.

Penalty : First offence \$20. Second or subsequent offence \$50.

Greyhounds  
to be muzzled  
and under  
control.

19. (1) The owner and any other person for the time being in charge of any greyhound (other than a greyhound being raced coursed exercised or trained upon land which the owner is authorized or entitled to use for that purpose) which, whilst outside the premises of its owner, is not—

(a) muzzled in a manner sufficient to prevent it causing injury by biting; and

(b) under

(b) under the effective control of some person by means of a chain cord or leash—

shall be guilty of an offence.

Penalty : First offence \$50. Second or subsequent offence \$100.

(2) Control by one person of more than four greyhounds at the one time shall not be “effective control” for the purposes of this section.

20. (1) The owner of any Alsatian dog which, whilst outside the premises of its owner—

Alsations to be muzzled or fitted with choker chain and under control.

(a) is not—

(i) muzzled in a manner sufficient to prevent it causing injury by biting ; or

(ii) fitted with a choker chain around its neck ; and

(b) is not under the effective control of some person by means of a chain cord or leash—

shall be guilty of an offence.

(2) In this section “choker chain” means a chain which, by passing through a ring attached to one end, forms a free running noose and to the other end of which another chain or a cord or leash may be securely attached.

Penalty : First offence \$50. Second or subsequent offence \$100.

21. A person who wilfully sets on or urges a dog to attack worry or chase any person or any horse sheep poultry or cattle shall be guilty of an offence.

Offence to urge, &c., dog to attack.

Penalty : \$100.

22. (1) The owner of a dog which rushes at attacks worries or chases any person or any horse cattle sheep or poultry shall be guilty of an offence and liable in respect of any damage so caused by the dog.

Penalty and liability for attack, &c., by dog.

Penalty : \$100.

(2) For the purposes of this section—

(a) evidence that the dog was immediately before such rushing at attacking worrying or chasing following the person informed against or complained of or issuing from the premises occupied by that person shall be *prima facie* evidence that such person is the owner of the dog ; and

(b) it

(b) it shall not be necessary to prove a previous mischievous propensity in the dog or the owner's knowledge of any such propensity or that the attacking worrying or chasing or any damage occasioned thereby was attributable to neglect on the part of the owner.

(3) Where the owner of a dog is convicted of an offence under this section the court may order—

(a) that the dog be destroyed by the proper officer of the municipality concerned ; or

(b) that at all times whilst the dog is outside the premises of its owner, the owner shall keep it muzzled in a manner sufficient to prevent it causing injury by biting.

### PART III.—SPECIAL PROVISIONS RELATING TO THE DESTRUCTION OF DOGS.

Power to council to direct destruction of dog.

23. Where a dog is not registered under this Act within one month after the owner has in respect of such dog been convicted of an offence under section 4 the council of the municipality concerned may direct its proper officer to destroy the dog.

Power to occupier, &c., to destroy dog.

24. The owner or occupier of any field paddock yard or other place enclosed by a fence in which sheep cattle or poultry are confined, or a person acting under the authority of any such person may without incurring any liability shoot or otherwise destroy any dog found at large therein.

Penalty for unauthorized sale, &c.

25. (1) A person who seizes sells injures or destroys any dog, not being authorized to do so by the owner or pursuant to the provisions of this Act or any other Act or law shall be guilty of an offence.

Penalty : \$50.

(2) Any person guilty of an offence under sub-section (1) in respect of the destruction of a dog shall be liable to pay to the owner the full value of the dog.

Dogs to be destroyed speedily.

26. (1) Any person destroying a dog pursuant to the provisions of this Act who fails to destroy it speedily and without causing it unnecessary suffering shall be guilty of an offence.

Penalty : \$50.

(2) Any person authorized under this Act to sell or destroy a dog may give the dog to any person or body that is approved by the Minister and willing to accept it.



## PART IV.—MISCELLANEOUS.

27. (1) The council of each municipality shall appoint a person to be the proper officer for the purposes of this Act. Council to appoint proper officer.

(2) It shall be the duty of every proper officer—

(a) to seize and destroy, subject to the provisions of this Act, any unregistered dog found wandering at large within the municipality ; and

(b) generally to enforce, subject to the direction of the council, the provisions of this Act.

28. The proper officer or a registration officer of a municipality may, if he has reasonable grounds for believing that there is a dog on any premises in the municipality in respect of which there has been a contravention of or a failure to comply with this Act, enter on or into those premises save and except any dwelling thereon at any reasonable time in the daytime. Powers of entry.

29. In any proceedings under this Act—

(a) in respect of the non-registration of a dog, the dog shall be taken to be unregistered until the contrary is proved ; As to proceedings under Act.

(b) proof that any person is the occupier of any house or premises or that part of any house or premises where a dog is usually kept or harboured or permitted to remain shall be *prima facie* evidence that such person is the owner of the dog ;

(c) a registration certificate issued under section 8 or a certificate of a registration officer issued under section 10 shall be *prima facie* evidence of the particulars set out therein ; and

(d) where a person is convicted of an offence the informant shall be entitled to an order for costs.

30. All fees paid under this Act and the proceeds from the sale of any dog pursuant to the provisions of this Act shall be paid to the municipality concerned. Fees, &c., to be paid to municipality.

31. All fines recovered under this Act—

(a) if recovered on the information of an officer of a municipality shall be paid to that municipality ; and Fines to be paid to municipality or Consolidated Revenue.

(b) if recovered on the information of any other person shall be paid into and form part of the Consolidated Revenue.

32. (1) Subject

As to dogs  
for the  
blind.

32. (1) Subject to sub-section (2), this Act does not apply to a dog *bona fide* kept and used as a guide dog for a blind person.

(2) A guide dog shall be registered in accordance with the provisions of this Act but no fee shall be payable in respect of the registration.

(3) Notwithstanding anything in any Act rule order or by-law a blind person shall be entitled at all times and in all places to be accompanied by a dog *bona fide* used by him as a guide dog.

Offence to  
interfere with  
or remove dogs  
from custody  
of proper  
officer.

33. Every person who commits any of the following offences shall be liable to a penalty not exceeding \$100 :—

- (a) Rescuing or attempting to rescue or interfering with any dog seized under the provisions of section 17 ;
- (b) Removing or attempting to remove any dog seized under the provisions of section 17 from the custody of the proper officer or interfering with any dog in such custody ;
- (c) Destroying or injuring or attempting to destroy or injure any structure or enclosure in which dogs are kept by the proper officer for the purposes of section 17.

## SCHEDULES.

### FIRST SCHEDULE.

S. 2

Number of Act.	Title of Act.	Extent of Repeal.
6236	<i>Dog Act 1958</i> .. .. .	The whole
6441	<i>Dog (Guides for the Blind) Act 1958</i> ..	The whole
6505	<i>Statute Law Revision Act 1959</i> ..	Item in Schedule referring to <i>Dog Act 1958</i>
6848	<i>Dog Act 1961</i> .. .. .	The whole
6864	<i>Dog (Registration Discs) Act 1962</i> ..	The whole
7065	<i>Statute Law Revision Act 1963</i> ..	Item in Schedule referring to <i>Dog Act 1958</i>

SCHEDULES

SCHEDULES—*continued.*

## SECOND SCHEDULE.

S. 6.

## APPLICATION FOR REGISTRATION.

I,  
of  
hereby apply for registration of the dog/dogs described hereunder.

Number of Dogs.	Premises on which each Dog is intended to be kept.	Sex and whether or not Sterilized.	Age.	Colour or Peculiar Mark.	Description or Kind of Dog.

Signature of Applicant.....

Date.....

## THIRD SCHEDULE.

S. 8.

## REGISTRATION CERTIFICATE.

Year ending 10th April, 19 .

Name and Address of Owner.....

Premises where dog/dogs will be kept.

Particulars set out in application.

Sex and whether or not Sterilized.	Age.	Colour or Markings.	Description or Kind of Dog.	Registration Number.

Fee paid :

Registration Officer.

**SCHEDULES—*continued.***

s. 9.

**FOURTH SCHEDULE.****REGISTRATION PARTICULARS.**

Name and address of owner.  
Premises where dog/dogs will be kept.  
Description or kind of dog.  
Colour or peculiar markings.  
Sex and whether or not sterilized.  
Registration number.

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