

DOG ACT.

Act No. 2, 1966.

Elizabeth II,
No. 2, 1966 An Act to make provisions with respect to the control and registration of dogs; to empower municipal and shire councils to register dogs; to repeal the Dog and Goat Act, 1898; and for purposes connected therewith. [Assented to, 15th March, 1966.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows : —

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Dog Act, 1966".

(2) Subject to subsection three of this section, this Act shall commence upon the first day of October, one thousand nine hundred and sixty-six.

(3) The provisions of this Act relating to the making of applications for the registration of dogs and the duties of registration clerks upon their receiving any such applications shall commence upon the first day of August, one thousand nine hundred and sixty-six.

Division into
Parts.

2. This Act is divided into Parts as follows : —

PART I.—PRELIMINARY—ss. 1–4.

PART II.—CONTROL OF DOGS—ss. 5–9.

PART III.—SEIZURE OF DOGS—ss. 10–11.

PART IV.—DESTRUCTION OF DOGS—ss. 12–13.

PART V.—REGISTRATION OF DOGS—ss. 14–17.

PART VI.—MISCELLANEOUS—ss. 18–27.

SCHEDULE.

3. Each Act specified in Column 1 of the Schedule to this **No. 2, 1966** Act is repealed to the extent specified opposite that Act in **Repeals.** Column 2 of that Schedule.

4. (1) In this Act, unless the context or subject matter **Interpre-** otherwise indicates or requires— **tation.**

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

“Animal” includes poultry and domesticated birds.

“Area” has the meaning ascribed thereto by section four of the Local Government Act, 1919, as amended by subsequent Acts.

“Collar” means a collar of leather or other durable material.

“Council” has the meaning ascribed thereto by section four of the Local Government Act, 1919, as amended by subsequent Acts.

“Disc” means a disc or badge of metal or plastic or such other material as may be prescribed.

“Dog” includes a bitch and a desexed dog or bitch.

“Greyhound” means a dog that is wholly or partly of the species or kind commonly known as “greyhound” or that belongs wholly or partly to any variety of that species or kind by whatever name the variety is known.

“Municipality” has the meaning ascribed thereto by section four of the Local Government Act, 1919, as amended by subsequent Acts.

“Prescribed” means prescribed by this Act or the regulations.

“Public

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“Public place” means—

(a) any road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden; and

(b) any other place,

which the public are entitled to use.

“Registered dog” means a dog which is for the time being registered under this Act.

“Registration badge” means a disc issued by a registration clerk pursuant to section fourteen of this Act.

“Registration clerk” means a servant of a council of an area appointed by the council to be the registration clerk for that area.

“Registration collar” means a collar to which a registration badge is attached.

“Regulations” means regulations under this Act.

“Shire” has the meaning ascribed thereto by section four of the Local Government Act, 1919, as amended by subsequent Acts.

(2) A reference in this Act to the owner of a dog shall be construed as a reference to the person by whom the dog is ordinarily kept and where a dog is ordinarily kept on any land or on any premises, it shall, in the absence of evidence to the contrary, be deemed to be ordinarily kept by the person who is the occupier of that land or those premises.

(3) Notwithstanding the provisions of subsection two of this section where a dog is ordinarily kept by an employee on behalf of his employer the employer shall be deemed to be the owner of the dog.

(4) A reference in this Act to the occupier of land or premises shall be construed as a reference to the person who is entitled to occupy that land or those premises as owner or mortgagee in possession or under a lease, license or permit.

PART II.

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CONTROL OF DOGS.

5. (1) A person—

Liability
of owners
of dogs.

- (a) who is the owner of a dog of the age of six months or over that is ordinarily kept in a municipality or shire and is not a registered dog;
 - (b) who is the owner of a registered dog not wearing a collar—
 - (i) to which is attached the registration badge last issued in respect of that dog; and
 - (ii) on which or on a disc attached to which is inscribed the name and address of the owner;
 - (c) who is the owner of a dog, not being a registered dog, that is not wearing a collar on which or on a disc attached to which is inscribed the name and address of the owner;
 - (d) who fails, within fourteen days after becoming the owner of a registered dog, to give notice, in or to the effect of the prescribed form, to the registration clerk for the area in which the dog is registered under this Act and, where the dog is kept or intended to be kept in another area, to the registration clerk for that other area that that person has become the owner of the dog and of the date on which he became the owner of the dog;
 - (e) who is the owner of a dog, not being a registered dog, that is wearing a registration collar;
 - (f) who, not being the owner, or a person authorised by the owner, of a dog—
 - (i) removes the registration collar from the dog;
 - (ii) removes the registration badge from the collar worn by the dog; or
 - (g) who alters or defaces a registration badge attached to, or any inscription on, or on a disc attached to, the collar worn by a dog or removes any such disc,
- shall be guilty of an offence against this Act.

(2)

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(2) Paragraphs (b) and (c) of subsection one of this section do not apply to—

- (a) a greyhound while it is participating in a race or trial that is under the direct control of the Greyhound Racing Control Board constituted under Part IVA of the Gaming and Betting Act, 1912, as amended by subsequent Acts;
- (b) a dog while it is engaged in the driving of animals and is under the effective control of some competent person or while it is proceeding immediately to or from any place at which it will be, or has been, so engaged and is under the effective control of some competent person;
- (c) a dog while it is being exhibited for show purposes or is proceeding immediately to or from a place at which it will be, or has been, so exhibited; or
- (d) a dog while it is on land or within premises of which the owner of the dog is the occupier.

(3) A person shall not be guilty of an offence against this Act arising under paragraph (g) of subsection one of this section by reason only of his inscribing, or altering the inscription, on a registration badge so that it shows the name and address of the owner of the dog, if that person is the owner of the dog in respect of which the registration badge was issued or is a person authorised by that owner to make that inscription or alteration and if the inscription referred to in paragraph (c) of subsection two of section fourteen of this Act is not obscured or defaced.

(4) A person guilty of an offence against this Act—

- (a) arising under paragraph (a), (b), (c) or (d) of subsection one of this section, shall be liable to a penalty not exceeding ten dollars; or
- (b) arising under paragraph (e), (f) or (g) of subsection one of this section, shall be liable to a penalty not exceeding twenty dollars.

6. The owner of a dog that—

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- (a) in or on a public place, attacks or causes injury to a person or animal; or
- (b) in or on any other place, attacks or causes injury to a person who is lawfully in or on that other place,

Dogs
attacking or
injuring
persons or
animals.

shall be guilty of an offence against this Act and liable to a penalty not exceeding forty dollars.

7. (1) The owner of a greyhound or dog of such other species or kind as may be prescribed shall, if the dog does not have a muzzle securely fixed upon its mouth in such a manner as will prevent it from biting any person or animal, be guilty of an offence against this Act and liable to a penalty not exceeding forty dollars.

Muzzling of
greyhounds,
and other
species
or kinds
of dogs.

(2) Subsection one of this section does not apply to a dog—

- (a) while it is on land or within premises of which the owner of the dog is the occupier;
- (b) while it is—
 - (i) being exhibited for show purposes; or
 - (ii) participating in an obedience trial,

and is under the effective control of some competent person.

8. (1) The owner of an alsatian dog, a greyhound or dog of such other species or kind as may be prescribed shall, if the dog is in or on a public place and is not under the effective control of some competent person by means of a prescribed type of chain, cord or leash, be guilty of an offence against this Act and liable to a penalty not exceeding forty dollars.

Control of
alsatian
dogs, grey-
hounds, and
other species
or kinds
of dogs.

(2)

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(2) Subsection one of this section does not apply to a dog—

- (a) while it is being exhibited for show purposes; or
- (b) while it is participating in an obedience trial, and is under the effective control of some competent person.

(3) Without limiting the generality of subsection one of this section a greyhound shall not, for the purposes of that subsection, be deemed to be under the effective control of a person if it is one of more than four greyhounds under the control of that person at the one time.

Bitches
not to be
at large
in certain
circum-
stances.

9. The owner of a bitch—

- (a) that is on heat;
- (b) that is in or on a public place; and
- (c) that is not under the effective control of some competent person,

shall be guilty of an offence against this Act and liable to a penalty not exceeding forty dollars.

PART III.

SEIZURE OF DOGS.

Seizure
of dogs.

10. (1) If, in a municipality or shire, a dog is found—

- (a) in or on a public place; or
- (b) on land or within premises of which the owner of the dog is not the occupier without the consent of the occupier of that land or those premises,

and not under the effective control of some competent person, the dog may be seized by a servant of the council in whose area the dog is found, by a member of the police force or by any other person.

(2)

(2) A person so seizing a dog shall cause it to be forthwith delivered to any duly authorised servant or agent of the council of the area in which the dog was seized at a place provided for the purpose in accordance with the provisions of paragraph (b) of section twenty-three of this Act. No. 2, 1966

11. (1) Where a dog has been seized under section ten of this Act, the servant or agent of the council to whom the dog has been delivered shall, as soon as practicable, inform the registration clerk of that council of the seizure of the dog and of the particulars inscribed on any collar worn by the dog and on any badge or disc attached to any such collar. Procedure
after a
dog is
seized.

(2) A registration clerk who has been so informed of any such particulars shall, as soon as practicable, give notice of the seizure of the dog—

- (a) where a registration badge issued by that registration clerk is attached to a collar worn by the dog, to the person who appears from the records kept by that registration clerk to be the owner of the dog; and
- (b) where the name and address of any person is inscribed on a collar worn by the dog or on any disc attached to any such collar, to that person (whether or not the dog is registered in the area in which it was seized).

(3) If, within fourteen days after the date on which the notice referred to in subsection two of this section is given to any person, the dog is not claimed and the prescribed fees for the release of the dog and the prescribed charges for its maintenance are not paid, the dog may be sold or destroyed.

(4) The notice referred to in subsection two of this section shall be in or to the effect of the prescribed form and may be served—

- (a) personally on the person to whom it is required to be given;

(b)

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(b) by sending it by certified mail addressed to the person to whom it is required to be given at the address shown in the records kept by the registration clerk or on, or on a disc attached to, the collar, as the case may be; or

(c) by leaving it with some other person for the person to whom it is required to be given at the address shown in the records kept by the registration clerk or on, or on a disc attached to, the collar, as the case may be,

and when so served, shall be deemed to have been given to the person to whom it is addressed.

(5) Where a dog not wearing a registration collar or a collar on which, or on a disc attached to which, is inscribed the name and address of any person has been seized under section ten of this Act, the dog shall be kept by the council to whose servant or agent it has been delivered in accordance with that section for a period of seven days or such longer period as may be prescribed after the date of seizure and if, within that period, it is not claimed and the prescribed fees for its release and the prescribed charges for its maintenance are not paid, the dog may be sold or destroyed.

(6) Where a dog is sold by the council under this section and a claim for the proceeds of the sale is made the council shall pay those proceeds, after deducting therefrom the prescribed fees for the release of the dog and the prescribed charges for its maintenance while it was detained by the council, to the claimant if it is satisfied that he was the owner of the dog.

PART IV.

DESTRUCTION OF DOGS.

Destruction of dogs likely to molest or attack animals on inclosed lands.

12. Where any animals, being horses, cattle, sheep, goats, pigs or poultry are on inclosed lands within the meaning of the Inclosed Lands Protection Act, 1901, as amended by subsequent Acts, and a dog, that is not under the effective control

control of some competent person, enters upon those lands and approaches any such animal the occupier, or any person authorised by the occupier, of those lands may, if he reasonably believes that the dog will molest, attack or cause injury to any such animal, destroy the dog. **No. 2, 1966**

13. A dog that, except on land or premises occupied by the owner of the dog, attacks or causes injury to any person or animal may be destroyed by any person. **Destruction of attacking dog.**

PART V.

REGISTRATION OF DOGS.

14. (1) Application for the registration of a dog shall be made in or to the effect of the prescribed form, signed by the owner or by some person authorised by him, accompanied by the prescribed fee, and lodged with the registration clerk for the area in which the dog is kept or intended to be kept. **Mode of registration.**

(2) Upon receipt of an application for registration the registration clerk for the area shall—

- (a) issue a receipt in or to the effect of the prescribed form for the prescribed fee;
- (b) allocate a registration number in respect of each dog described in the application;
- (c) issue to the applicant for registration, in respect of each dog described in the application, a disc on which is inscribed—
 - (i) the name of the area;
 - (ii) the registration number allocated in respect of the dog in accordance with paragraph (b) of this subsection; and
 - (iii) the year in which the registration expires.

(3)

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(3) The registration of a dog under this section shall be in force from the date upon which the registration clerk issues the registration badge in respect of that dog and shall expire—

- (a) where the registration badge is issued in a month other than September in any year—on the thirtieth day of September then next ensuing; or
- (b) where the registration badge is issued in the month of September in any year—on the thirtieth day of September in the year then next ensuing.

Loss of
registration
badge.

15. A registration clerk, upon being satisfied that a registration badge issued by him in respect of a dog has been lost or destroyed, may, upon application being made in or to the effect of the prescribed form by the owner, or some person authorised by the owner, of the dog and upon payment of the prescribed fee, issue a duplicate registration badge in respect of that dog.

Records to
be kept.

16. (1) The registration clerk shall keep a record showing particulars, including the name and address of the owner of, and the registration number allocated in respect of every dog registered by him under the provisions of this Act and of every dog in respect of which he has received a notice referred to in paragraph (d) of subsection one of section five of this Act.

(2) Any such record may be inspected, without fee, by any person at any reasonable time during office hours.

Penalty for
making false
statements
in applica-
tions for
registration.

17. A person who in an application for the registration of a dog makes a false statement shall be guilty of an offence against this Act and liable to a penalty not exceeding ten dollars.

PART

MISCELLANEOUS.

18. The right conferred by section eleven, twelve or thirteen of this Act to destroy a dog extends only to authorising the destruction of the dog in a manner that causes it to die quickly and without unnecessary suffering. **Manner of destroying dogs.**

19. (1) A person who, contrary to the provisions of this Act, seizes, sells or destroys any dog shall be guilty of an offence against this Act and liable to a penalty not exceeding forty dollars. **Illegal seizure, destruction or sale of dogs.**

(2) Where a person is convicted of an offence against this Act arising under subsection one of this section by reason of his selling or destroying a dog and is so convicted by a court held before a stipendiary magistrate, the court may, upon application made by the owner of the dog, order the person so convicted to pay to that owner compensation not exceeding one hundred dollars.

(3) Any such order shall operate as an order for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such an order under the provisions of that Act.

(4) For the purpose of enforcing any such order, the order may be entered in the records of the Small Debts Court exercising jurisdiction at the place where the order was made in such manner as may be prescribed by rules made under the Small Debts Recovery Act, 1912, as amended by subsequent Acts.

20. The owner of a dog shall be liable in damages for injury done to any person, property, or animal by his dog, and it shall not be necessary for the party seeking such damages to show a previous mischievous propensity in the dog, or the owner's knowledge of that previous mischievous propensity, or that the injury was attributable to neglect on the part of the owner. **Owner of dog to be liable in damages for any injury committed by his dog.**

No. 2, 1966**Proof of
registration.**

21. If in any proceedings for an offence against this Act the question of whether a dog is, or was at any time, a registered dog is material, it shall not be necessary for the informant to establish that the dog is not, or was not at that time, a registered dog, but the proof of due registration of the dog shall be on the defendant, and for that purpose the receipt issued by a registration clerk upon the registration of the dog or upon the issue of a duplicate registration badge under section fifteen of this Act, or a copy of any such receipt certified as a true copy under the hand of the registration clerk, shall be prima facie evidence of the registration of the dog.

**Recovery
of
penalties.**

22. A penalty for an offence against this Act may be recovered before any two justices in petty sessions.

**Powers and
duties of
council.**

23. The council of a municipality or shire shall—

- (a) appoint a registration clerk;
- (b) provide, control and manage places for the reception, maintenance, detention and destruction of dogs, or enter into arrangements with any person or persons for the reception, maintenance, detention and destruction of dogs or for any of those matters; and
- (c) appoint and authorise a servant or agent of the council for the purposes of subsection two of section ten of this Act.

**Power of
entry.**

24. The registration clerk or a servant of a council duly authorised in writing by the council may, for the purposes of this Act, enter upon any land or premises within the area of the council at all reasonable times.

**Disposal
of certain
penalties.**

25. A penalty imposed by a court in respect of an offence against this Act for which the information was laid by the registration clerk or a servant of the council shall be paid to the council.

26.

26. (1) All fees and charges paid to a council under this Act and the unclaimed proceeds of the sale of any dog sold under this Act shall form part of the council's general fund.

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(2) The cost of the administration of this Act incurred by a council shall be paid, in accordance with the Local Government Act, 1919, as amended by subsequent Acts, from the council's general fund.

Council's receipts and expenditure to be paid to and from its general fund.

27. (1) The Governor may make regulations not inconsistent with this Act—

Regulations.

- (a) fixing fees for the registration of dogs;
- (b) fixing fees for the release of dogs seized and delivered to a servant or agent of a council under subsection two of section ten of this Act and charges for the maintenance of any such dogs detained by a council;
- (c) providing for a reduction of the fee for the registration of dogs, where the registration is to be in force for a period of less than one year;
- (d) providing for the reduction of the fee for the registration of a dog where the owner of the dog is a person belonging to a prescribed class of persons;
- (e) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Different fees may be prescribed under paragraph (a) of subsection one of this section for the registration of bitches, not being desexed bitches, or dogs of any prescribed species or kind.

(3) Different charges may be prescribed under paragraph (b) of subsection one of this section for the maintenance of different species, kinds or classes of dogs.

(4) The regulations prescribing types of chains cords or leashes for the purposes of subsection one of section eight of this Act may prescribe different types of chains, cords or leashes in respect of different species or kinds of dogs.

(5)

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(5) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication, or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and, if not, then within fourteen sitting days after the commencement of the next session.

(6) If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before the House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

Sec. 3.**SCHEDULE.**

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1898 No. 44 .. 1937 No. 35 ..	Dog and Goat Act, 1898 .. Statute Law Revision Act, 1937.	The whole Act. So much of the Second Schedule as amended the Dog and Goat Act, 1898.

COUNTRY