

# AUSTRALIAN CAPITAL TERRITORY.

No. 10 of 1953.

## AN ORDINANCE

### To amend the Dogs Registration Ordinance 1926-1938.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938*, and the *Seat of Government (Administration) Act 1910-1947*, as follows:—

**1.**—(1.) This Ordinance may be cited as the *Dogs Registration Ordinance 1953*.<sup>\*</sup> Short title and citation.

(2.) The *Dogs Registration Ordinance 1926-1938* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Dogs Registration Ordinance 1926-1953*.

**2.** Section four of the Principal Ordinance is amended by omitting the definition of “Domestic animal” and inserting in its stead the following definition:— Definitions.

“‘Domestic animal’ means a horse, cow, calf, steer, heifer, bull, bullock, sheep, goat or pig, or a bird included in the expression ‘poultry’;”.

**3.** Section nine of the Principal Ordinance is amended by omitting from the second proviso the words “after the thirty-first day of December in any year” and inserting in their stead the words “on or after the first day of January and on or before the thirtieth day of June in any year”. Fee on registration.

**4.** After section nine of the Principal Ordinance the following section is inserted:—

“9A. The Registrar may on the ground of hardship remit or refund a fee or portion of a fee payable or paid under this Ordinance.”. Remission or refund of fees.

**5.** After section eleven of the Principal Ordinance the following section is inserted:—

“11A.—(1.) The keeper of a registered dog shall not allow the dog to be at large unless it has around its neck a collar to which is attached the current registration disc issued by the Registrar in respect of the dog. Dogs to have collar with disc attached.

“(2.) Where a registered dog is found at large without having around its neck a collar to which is attached the current registration disc issued by the Registrar in respect of the dog, the keeper of the dog is, unless he proves that the absence of the collar or the disc is not due to his negligence or to a wilful act or omission on his part, guilty of an offence and on conviction is liable to a penalty not exceeding Five pounds.”.

\* Notified in the *Commonwealth Gazette* on 18th June, 1953.

6. Sections twelve and thirteen of the Principal Ordinance are repealed and the following section is inserted in their stead:—

Dogs which  
may be  
destroyed.

“12.—(1.) A dog wandering at large may be seized by an inspector, or may be seized by any person and handed over to an inspector.

“(2.) The last preceding sub-section applies whether the dog is or is not registered, and whether it has or has not around its neck a collar with a current registration disc attached.

“(3.) Where a dog which has been so seized is, within a period of seven days of the seizure, claimed by its keeper or by a person on its keeper’s behalf and a sum, determined by the Registrar to be the cost of maintaining the dog for the period during which it has been in the possession of the inspector or a person maintaining the dog on behalf of the inspector, is, within that period of seven days, paid to the Registrar or that person, as the case requires, the Registrar shall, subject to the next succeeding sub-section, return the dog to its keeper or to the person claiming the dog on its keeper’s behalf.

“(4.) Where a dog which has been so seized is an unregistered dog, the Registrar shall not return the dog to its keeper or to a person claiming the dog on behalf of the keeper unless, within the period of seven days referred to in the last preceding sub-section—

- (a) application is made to the Registrar in accordance with section seven of this Ordinance for the registration of the dog; and
- (b) the registration fee and an amount equal to the registration fee are, in addition to the amount payable under the last preceding sub-section, paid to the Registrar.

“(5.) Where—

- (a) a dog which has been so seized is not claimed within the period specified in sub-section (3.) of this section; or
- (b) the amount required to be paid under the preceding provisions of this section in relation to that dog are not paid within that period.

the Registrar may direct that the dog be sold, destroyed or otherwise disposed of.

“(6.) Where a dog when seized has around its neck a collar with the current registration disc attached—

- (a) the Registrar shall serve on the keeper of the dog notice in writing of the seizure; and
- (b) the Registrar shall not, before the expiration of four days after service of the notice, direct the dog to be sold, destroyed or otherwise disposed of.

“(7.) A notice under the last preceding sub-section may be served by post at the address of the keeper as shown in the register book.”.

7. After section fourteen of the Principal Ordinance the following section is inserted:—

“14A.—(1.) Without prejudice to the operation of the next succeeding section, the owner or occupier of an enclosed field, paddock, yard or other place in which a domestic animal is confined, or a person acting under the authority of the owner or occupier, may without notice destroy a dog—

Dogs worrying domestic animals.

- (a) found worrying a domestic animal so confined; or
- (b) found in that enclosed field, paddock, yard or other place where it appears that a domestic animal so confined has, immediately prior to the dog's being so found, been worried, attacked or killed by a dog.

“(2.) This section does not apply if the dog is under the control of any person.”.

8. Section fifteen of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

Destruction of dog attacking person.

“(2.) This section does not apply if the dog is under the control of any person.”.

9. After section fifteen of the Principal Ordinance the following sections are inserted:—

“15A.—(1.) Where, upon a complaint in accordance with the next succeeding sub-section, the Court of Petty Sessions is satisfied that a dog, whether under the control of a person or not—

Court may order destruction of certain dogs.

- (a) has worried a domestic animal confined in an enclosed field, paddock, yard or other place not belonging to or occupied by the keeper of the dog;
- (b) has been found or seen in an enclosed field, paddock, yard or other place, not belonging to or occupied by the keeper of the dog, where it appears that a domestic animal confined in that place has, immediately prior to the dog's being so found or seen, been worried, attacked or killed by a dog; or
- (c) has attacked a person or domestic animal elsewhere than on land or premises belonging to or occupied by the keeper of the dog,

the Court may order that the dog shall be destroyed.

“(2.) A complaint under this section may be made only by—

- (a) the owner or occupier of the enclosed field, paddock, yard or other place concerned;

- (b) the person who has been attacked by the dog or, if that person is an infant, his parent or guardian; or
- (c) the owner of the domestic animal which has been attacked by the dog.

“(3.) A member of the Police Force may execute the order of the Court by destroying 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.

Female dogs not to be at large while on heat.

“15B. The keeper of a female dog shall not permit her to be at large in any public place while she is on heat.

“Penalty: Five pounds.

Destruction of diseased or injured dogs.

“15c.—(1.) Notwithstanding the provisions of section twelve of this Ordinance, an inspector or a member of the Police Force may forthwith destroy a dog, whether registered or not, which is found at large and which is, in his opinion, so diseased as to be dangerous to persons or other animals, or so badly injured that its life cannot be saved.

“(2.) If the dog which is so destroyed has around its neck a collar with a current registration disc attached, the Registrar shall cause notice in writing of the destruction to be given to the keeper of the dog.

Penalty for cruelty in destruction.

“15d. A person who, under the provisions of this Ordinance, destroys a dog shall carry out the destruction without cruelty.

Penalty: Ten pounds or imprisonment for one month.”.

Dated this fourth day of June, 1953.

W. J. SLIM

Governor-General.

By His Excellency's Command,

ATHOL TOWNLEY

for Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.