

# REGISTRATION OF DOGS ORDINANCE 1938-1955.\*

2075

## An Ordinance relating to the Registration of Dogs.

### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Registration of Dogs Ordinance 1938-1955*.\*

Short title.  
Short title amended:  
No. 17, 1938,  
s. 4.

2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *Gazette*.†

Commencement.

3—(1.) The Acts of the State of South Australia, in their application to the Northern Territory, and the Ordinances of the Northern Territory, which are specified in the First Schedule to this Ordinance, are repealed.

Repeal.

(2.) All dogs registered before the commencement of this Ordinance under the Acts repealed by this Ordinance shall be deemed to be registered under this Ordinance for the period during which the registration thereof would have continued in force if those Acts had not been repealed.

4. This Ordinance is divided into Parts as follows:—

Parts.

Part I.—Preliminary.

Part II.—Registration of Dogs.

Part III.—Prevention of Damage by Dogs.

Part IV.—Miscellaneous.

\* The *Registration of Dogs Ordinance 1938-1955* comprises the *Registration of Dogs Ordinance 1938* as amended. Particulars of the Principal Ordinance and of the amending Ordinance are set out in the following table:—

Ordinance.	Number and Year.	Date notified in <i>Commonwealth Gazette</i> .	Date Governor-General's Assent notified in <i>N.T. Govt. Gazette</i> .	Date of Commencement.
<i>Registration of Dogs Ordinance 1938</i>	No. 5, 1938	21st April, 1938	..	1st July, 1938
<i>Registration of Dogs Ordinance 1955</i>	No. 3, 1956	..	20th January, 1956	10th July, 1958

† The date fixed was 1st July, 1938—see table above.

## Definitions.

5 In this Ordinance, unless the contrary intention appears—

- “Dog” includes a female as well as a male dog;
- “Registrar” means a Registrar of Dogs under this Ordinance;
- “Registered” used with reference to a dog, means registered under this Ordinance;
- “Unregistered” used with reference to a dog, means not registered under this Ordinance.

## PART II.—REGISTRATION OF DOGS.

## Registrars.

6.—(1.) The Administrator may appoint persons to be Registrars of Dogs.

(2.) Every member of the Police Force of the Territory shall be *ex officio* a Registrar of Dogs.

## Penalty for keeping unregistered dog over three months old.

7.—(1.) The owner of any unregistered dog of the age of three months or over who keeps the dog in the Territory for a period of fourteen days or more shall be guilty of an offence.

Penalty: Six pounds.

(2.) The allegation in a complaint under this section—

- (a) that the dog therein referred to is of the age of three months, or is over that age; or
- (b) that the dog therein referred to has been kept in the Territory for a period of fourteen days, or more,

shall be *prima facie* evidence of the facts alleged.

## Mode of registering dogs.

## Sub-section (1.) amended by No. 3, 1956, s. 3.

8.—(1.) Any person desiring to register a dog shall himself or by his agent give, to the Registrar residing nearest to the place where the dog is intended to be kept, a description in writing of the dog and a declaration in accordance with the form in the Second Schedule to this Ordinance, and, subject to the provisions of sub-section (3.) or sub-section (4.) of this section, shall pay to the Registrar the appropriate fee as prescribed in the Third Schedule to this Ordinance:

Provided that half only of the prescribed fee shall be payable for the registration of a dog effected between the first day of January and the following thirtieth day of June:

Provided further that, where the owner of a registered dog which has died acquires another dog in the year ending the thirtieth day of June next following the date of the death of the registered dog he may register the other dog without payment of registration fee for that year.

## Amended by N. 3, 1956, s. 3.

(2.) The Registrar, except where a dog is registered without payment of a fee pursuant to the provisions of either of the next two succeeding sub-sections, shall thereupon give to the person or his agent a receipt for the sum paid in accordance with the

form in the Fourth Schedule to this Ordinance, and if demanded, a copy, certified under his hand, of the description of the dog so registered, for which certificate the sum of One Shilling shall be paid to the Registrar.

(3.) Where a protector of aboriginals, appointed and holding office under the *Aboriginals Ordinance* 1918-1954, certifies that an aboriginal native, by reason of age, infirmity or mode of living, is unable to obtain employment, that aboriginal native, at any time within one month after the date when the protector so certifies, may register one dog without payment of any fee.

Added by  
No. 3, 1956,  
s. 3.

(4.) Where a welfare officer, appointed and holding office under the *Welfare Ordinance* 1953, certifies that a ward, by reason of age, infirmity or mode of living, is unable to obtain employment, that ward, at any time within one month after the date when the welfare officer so certifies, may register one dog without payment of any fee.

Added by  
No. 3, 1956,  
s. 3.

9. Upon compliance with sub-section (1.) of the last preceding section by any person registering a dog, the dog shall, subject to this Ordinance, be a registered dog until the thirtieth day of June next following the registration.

Time for  
which  
registration to  
continue in  
force.

10.—(1.) The Registrar, on the registration of a dog, shall deliver to the person registering the dog a metal disc on which shall be inscribed the registration number of the dog and the year of issue of the disc.

Registration  
discs.

(2.) The disc shall, during the whole period for which the dog is registered, be kept suspended from a collar round the neck of the dog in such a manner as to be plainly visible.

(3.) If at any time a dog is found not having a collar round its neck with a disc of the size and shape fixed by the Administrator for the current year suspended therefrom, that fact shall in all legal proceedings be *prima facie* evidence that at that time the dog was unregistered.

(4.) The Administrator shall annually fix the size and shape of the disc to be issued under this section on the registration of a dog and that size and shape shall be a size and shape differing from that fixed for the preceding year.

11. When any change takes place in the ownership of a registered dog the registration thereof shall not continue in force thereafter until the expiration of the period for which the dog was registered unless the new owner of the dog, within fourteen days after becoming the owner thereof, gives to the Registrar residing nearest to the place in which the dog is kept notice of being the new owner and a description of the dog embracing the several particulars indicated in the Second Schedule to this Ordinance.

Transfer of  
registration.

Penalty for  
mis-description.

12. Any person who knowingly inserts in, or omits from any description given under this Ordinance, any matter or thing contrary to, or for the purpose of concealing, the truth, shall be guilty of an offence.

Penalty: Five pounds.

Search  
warrant.

13. Upon the application of a Registrar and on proof to the satisfaction of any Justice of the Peace that there is reason to suspect that any unregistered dog is kept on any premises, the Justice may grant a warrant authorizing the Registrar to search any part of those premises for the purpose of ascertaining whether any unregistered dog is kept thereon.

List of  
persons  
registering  
dogs to be  
exhibited.

14.—(1.) Every Registrar who is a member of the Police Force in charge of a police station and every Registrar who is not a member of the Police Force shall keep in some convenient part of his office during office hours, for public inspection, a correct list, arranged in alphabetical order, of the names of the persons who have registered dogs at his office during the current year, and showing the number of dogs registered by each person.

(2.) Any person applying for a certified copy of the description of any dog so registered and of the name of the owner thereof, shall be entitled to receive the same on payment to the Registrar of a fee of One shilling.

### PART III.—PREVENTION OF DAMAGE BY DOGS.

Destruction  
of female  
dogs on  
heat.

15.—(1.) Any Registrar may kill any female dog on heat which is found in any public place.

(2.) When any female dog on heat is found on any premises not belonging to or occupied by the owner of the dog the owner or occupier of those premises, or any person authorized by him, may kill it.

(3.) The owner of any female dog which is on heat and is at large in any public place, or on premises not belonging to or occupied by the owner of the dog, shall be guilty of an offence.

Penalty: Five pounds.

Penalty for  
dogs without  
collar and  
disc.

16. If any dog, not having a collar round its neck with the disc for the current year issued in respect of that dog suspended therefrom, is found at large, the owner of the dog shall, unless he satisfies the Court that the collar and disc, or disc only (as the case may be), were or was illegally removed from the neck of the dog, be guilty of an offence.

Penalty: Two pounds.

Power to  
seize and  
destroy stray  
dogs.

17.—(1.) Any dog found at large in any part of the Territory may be seized by any Registrar.

(2.) This section shall apply whether the dog is, or is not registered, and whether it has or has not a collar round its neck with the proper disc suspended therefrom.

(3.) Unless any dog so seized is claimed and the sum of Sixpence per day for its keep is paid by its owner, it may, after four days from the date of the seizure, be destroyed or sold, and, if sold, the purchaser shall, upon the sale, become the lawful owner of the dog.

(4.) A dog which has been seized under the provisions of this section shall not be sold or destroyed unless—

(a) the Registrar who seized the dog exhibits, within twenty-four hours of the seizure, in some conspicuous place at the police station nearest to the place where the dog was seized a legibly written notice containing a general description of the dog, and the day on which and the place at which it was seized, and stating where it may be inspected, and causes the notice to remain so exhibited until the dog is disposed of under the provisions of this Ordinance; and

(b) in the case of a dog which, at the time of the seizure, has a collar round its neck with the proper disc for the current year suspended therefrom, a notice in accordance with the form in the Fifth Schedule to this Ordinance has been served upon the registered owner of the dog and seventy-two hours have elapsed since service of that notice.

18. The owner or occupier of any enclosed field, paddock, yard or other place in which any cattle, sheep, horse or poultry is or are confined, or any person acting under the authority of the owner or occupier, may, without incurring any liability in respect thereof, and without any public or other notice, shoot or otherwise destroy any dog—

Owner or occupier of enclosed land may destroy trespassing dogs not under control.

(a) found worrying any cattle, sheep, horse or poultry in the enclosed field, paddock, yard or other place; or

(b) found in any such field, paddock, yard or other place where any cattle, sheep, horse or poultry has or have apparently quite recently been worried, killed or injured by a dog or dogs:

Provided that this section shall not apply if the dog is accompanied and held in leash by any person.

19.—(1.) If, upon application to register a dog, the Registrar suspects that the dog is suffering from any contagious or infectious disease, he may demand that it be produced to him

Destruction of diseased dogs.

for inspection before it is registered, and if the person applying to register the dog refuses or fails to produce it within twenty-four hours of the demand he shall be guilty of an offence.

Penalty: Five pounds.

(2.) If, upon production of the dog, the Registrar is satisfied that it is suffering from a contagious or infectious disease he shall retain it, and, subject to sub-section (4.) of this section, shall cause it to be killed.

(3.) Any Registrar may seize or cause to be seized, and, subject to sub-section (4.) of this section, kill or cause to be killed any dog which is at large and which he believes to be suffering from any contagious or infectious disease.

(4.) No dog retained or seized under the provisions of sub-section (2.) or sub-section (3.) of this section shall be killed unless a certificate in writing has been obtained from a qualified veterinary surgeon or a legally qualified medical practitioner that he has inspected the dog and is of opinion that it is suffering from a contagious or infectious disease.

(5.) If the certificate is not obtained within such time as is reasonably required for inspection and the formation of an opinion as to the state of health of the dog, the dog shall be returned to its owner.

(6.) No person shall be entitled to any compensation on account of the killing of any dog under this section.

Laying of  
poison baits.

20. The occupier of any land, after giving public notice, in three successive issues of any newspaper circulating in the Territory, of his intention to destroy dogs trespassing on the land, may destroy any dogs so trespassing, and, if the land is not within the limits of any town or suburban lands, may lay poison on the land for the purpose of destruction of the dogs:

Provided that—

- (a) notice of the poison being laid is conspicuously exhibited on the land; and
- (b) no poison is laid within two hundred yards of any public road or way.

Penalty on  
owners of dogs  
attacking  
persons or  
frightening  
horses.

21. If any dog, in or upon any street, thoroughfare, highway or public place in any part of the Territory, or on any premises other than the premises of or occupied by the owner of the dog, rushes at any vehicle, or rushes at or attacks any person, or any horse, bullock, cattle or other animal, whereby the life or limbs of any person is endangered, or in any way injures or endangers any property, the owner of the dog shall be guilty of an offence.

Penalty: Five pounds.

22.—(1.) The owner of a dog shall be liable in damages for injuries to any horse, sheep, cattle or poultry done by the dog.

Absolute liability of owner for damage done by dog.

(2.) In any action for damages under this section it shall not be necessary for the plaintiff to prove a previous mischievous propensity in the dog, or that the injury was attributable to neglect on the part of the owner.

PART IV.—MISCELLANEOUS.

23.—(1.) Any person who maliciously removes from the neck of any dog the collar or disc required by this Ordinance to be worn by the dog shall be liable for a first offence to a fine of not more than Five pounds and for any subsequent offence shall be liable to imprisonment for not more than six months.

Illegally removing collar.

(2.) In any proceedings under this section proof to the satisfaction of the Court that the defendant removed the collar and disc, or collar or disc, without the authority of the owner of the dog, shall be sufficient evidence of malice, unless absence of malice is proved to the satisfaction of the Court.

24. Any person who wilfully kills any dog belonging to any other person otherwise than in accordance with the provisions of this Ordinance shall be guilty of an offence.

Penalty on persons illegally killing dogs.

Penalty: Five pounds.

25. Where any person has been convicted of an offence in respect of a dog—

Damages in respect of killing of dog.

(a) under section twenty-three of this Ordinance and the dog has been seized and killed pursuant to section seventeen of this Ordinance without notice to its owner; or

(b) under section twenty-four of this Ordinance, the owner of the dog may recover from that person, in a summary way or by action, the value of the dog.

26. Any notice under this Ordinance in respect of any dog may be served—

Service of notices.

(a) by delivering the notice to the owner of the dog; or

(b) by leaving the notice at, or forwarding it by prepaid post to, the owner's address as stated in the description of the dog when it was last registered.

27. In all prosecutions, actions, suits, or proceedings instituted by virtue of this Ordinance, the occupier of any house or premises where any dog was kept, or permitted to live or remain, at the time when the injury was done, or at the time of the act or default charged, shall be deemed to be the owner of the dog, and shall be liable as such, unless that occupier proves that he was not the owner of the dog at the time the

Who shall be deemed the owner of the dog.

Registration of Dogs Ordinance 1938-1955.

injury was done, or at the time of the act or default charged, and that the dog was kept, or permitted to live or remain, in that house or those premises without his sanction or knowledge:

Provided that—

- (a) where there are more occupiers than one in any house or premises let in separate apartments, or lodgings, or otherwise, the occupier of that particular part of the premises in which the dog was kept or permitted to live or remain, at the time of the injury or act or default, shall be deemed to be the owner of the dog; and
- (b) any person having registered a dog shall be deemed to be the owner of the dog, unless he has given notice to the Registrar that he has ceased to be the owner thereof.

Proof of registration.

28. In any proceedings under this Ordinance it shall not be necessary for the complainant to establish the fact of non-registration of any dog and proof of due registration of the dog shall be on the defendant, and for that purpose a copy of the description of the dog given under section eight of this Ordinance for the purpose of registration, certified as correct under the hand of a Registrar, shall be conclusive evidence of the contents of the description so given.

Recovery of damages.

29. The amount of the damage done by any dog may in all cases be recovered in any Court of competent jurisdiction, or, where the amount of the damage claimed does not exceed Thirty pounds, the same may, at the option of the party damnified, be recovered summarily, and the damages may be awarded in addition to any penalty inflicted on the hearing of any complaint.

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Section 30 repealed by N. 3, 1956, s. 4.

Unregistered dogs of aboriginals may be destroyed by registrar, &c. Substituted by No. 3, 1956, s. 5.

31. If an aboriginal native or a person who is a ward within the meaning of the *Welfare Ordinance* 1953 is found to be keeping an unregistered dog or if any unregistered dog is found at large in the vicinity of a place where such an aboriginal native or ward is living for the time being, any registrar, protector of aboriginals appointed and holding office under the *Aboriginals Ordinance* 1918-1954, welfare officer appointed and holding office under the *Welfare Ordinance* 1953, or a person authorized in that behalf in writing by the Administrator, may kill that dog.

Regulations.

32. The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which, by this Ordinance, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance.



THE SCHEDULES.

THE FIRST SCHEDULE.

Section 3.

"The Dog Act, 1867" of the State of South Australia (No. 6 of 1867).  
 An Act of the State of South Australia entitled "An Act to amend 'The Dog Act, 1867'" (No. 320 of 1884).  
 An Act of the State of South Australia entitled "An Act to amend the Law relating to the Registration of Dogs" (No. 429 of 1888).  
 "The Dog Act Amendment Act, 1889" of the State of South Australia (No. 465 of 1889).  
 The Dog Ordinance 1920 of the Northern Territory of Australia (No. 4 of 1920).  
 The Dog Ordinance 1923 of the Northern Territory of Australia (No. 17 of 1923).

THE SECOND SCHEDULE.

Section 8.

Registration of Dogs Ordinance 1938.

FORM OF DESCRIPTION.

A description of \_\_\_\_\_ dogs now owned and intended to be kept by \_\_\_\_\_, of \_\_\_\_\_, during the year ending on the thirtieth day of June, 19 \_\_\_\_\_.

Number of Dog.	Premises on which Dog is intended to be kept.	Name of Dog.	Sex.	Age.	Colour, or Peculiar Mark.	Description or Kind of Dog.

I, the said \_\_\_\_\_, (or I \_\_\_\_\_ of \_\_\_\_\_, agent for the said \_\_\_\_\_), do declare the above list and description to be true in every particular, to the best of my knowledge and belief.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Signature of owner or agent of owner.)

THE THIRD SCHEDULE.

Section 8.

Registration of Dogs Ordinance 1938.

SCALE OF FEES FOR REGISTRATION OF DOGS.

	s.	d.
For every Male dog .. .. .	5	0
For every Female dog .. .. .	7	6

*Registration of Dogs Ordinance 1938-1955.*

Section 8.

**THE FOURTH SCHEDULE.**

*Registration of Dogs Ordinance 1938.*

**FORM OF RECEIPT.**

No. of Receipt  
 Received this \_\_\_\_\_ Locality \_\_\_\_\_, 19 \_\_\_\_  
 day of \_\_\_\_\_  
 the sum of Five Shillings \_\_\_\_\_ for one \_\_\_\_\_ dog  
 registered by Seven Shillings and Sixpence \_\_\_\_\_ of \_\_\_\_\_, for the  
 year ending on the thirtieth day of June, 19 \_\_\_\_  
 No. in Register \_\_\_\_\_  
 s. d.

**Registrar of Dogs.**

N.B.—The fees payable between 1st July and 31st December are for Male dogs Five Shillings, for Female dogs Seven Shillings and Sixpence; and between 1st January and 30th June, for Male dogs Two Shillings and Sixpence, Female dogs Three Shillings and Ninepence.

Section 17.

**THE FIFTH SCHEDULE.**

*Registration of Dogs Ordinance 1938.*

**FORM OF NOTICE.**

(Place.) \_\_\_\_\_ (Date.) \_\_\_\_\_  
 To \_\_\_\_\_, of \_\_\_\_\_,  
 Take notice that a dog, of which you appear to be the registered owner, has been found at large and has been seized under the above Ordinance, and is now at \_\_\_\_\_.  
 If not claimed within seventy-two hours from the service of this notice the dog will be sold or killed pursuant to the said Ordinance.  
 The registered number of the dog is \_\_\_\_\_.

*(Signature of Registrar of Dogs.)*