

Amended: No. 320 of '84
No. 429 - '88



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1867.

No. 6.

An Act to Consolidate and Amend the Laws relating to the Registration of Dogs, and for making further Provisions for the Prevention of Damage done by Dogs in South Australia.

[Assented to, 19th December, 1867.]

WHEREAS it is expedient to consolidate and amend the laws relating to the registration of dogs, and to make further provisions for the prevention of damage done by dogs—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited for all purposes as "The Dog Act, 1867." Short Title.

2. "The Dog Act of 1860," and an Act, No. 9 of 1861, intituled "An Act to amend the Dog Act of 1860," are hereby repealed, except that all districts under the said repealed Acts, shall continue to be districts for the purposes of this Act; and all persons appointed to keep the registers required by the said Acts, shall be Registrars under this Act; and all places at which such registers have been appointed to be kept, shall, until some other place is appointed under the provisions hereinafter contained, continue to be places for keeping the registers under this Act; and all dogs registered under the said repealed Acts, shall be deemed to have been duly registered under this Act, for the period during which such registration would have continued in force if the said Acts had not been repealed; except also Repeal.

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also as to any other things done, appointments made, offences committed, penalties incurred, or proceedings instituted previously to the passing of this Act: Provided that no Act by the said Acts or either of them repealed shall be hereby revived.

Interpretation.

*Repeal in part
and amended
No. 320, '84, sec. 6.*

3. In the construction of this Act, unless the same shall be inconsistent with the context, the word "dog" shall be taken to mean and include female as well as male dogs; but nothing in this Act contained shall be deemed to apply to the hunting dogs belonging to the aboriginal inhabitants of the said Province.

Corporate towns and District Councils to be districts.

4. All corporate cities and towns, and all districts proclaimed under the provisions of the District Councils Act, 1858, shall be districts for the purposes of this Act, and to each such corporate city, town, and districts the Governor shall, by notice in the *Government Gazette* assign a separate and distinct number.

Governor may proclaim districts.

5. The Governor may from time to time, by Proclamation in the *Government Gazette*, divide such portions of the said Province as to him may seem expedient (not being within the limits of any such corporate city, town, or district, as aforesaid) into districts for the purposes of this Act, and may define the limits and boundaries of such districts, and assign to each a separate and distinct number; and such districts, or any of the districts proclaimed under the said repealed Acts, or either of them (not being corporate cities, towns, or districts as aforesaid), or the limits or boundaries of such districts or any of them, may from time to time alter and vary.

Appointment of Registrars of Dogs.

6. All Corporations and District Councils in their respective districts, and the Commissioner of Crown Lands in all other districts, shall from time to time appoint a place or office at which the registers hereby required to be kept shall be kept, and may also from time to time appoint some fit and proper person to be Registrar of Dogs within such districts respectively, and may from time to time remove any such Registrar so to be appointed, or who has been heretofore appointed under the said repealed Acts, or either of them, to keep the registers thereby required, and appoint another in his stead; and a notification of the appointment or removal of any Registrar as aforesaid, signed by the said Commissioner of Crown Lands, or by the Mayor of any such corporate city or town, or the Chairman of any such District Council (as the case may be), and published in the *Government Gazette*, shall be conclusive evidence of such appointment or removal for all purposes.

Police officers may be appointed *ex officio* Registrars.

*Repeal: No. 320 of
'84, sec. 7*

7. The Commissioner of Crown Lands may, if he shall think fit, appoint the police officer for the time being in charge of any Police Station to be *ex officio* Registrar for any district within which such station is situated, not being a corporate city, town, or district as aforesaid; and thereupon the officer from time to time in charge of such station shall be Registrar for such district in the same manner as if he had been officially appointed by name.

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8. The owner of any unregistered dog, who, after the passing of this Act, shall keep the same within any district as aforesaid, for a period of fourteen days (unless such dog is under the age of three calendar months), shall forfeit and pay for every such dog a penalty or sum of not less than ~~One~~ Pound, nor more than Six Pounds: Provided that, on the hearing of any information the onus of proving that such dog is under age, or has not been kept for the period above specified, shall be on the defendant.

Penalty for keeping unregistered dog over three months old.

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Sec. 8.

9. Any person desiring to register a dog shall deliver to the Registrar of the district within which such dog is intended to be kept a description of such dog, embracing the several particulars contained in Schedule A to this Act, with a declaration thereunder written to the truth of such particulars, and shall pay to such Registrar the sum of Five Shillings, who shall thereupon, on demand, give to such person a copy, certified under his hand, of the description of such dog so delivered by him as aforesaid, and a receipt for the sum paid in the form in Schedule B to this Act; and any Registrar who shall, on being requested, refuse or neglect to give such copy or receipt shall forfeit and pay the sum of One Pound.

Mode of registering dogs.

10. On delivering the description and paying the fee as provided by the last section, the dog mentioned in such description shall be deemed to be duly registered under this Act for the period next mentioned, and no longer; that is to say—~~if~~ such registration is effected on or between the first day of July and the thirty-first day of December in any year, such dog shall be deemed to be registered until the first day of July then next ensuing; if such registration is effected on or between the first day of January and the thirtieth day of June in any year, then such dog shall be deemed to be registered until the first day of July in the year then next ensuing.

Time for which registration to continue in force.

Report No 3200/04
1874, Sec. 11, and amended

11. If any registered dog shall die, the owner thereof may possess and keep in lieu thereof for the remainder of the period for which such dog was registered any other dog without registration, or if any change shall take place in the ownership of any registered dog, such registration shall continue in force until the expiration of the term for which such dog was registered: Provided that such owner shall within fourteen days of his becoming possessed of such other dog, give notice thereof to the Registrar of Dogs for the district in which such dog shall be kept, and such notice shall contain a description of such dog, embracing the several particulars contained in the said Schedule A to this Act.

Dog may be substituted for registered dog dying.

12. Any person being the owner of a registered dog, may remove such dog to any other district other than the one wherein such dog is registered without payment of any fee.

Registered dog may be removed to another district.

13. Any person who shall wilfully insert or omit in any description required by this Act any matter or thing contrary to, or for the purpose

Penalty for misdescription.

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purpose of concealing the truth, shall forfeit and pay a penalty of not less than Two Pounds nor more than Five Pounds.

List of persons registering dogs to be exhibited.

14. The Registrar for each district 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 shall have registered any dog during the current year, and showing the numbers registered by each; and any person applying for the particulars of any dog so registered, and of the name of the owner or keeper thereof, shall be entitled to receive the same on payment of a fee of One Shilling.

Dogs not registered or without collars may be seized and killed.

*Refd in part
and amended,
No. 320 of 04
Sec. 10.*

15. Any person may seize and detain any dog not duly registered as aforesaid, and upon notice thereof given to any Justice of the Peace for the said Province, such Justice shall summon the owner, or reputed owner, or keeper to appear and claim such dog; and if such owner or keeper or some one on his behalf, shall not, within twenty-four hours' notice after service of such summons, or within such further time as such Justice may deem reasonable, attend and claim such dog, or if the owner or keeper of such dog be unknown, the same shall be forthwith killed; and any dog, whether registered or not, which shall be found at large in any part of the said Province, not being under the immediate custody, protection, or control of some competent person, and not having a collar round its neck, with the number corresponding to the register of the same, the number of the district in which such dog is registered, and the name of the owner or keeper of such dog, legibly inscribed thereon, such inscription to be in the form in Schedule C to this Act; or if a mastiff or bull dog, or a mongrel of either of the same, not having in addition to such collar, a muzzle securely fixed upon the mouth, so as to prevent it from biting or injuring any person or property, shall be liable to be immediately killed or destroyed; and all persons are hereby authorized, and all constables and Crown Lands Rangers, especially ordered and required to kill and destroy every dog so found at large contrary to the provisions of this Act.

Rewards for seizing and destroying dogs.

*No. 320 of 1894
Sec. 15.*

16. For every unregistered dog seized as mentioned in the last preceding section, or any dog which shall be destroyed in conformity to the provisions of this Act, there shall be paid to the person so seizing or destroying the same a reward of Two Shillings and Sixpence, on proof being adduced to the satisfaction of any Justice of the Peace for the said Province of such seizure or destruction; Provided that if any dog shall have been so destroyed within the boundary of any township, town, or city, proof shall also be given that such dog, so destroyed, was immediately removed from the streets, or buried or otherwise disposed of, so as to prevent nuisance or annoyance to any of the inhabitants thereof: Provided also, that in every case in which a reward shall be claimed for the destruction of any dog, the party applying for such reward shall produce to such Justice the scalp of every such dog, which shall be immediately burned or otherwise destroyed in the presence of such Justice,

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Justice, or of some person duly appointed by him, so as to prevent any claim for reward being again made in respect thereof; and such Justice is hereby required to give to the person so seizing or destroying any dog, an order under his hand for payment of such reward as aforesaid.

17. Rewards for dogs which shall be destroyed in conformity to the provisions of this Act, within the limits of any corporate city, or town, or district under the District Councils Act, shall be paid to the person destroying the same, by the registrar of the district in which such dogs were seized, out of the moneys received by such registrar, under clause 9 of this Act, on production of an order signed by any Justice of the Peace mentioned in clause 16 of this Act.

Reward for seizing and destroying dogs.

18. The owner of every dog that shall be found at large, not having a collar round its neck, with the number corresponding to the register of the same, and the number of the district in which such dog is registered, shall, upon conviction, forfeit and pay for every such dog, a penalty of not less than Five Shillings, nor more than Forty Shillings.

Dogs to have collars on.

19. If any dog shall, in or upon any street, thoroughfare, highway, or public place in any part of the said Province, or on any private property other than the property of the owner of such dog, rush at, or attack any person, or any horse, bullock, cattle or other animal, whereby the life or limbs of any person shall be endangered, or shall, in any other way, injure or endanger property, such dog shall be liable to be immediately killed or destroyed, and the owner of every such dog shall, on conviction, forfeit and pay a penalty of not less than Forty Shillings, nor more than Five Pounds, for every such offence, and the party damnified may also recover from such owner the amount of the damage done by such dog.

Penalty on owners of dogs attacking persons or frightening horses.

20. The owner of every dog shall be liable in damages for injuries to any sheep or cattle done by his dog; and in any such case it shall not be necessary to show a previous mischievous propensity in such dog, or that the injury was attributable to neglect on the part of such owner.

Owner of dog liable in damages for injuries done by his dog without showing previous mischievous propensity, &c.

21. If any Constable or Crown Lands Ranger shall neglect, when called upon, to destroy, or to use his best endeavors to destroy any dog which shall be at large contrary to the provisions of this Act, within his division, district or ward, every such Constable or Crown Lands Ranger shall, for every such neglect, forfeit and pay a sum of not less than Two Pounds nor more than Five Pounds.

Penalty on constables not destroying dogs improperly at large.

22. If any person shall wilfully or maliciously remove from the neck of any dog the collar required by this Act to be worn by such dog, such person shall, on conviction, forfeit and pay for each offence

Illegally removing collar.

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a sum of not less than Two Pounds nor more than Five Pounds; and the owner of any dog that may have been destroyed under the provisions of this Act, in consequence of the removal of such collar, may also recover from the person so removing such collar as aforesaid, the full value of the dog so destroyed.

Penalty on constables killing dogs not improperly at large.

23. If any constable or other person shall wilfully or maliciously kill or destroy any dog contrary to the provisions of this Act, such constable or other person shall forfeit and pay a penalty or sum of not less than Twenty Shillings nor more than Five Pounds, and the owner of any dog so killed or destroyed may also recover from such constable or other person the full value of such dog.

Who shall be deemed the owner of the dog.

24. In all prosecutions, actions, suits or proceedings, instituted by virtue of this Act, 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 the act complained of was committed, shall be deemed to be the owner of such dog, and shall be liable as such, unless the said occupier can prove that he was not the owner of such dog at the time the injury was done, or act complained of was committed, and that such dog was kept, or permitted to live or remain in the said house or premises without his sanction or knowledge: Provided that 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 such dog shall have been kept, or permitted to live or remain, at the time of such injury or act complained of as aforesaid, shall be deemed to be the owner of such dog: And any person having registered a dog, shall be deemed to be the owner of such dog, unless he has given notice to the registrar that he has ceased to be the owner of such dog.

Proof of registration.

25. In any proceedings under this Act it shall not be necessary for the informant to establish the fact of non-registration, but the proof of due registration shall be on the defendant; and for that purpose a certified copy of the description of the dog hereinbefore required to be delivered for the purpose of such registration shall, under the hand of the registrar of the district where such registration was effected, be equivalent to the production of the original, for which certified copy there shall be paid to such registrar the fee of One Shilling, unless such copy shall have been applied for at the time of registration, in which case the same shall be delivered without any fee whatever.

Damages may be recovered in any Court, or when same do not exceed £5, by summary proceedings before Justices.

26. 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 Five Pounds, the same may, at the option of the party damnified, be recovered before a Special Magistrate, or two or more Justices of the Peace, in a summary way, and such damages may be awarded in addition to any fine or penalty which may be inflicted on the hearing of any information.

27. All

*No. 320 of '04
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27. All proceedings for offences against this Act in respect of which any pecuniary fine or penalty is imposed, or where any person shall seek to recover damages not exceeding Five Pounds in a summary way as hereinbefore mentioned, shall be heard and determined, and such fines and penalties may be inflicted, or damages awarded, or such fines and penalties may be inflicted and damages awarded in a summary way by any Special Magistrate or two or more Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Session with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders may be enforced as in the said Ordinance is mentioned.

Proceedings to be heard and determined under Ordinance No. 6 of 1850.

28. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order awarding damages or dismissing any information or complaint, or from any order for payment of costs or otherwise, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or as may be appointed by any other Act hereafter to be in force for regulating such appeals; but the Local Court of Adelaide aforesaid may make such order as to payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Appeal to Adelaide Local Court of Full Jurisdiction.

29. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court may make such order as to costs of any special case as to the said Court shall appear just; and the said Local Court of Adelaide, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof; which order shall be enforced in manner provided for the enforcement of orders of Justices under the said Ordinance No. 6 of 1850, or to be provided by any Act to be hereafter in force as aforesaid.

Local Court, upon hearing of appeal, may state special case.

30. Save as herein provided, no order or proceeding of any Special Magistrate or Justices, made under the authority of this Act, shall be appealed against, or removed by *certiorari* or otherwise, into the Supreme Court of the said Province.

No *certiorari*.

31. One moiety of every fine or penalty imposed under this Act, shall be paid to the person or persons who shall sue for the same, or who shall give such information as may lead to conviction, and the other moiety of every such fine or penalty, and also all fees (except as hereinafter provided), shall be paid to the Treasurer on behalf

Disposal of fees, &c.

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behalf of Her Majesty, Her heirs, and successors, for the public uses of the said Province, and in support of the Government thereof: Provided that all fees received for the registration or otherwise of dogs intended to be kept within the limits of any corporate city or town, or district under the District Councils Act, and also the moiety of all fines and penalties (otherwise payable to the Treasurer) imposed within the limits of any such city, town, or district, shall be paid to the Corporation or District Council within whose district such fines or penalties may have been imposed or fees received.

Not to alter clause 22 of Impounding Act of 1858.

32. Nothing in this Act contained shall be taken or deemed to repeal or alter the twenty-second clause of "The Impounding Act of 1858."

Regulations may be made by Governor for travelling expenses to registrars.

33. The Governor may make such regulations as he shall think fit, for the purpose of providing for the payments of rewards payable under this Act, and for the payment, allowances, and travelling expenses of registrars of districts other than corporate cities, towns, or districts proclaimed under the District Councils Act, 1858, as aforesaid.

In the name and on behalf of the Queen I hereby assent to this Act.

D. DALY, Governor.

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SCHEDULES REFERRED TO.

See No 3200/84, sec 1

A

FORM OF NOTICE OF REGISTERING DOGS.

A description of (four) dogs intended to be kept by [A.B.], of (Adelaide), in (Adelaide), during the year ending on the thirtieth day of June, 18.

Number.	Premises on which each dog is intended to be kept.	Sex	Age.	Color, or peculiar marks.	Description or kind of dog.
1					
2					
3					
4					

I, A. B., do declare the above list and description to be true in every particular, to the best of my knowledge and belief.

A. B.

B

FORM OF RECEIPT.

No. of Receipt _____

No. of District _____

Locality _____

Received this _____ day of _____ 18 _____, the sum of Five Shillings for one dog registered by A. B., of _____ for the year ending on the thirtieth day of June, 18 _____
 No. in register []

C. D., Registrar of Dogs, District No. _____

C

Number of District, [12.]
 Name of owner, [A. B.]
 Number of Register, [112]

*See No. 3200/84
 sec. 10.*