



DOG CONTROL (DANGEROUS BREEDS) AMENDMENT ACT 1993

No. 7 of 1993

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ANNO QUADRAGESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1993

No. 7 of 1993

An Act to amend the Dog Control Act 1979.

[Assented to 11 March 1993]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Dog Control (Dangerous Breeds) Amendment Act 1993*.
- (2) The *Dog Control Act 1979* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 5—Interpretation

3. Section 5 of the principal Act is amended—

(a) by inserting after the definition of "premises" in subsection (1) the following definition:

"prescribed breed" means any of the following breeds:

- (a) American Pit Bull Terrier;
- (b) Fila Brasileiro;
- (c) Japanese Tosa;
- (d) Dogo Argentina;

and

(b) by inserting after the definition of "registration disc" in subsection (1) the following definition:

"sell" means—

- (a) sell or give in exchange;

- (b) agree or offer to sell or give in exchange;
- (c) have in possession or control, expose, store, consign or deliver for sale or exchange;
- or
- (d) cause, suffer or permit an act referred to in paragraph (a), (b) or (c),
- and "sale" has a corresponding meaning.

Amendment of s. 26—Offence where dog is unregistered

4. Section 26 of the principal Act is amended by striking out the penalty set out at the foot of subsection (1) and substituting the following penalty:

Penalty:

- (a) if the dog is of a prescribed breed—Division 7 fine;
- (b) in any other case—Division 10 fine.

Amendment of s. 33—Collars and registration discs

5. Section 33 of the principal Act is amended by striking out the penalty set out at the foot of subsection (1) and substituting the following penalty:

Penalty:

- (a) if the dog is of a prescribed breed—Division 7 fine;
- (b) in any other case—Division 10 fine.

Amendment of s. 35—Dogs wandering at large

6. Section 35 of the principal Act is amended by striking out the penalty set out at the foot of subsection (1) and substituting the following penalty:

Penalty:

- (a) if the dog is of a prescribed breed—Division 7 fine;
- (b) in any other case—Division 10 fine.

Amendment of s. 39—Dogs in shops, schools, etc.

7. Section 39 of the principal Act is amended by striking out the penalty and substituting the following penalty:

Penalty:

- (a) if the dog is of a prescribed breed—Division 7 fine;
- (b) in any other case—Division 10 fine.

Amendment of s. 48—Greyhounds to be muzzled

8. Section 48 of the principal Act is amended by striking out from subsection (1) "on land of which, or within premises of which," and substituting "on premises of which".

Insertion of s. 48a

9. The following section is inserted after section 48 of the principal Act:

Controls relating to prescribed breeds

48a. (1) A dog of a prescribed breed must, except while the dog is confined to premises of which the person who is responsible for control of the dog is the occupier—

(a) have a muzzle securely fixed on its mouth so as to prevent it from biting any person or animal;

and

(b) be secured and restrained by means of a chain, cord or leash held by a person of or over the age of 18 years.

(2) If subsection (1) is not complied with in relation to a dog, the person responsible for control of the dog is guilty of an offence.

Penalty: Division 7 fine.

(3) A person who is responsible for the control of a dog of a prescribed breed that is not desexed is guilty of an offence.

Penalty: Division 7 fine.

(4) It is a defence to a charge of an offence against subsection (3) if it is proved that the defendant believed on reasonable grounds that the dog was desexed.

(5) A person who sells or advertises for sale a dog of a prescribed breed is guilty of an offence.

Penalty: Division 7 fine.

Amendment of s. 59—Power to order disposal of dog

10. Section 59 of the principal Act is amended by striking out the definition of “prescribed offence” from subsection (5) and substituting the following definition:

“prescribed offence” means an offence against—

(a) section 44;

(b) section 45;

(c) section 48a;

(d) section 49 (1);

or

(e) section 13 of the *Prevention of Cruelty to Animals Act 1985* involving ill-treatment of a dog.

Amendment of s. 61—Evidence

11. Section 61 of the principal Act is amended by striking out paragraph (a) and substituting the following paragraph:

(a) an allegation in the complaint that—

(i) a person was at the material time responsible for the control of a dog;

(ii) that any dog was at the material time unregistered;

(iii) that a dog was a dog of a prescribed breed;

or

(iv) that a dog of a prescribed breed was not at the material time desexed, will be accepted as proved in the absence of proof to the contrary:.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor