



ANNO DECIMO QUINTO

GEORGII V REGIS.

A.D. 1924.

No. 1615.

An Act to consolidate and amend the Law relating to the Registration of Dogs, and the Prevention of Damage by Dogs, and for other purposes.

[Assented to, November 6th, 1924.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Registration of Dogs Act, 1924." Short title.
2. The provisions of this Act are arranged in Parts, as follows :— Arrangement of Act.
 - PART I.—Preliminary :
 - PART II.—Dog Districts and Registrars of Dogs :
 - PART III.—Registration of Dogs :
 - PART IV.—Prevention of Damage by Dogs :
 - PART V.—Miscellaneous.
3. The Dog Act, 1867 ; the Act No. 320 of 1884, intituled "An Act to amend 'The Dog Act, 1867'" ; the Act No. 429 of 1888, intituled "An Act to amend the Law relating to the Registration of Dogs" ; and the Dog Act Amendment Act, 1889, are hereby repealed. Repeal.
No. 6 of 1867.
No. 320 of 1884.
No. 429 of 1888.
No. 465 of 1889.
4. Notwithstanding the said repeal—
 - (a) all places at which registers of dogs have heretofore been appointed to be kept shall, until some other place is appointed under the provisions of this Act, continue to be places for keeping the registers under this Act : Saving provision.
6, 1867, s. 2.

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(b) all dogs registered under the Acts hereby repealed shall be deemed to be duly registered under this Act for the period during which the registration thereof would have continued in force if the said Acts had not been repealed.

Interpretation.

5. In this Act, unless the context otherwise requires—

“ District ” means a district for the purposes of this Act :

“ District council district ” means a district within the meaning of the District Councils Act, 1914 :

“ Dog ” includes a female as well as a male dog :

“ Municipality ” means a municipality within the meaning of the Municipal Corporations Act, 1923 :

“ Registrar ” means a Registrar of Dogs appointed under this Act or under any Act hereby repealed :

“ Registered,” used with reference to a dog, means registered under this Act or any Act hereby repealed :

“ Unregistered,” used with reference to a dog, means not registered under this Act or any Act hereby repealed.

PART II.

PART II.

DOG DISTRICTS AND REGISTRARS OF DOGS.

Constitution of districts.

Cf. *ibid.*, s. 4.

6. (1) All municipalities and all district council districts shall be districts for the purposes of this Act.

(2) The Governor may, by proclamation, constitute such portions of the State as he thinks fit (not being within the limits of any municipality or district council district) to be districts for the purposes of this Act, and may define the boundaries of those districts and may, by proclamation, alter the boundaries of any such district or subdivide any such district into districts or amalgamate any such districts as one district.

(3) A copy of the *Government Gazette* purporting to contain any proclamation such as is referred to in this section shall be conclusive evidence of the due making of the proclamation and of the contents thereof.

(4) Every district under any Act hereby repealed shall have the same separate and distinct number as at the passing of this Act, and to every new district hereafter constituted the Governor shall, by proclamation, assign a separate and distinct number.

Appointment of Registrars of Dogs.

Ibid., s. 6.

7. (1) Every Municipal or District Council as regards its district, and the Minister as regards any district not being a municipality or district council district—

(a) shall appoint a place or office in the district at which the registers hereby required to be kept shall be kept :

(b) may

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(b) may appoint some fit and proper person to be Registrar of Dogs within the district.

(2) A notice in the *Government Gazette* of the appointment or removal of any Registrar, purporting to be signed by the Minister or by the Mayor of a Municipality or the Chairman of a District Council (as the case may be), shall for all purposes be conclusive evidence of the appointment or removal.

8. The member of the Police Force in charge of the principal police station in any district where there is no other Registrar shall be *ex officio* the Registrar for that district until the Minister otherwise directs.

Certain members of Police Force *ex officio* Registrars.
320, 1894, s. 7.

PART III.

PART III.

REGISTRATION OF DOGS.

9. (1) The owner of any unregistered dog of the age of three months or over who keeps the said dog within any district for a period of fourteen days or more shall be liable to a penalty of not less than Two Pounds nor more than Six Pounds.

Penalty for keeping unregistered dog over three months old.
6, 1867, s. 8.

(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 within the district for a period of fourteen days, or more,

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

10. (1) Any person desiring to register a dog shall himself or by his agent give to the Registrar of the district within which the dog is intended to be kept a description in writing of the dog, embracing the several particulars indicated in the First Schedule, with a declaration thereunder written to the truth of the said particulars, and shall pay to the Registrar the fee provided by the scale of fees contained in the Second Schedule and applicable to the particular case: Provided that only half fees shall be payable on registrations of dogs under the age of six months effected between the first day of January and the following thirtieth day of June.

Mode of registering dogs.
Ibid., s. 9.

(2) The Registrar shall thereupon give to the person or his agent a receipt for the sum paid in the form in the Third Schedule, 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.

11. Upon compliance with subsection (1) of section 10 as to any dog, the dog shall be deemed to be duly registered under this Act until the thirtieth day of June next following the registration, and no longer.

Time for which registration to continue in force.
6, 1867, s. 10.

12. (1) The

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Registration discs.
320, 1884, s. 9.

12. (1) The Registrar, on the registration of a dog, shall deliver to the person registering the dog a metal disc of a size and shape to be fixed annually by the Minister by notice published in the *Government Gazette*, and to be annually varied, on which shall be inscribed the date of the year, the registration number of the dog, and the number of the district.

(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. 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 Minister 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.

Transfer of registration.
Cf. 6, 1867, s. 11.

13. When any change takes place in the ownership of a registered dog the registration thereof shall continue in force until the expiration of the period for which the dog was registered: Provided that the new owner of the dog within fourteen days of becoming the owner thereof gives to the Registrar for the district in which the dog is kept, notice of becoming the new owner and a description of the dog embracing the several particulars indicated in the First Schedule.

Registered dog may be removed to another district.
Cf. *ibid.*, s. 12

14. Any person being the owner of a registered dog may remove the dog from the district in which it is registered to any other district and, without payment of any fee, have the registration thereof transferred to the other district for the period for which the dog is already registered: Provided that the owner within fourteen days of the removal gives notice of the removal to the Registrar of the district to which the dog is removed, and gives him a description of the dog, and the number of the registration and name of the district in which the dog is registered.

Penalty for misdescription.
Ibid., s. 13.

15. Any person who knowingly inserts or omits in any description required by this Act, any matter or thing contrary to, or for the purpose of concealing, the truth, shall be liable to a penalty of not less than Two Pounds nor more than Five Pounds.

Powers and duties of Registrar.
320, 1884, s. 12.

16. (1) It shall be the duty of every Registrar, before the thirtieth day of June in every year, to cause inquiries to be made on all premises occupied by any persons within his district for the purpose of ascertaining if any unregistered dogs are kept thereon.

(2) Upon the application of a Registrar, or some person authorised in writing by him, and on proof to the satisfaction of any Justice that there is reason to suspect that any unregistered dog is kept on any premises in the district of the said Registrar, the Justice may grant a warrant authorising the Registrar, or the person authorised

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as aforesaid, to search any part of the said premises for the purpose of ascertaining whether any unregistered dog is kept thereon; and search may be made accordingly.

17. (1) The Registrar for a 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 have registered dogs during the current year, and showing the number of dogs registered by each person.

List of persons registering dogs to be exhibited.
6, 1867, s. 14.

(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 IV.

PART IV.

PREVENTION OF DAMAGE BY DOGS.

18. (1) Whenever any female dog on heat is found in any public place it shall be lawful for any member of the Police Force, any special constable, any inspector of or other person authorised in writing by the Council of the municipality or district council district in which the dog is found, or any Crown lands ranger, to kill it; and when any dog as aforesaid is found on any premises not belonging to or occupied by the owner of the dog it shall be lawful for the owner of the said premises, or any person authorised by him, to kill it.

Destruction of female dogs on heat.
Cf. 320, 1884, s. 13.

(2) If any female dog, when on heat, is at large in any public place or is at large on premises not belonging to or occupied by the owner of the dog, such owner shall be liable to a penalty of not more than Five Pounds.

19. If any dog is found at large within any district not having a collar round its neck with the disc for the current year issued in respect of the said dog suspended therefrom, or, in the case of a dog substituted for a registered dog which has died during the current year, not having a collar round its neck with the disc issued in respect of the dead dog suspended therefrom, 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 so found at large, be liable to a penalty of not less than Five Shillings nor more than Two Pounds.

Penalty for dogs without collar and disc.
Cf. *ibid.*, s. 18.

20. (1) Any dog found at large in any part of the State may be seized by any member of the Police Force, special constable, or Crown lands ranger, or by any person authorised in writing by any Municipal or District Council to seize dogs found at large.

Power to seize and destroy stray dogs.
Cf. 6, 1867, s. 15.

(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) Any

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(3) Any dog so seized may, after four days from the time of the seizure, unless it is claimed, and the sum of Six Pence per day for its keep is paid by its owner, be destroyed or sold, and if sold the purchaser shall upon the sale become the lawful owner thereof: Provided that—

- i. the Registrar of the district in which any dog is so seized shall, within twenty-four hours of the seizure, exhibit in some conspicuous place in his office 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 shall cause the notice to remain so exhibited until the dog is disposed of under the provisions hereinbefore contained; and
- ii. if the dog at the time of the seizure has a collar round its neck with the proper disc for the current year suspended therefrom, the dog shall not be destroyed or sold until after the expiration of seventy-two hours from the service upon the registered owner thereof of notice in the form in the Fourth Schedule, or to the like effect.

(4) The proceeds of the sale of a dog under this section and any sums paid under this section shall belong to and be paid into the funds of the Municipal Corporation or District Council in whose municipality or district the seizure was made; and if the seizure was not made within the limits of a municipality or district council district, the proceeds and sums paid as aforesaid shall be paid to the Treasurer for the general purposes of the State.

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

W.A. Act 6, 1903, s. 22.

21. 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—

- (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,

whether the owner of the dog is or is not known: Provided that this section shall not apply if the dog is accompanied and held in leash by its owner or some other person.

Destruction of diseased dogs.

22. (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 for inspection before it is registered, and if the person applying to register the dog reuses or fails to produce it within twenty-four hours of the demand he shall be liable to a penalty of not less than Two Pounds nor more than Five Pounds.

(2) If

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(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 subsection (4) of this section, shall cause it to be killed.

(3) Any member of the Police Force, special constable, inspector of or other person authorised in that behalf by any Municipal Council or District Council, or Crown lands ranger, may seize or cause to be seized, and, subject to subsection (4) of this section, kill or cause to be killed any dog which is at large which he believes to be suffering from any contagious or infectious disease.

(4) No dog retained or seized under the provisions of subsection (2) or (3) of this section shall be killed until a certificate in writing has been obtained from a veterinary surgeon, or some qualified person authorised by the Council of the municipality or district council district or by the Minister to give such certificates, that he has inspected the dog and is of opinion that it is suffering from a contagious or infectious disease. If the certificate is not obtained within such time as is reasonably required for inspection and the formation of an opinion on the matter aforesaid, the dog shall be returned to the owner thereof.

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

23. The occupier of any land, after giving public notice, in three successive issues of any two newspapers circulating in the district where the land is situate, of his intention to destroy dogs trespassing on the land, may destroy the same, 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—

Laying of poison
baits.

320, 1884, s. 14.

(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.

24. If any dog, in or upon any street, thoroughfare, highway, or public place in any part of the State, 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—

Penalty on owners
of dogs attacking
persons or
frightening horses.

6, 1867, s. 19.

(a) the owner of the dog shall be liable to a penalty of not less than Two Pounds nor more than Five Pounds; and

(b) any person damaged in person or property may also recover from the owner the amount of the damage done by the dog.

25. The

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Absolute liability of owner for damage done by dog.

Cf. *ibid.*, s. 20.

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

PART V.

PART V.

MISCELLANEOUS.

Illegally removing collar.

Cf. *ibid.*, s. 22.

26. (1) Any person who maliciously removes from the neck of any dog the collar or disc required by this Act 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 less than one month nor more than six months; and the owner of any dog killed under the provisions of this Act in consequence of the removal of the collar or disc may also recover as damages, in a summary way or by action, from the person so removing the collar or disc, the full value of the dog so killed.

(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.

Penalty on persons illegally killing dogs.

Cf. *ibid.*, s. 23.

27. If any person kills any dog otherwise than in accordance with the provisions of this Act he shall be liable to a penalty of not less than One Pound nor more than Five Pounds; and the owner of the dog may also recover as damages, in a summary way or by action, from that person, the full value of the dog.

Service of notices.

28. Notices under this Act may be served—

(a) by delivering the same to the owner; or

(b) by leaving the same at the owner's address as stated in the description of the dog when it was last registered; or

(c) by forwarding the same by post in a prepaid envelope addressed to the owner at the said address.

Who shall be deemed the owner of the dog.

6, 1867, s. 24.

29. 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 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 the said occupier proves that he was not the owner of the dog at the time the injury was done, or at the time of the act or default

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default charged, and that the dog was kept, or permitted to live or remain, in the said house or 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.

30. In any proceedings under this Act it shall not be necessary for the complainant to establish the fact of non-registration of any dog ; but the proof of due registration shall be on the defendant, and for that purpose a copy of the description of the dog given under section 10 for the purpose of registration, certified as correct under the hand of the Registrar of the district where the registration was effected, shall be conclusive evidence of the contents of the description so given.

Proof of registration.

Ibid., s. 25.

31. 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.

Recovery of damages.

Ibid., s. 26.

320, 1884. s. 15.

32. All proceedings in respect of offences against this Act shall be disposed of summarily.

Summary proceedings for offences.

33. All penalties and fees imposed under this Act shall be paid to the Treasurer for the public uses of the State : Provided that all fees received for the registration or otherwise of dogs intended to be kept within the limits of any municipality or district council district, and also one moiety of all penalties imposed for any offence committed within the limits of any municipality or district council district, shall be paid to the Municipal Corporation or District Council within whose district the fees were paid or the offence was committed.

Disposal of fees, &c.

Cf. 6, 1867, s. 31.

34. The Governor may make such regulations as may be necessary or convenient for carrying into effect the provisions and objects of this Act, including (though without limiting the operation of this section) regulations in respect of the following matters :—

Regulations.

- I. Any matters in this Act left to be expressed or ascertained by regulations :

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II. The

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11. The providing for the payment, allowances, and travelling expenses of Registrars of districts other than municipalities and district council districts.

Section 41 of
Impounding Act,
1920, not affected.

Ibid., s. 32.

Aboriginals
allowed to keep
two unregistered
dogs.

320, 1884, s. 6.

35. Nothing in this Act shall be construed as repealing or altering the provisions of section 41 of the Impounding Act, 1920.

36. Notwithstanding anything in this Act, every full-blooded aboriginal inhabitant of the State shall be entitled to keep two, but not more, unregistered dogs.

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

TOM BRIDGES, Governor.

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SCHEDULES.

FIRST SCHEDULE.

Section 10.

Registration of Dogs Act, 1924.

FORM OF DESCRIPTION.

A description of _____ dogs now owned and intended to be kept by _____, of _____, in District No. _____, 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. | Color, 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.]

SECOND SCHEDULE.

Section 10.

Registration of Dogs Act, 1924.

SCALE OF FEES FOR REGISTRATION OF DOGS. s. d.

| | | |
|----------------------------|---|---|
| For every Male dog | 5 | 0 |
| For every Female dog | 7 | 6 |

THIRD SCHEDULE.

Section 10.

Registration of Dogs Act, 1924.

FORM OF RECEIPT.

No. of Receipt

No. of District

Locality

Received this _____ day of _____, 19 _____, 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, District No. _____

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.

FOURTH

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FOURTH SCHEDULE.

Registration of Dogs Act, 1924.

FORM OF NOTICE.

To _____, of _____, [Place.] [Date.]
 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 Act, 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 Act.
 The registered number of the dog is _____

[Signature.]

NOTE.—This notice may be signed by the officer in charge of a police station, the Registrar of dogs, any special constable, any person authorised in writing by a Municipal or District Council to seize dogs found at large, or a Crown lands ranger.