



NORTHERN TERRITORY OF AUSTRALIA

No. 6 of 1991

AN ACT

to amend the *Law Reform (Miscellaneous Provisions) Act*

[Assented to 7 March 1991]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Law Reform (Miscellaneous Provisions) Amendment Act 1991*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Dog Act Repeal Act 1991*.

3. NEW PART

The *Law Reform (Miscellaneous Provisions) Act* is amended by adding at the end the following:

"PART X - DOGS

"31. INTERPRETATION

"In this Act -

'dog' means an animal of the genus *Canis*;

'premises' includes any land or building.

"32. LIABILITY FOR DAMAGE CAUSED BY DOGS

"(1) The owner of a dog is liable for any loss, damage or injury as a result of the actions of the dog.

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

"33. DEFENCE AGAINST ACTIONS IN RELATION TO KILLING OR INJURING DOGS

"(1) It is a defence to a prosecution for or civil action in relation to the killing or injuring of a dog if -

- (a) the defendant was not a trespasser on the premises on which the dog was;
- (b) the defendant or another person, or a bird or animal belonging to the defendant, was, at the time that the dog was killed or injured, being attacked by the dog, or the defendant believed, on reasonable grounds, that such an attack was about to take place; and
- (c) the defendant did not provoke the attack or impending attack.

"(2) For the purposes of subsection (1), a bird or animal is deemed to belong to the defendant if it belongs to a person who authorised the defendant to control it.

"(3) Where a person kills or injures a dog on premises of which he or she is the occupier or on which he or she is authorised by the occupier to be, that person shall be deemed to have established a prima facie defence under subsection (1).

"34. PROTECTION OF PERSONS DESTROYING DOGS

"(1) A person who destroys a dog in pursuance of a law of the Territory or if the dog is so diseased or injured that it is humane to do so is not liable in respect of that destruction.

"(2) A person who destroys a dog on the request of another person is not liable in respect of that destruction if he or she had reasonable cause to believe that the person who made the request was the owner of the dog."