



# NORTHERN TERRITORY OF AUSTRALIA

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No. 5 of 1991

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## AN ACT

to repeal the *Dog Act*, and for other purposes

[Assented to 7 March 1991]

**B**E 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 *Dog Act Repeal Act 1991*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. REPEAL

The *Dog Act 1980*, being Act No. 18 of 1980, is repealed.

4. INTERPRETATION

In this Act -

"by-law" means a by-law made before or after the commencement of this Act under the *Local Government Act*;

"Repealed Act" means the Act repealed by section 3, and "dog", "dog-tag", "inspector", "local area", "local authority", "local Registrar", "pound" and "premises" have the same meaning as in the Repealed Act.

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5. CONTINUATION OF REGISTRATION AND LICENCES, PENDING APPLICATIONS, &c.

Notwithstanding section 3 -

- (a) where under a by-law a dog is required to be registered and that dog was, immediately before the commencement of this Act, currently registered under the Repealed Act, the dog shall be deemed to be registered under that by-law for the remainder of the period specified on the dog-tag issued in respect of the dog under the Repealed Act and subject to the conditions, if any, to which the registration under the Repealed Act was subject;
- (b) where a by-law requires premises to be licensed for the purposes of keeping a dog or dogs and those premises were, immediately before the commencement of this Act, currently licensed under the Repealed Act, those premises shall be deemed to be licensed under the by-law for the remainder of the period specified in the licence under the Repealed Act and subject to the conditions, if any, to which that licence was subject;
- (c) where there is a by-law referred to in paragraph (b) and a person had made an application under section 19 or section 26 of the Repealed Act for a licence or for the renewal of a licence in respect of premises, which application had not been determined before the commencement of this Act, that application shall be deemed to be an application for a licence or for renewal of a licence required under that by-law and the payment of a fee required to be paid under the Repealed Act shall be deemed to be sufficient payment of any fee associated with the grant of a licence under the by-law; and
- (d) a register kept by a local Registrar in accordance with section 11 of the Repealed Act shall be deemed to form part of any similar register required to be kept pursuant to a by-law operating in the local area to which the first-mentioned register applied.

6. DOGS IN POUNDS

(1) Notwithstanding section 3 but subject to subsection (2), a dog which, on the commencement of this Act, is in a pound established under the Repealed Act by a local authority shall -

- (a) where there is a by-law made by the local authority which provides for the impounding of

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dogs, be deemed to be impounded under that by-law; or

- (b) where there is no such by-law, be dealt with in the same manner in which it would have been dealt with, and by the same persons by whom it would have been dealt with, as if the Repealed Act had continued in force.

(2) Where a dog is impounded in a pound or under a by-law of a local authority, no person shall demand or receive an amount for the registration of the dog, nor require the dog to be registered, as a condition for the release of the dog to the owner of the dog or the owner's agent where the person in charge of the pound is satisfied that the place at which the dog is usually kept is not within the local area and a person shall not otherwise require the payment of any amount as a condition for the release of the dog that would not be payable in respect of a dog usually kept within the local area.

### 7. REGISTRATION OF NON-RESIDENT DOGS

(1) A local authority shall not make a by-law requiring the registration of a dog that is not usually kept within its local area and a by-law relating to the registration of dogs, expressed in general terms, shall be construed accordingly.

(2) For the purposes of subsection (1), a dog shall be taken to be usually kept within a local area if it has been usually kept within the area during a period of 3 consecutive months.

### 8. DESTRUCTION OF DOGS

Notwithstanding section 3, where, after the commencement of this Act, the Court of Summary Jurisdiction makes an order under section 66 of the Repealed Act for the destruction of a dog, the Court may order a member of the Police Force, or a person appointed under a by-law of a local authority to carry out duties similar to those of an inspector under the Repealed Act, to destroy the dog and such a member or person may exercise the power given to an inspector by section 51(1), and shall have the protection provided to a person by section 69(1), of the Repealed Act as if this Act had never commenced.

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