

NORTHERN TERRITORY OF AUSTRALIA

DOG ACT  
No. 18 of 1980  
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SCHEDULE

# THE NORTHERN TERRITORY OF AUSTRALIA

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No. 18 of 1980

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## AN ACT

Relating to dogs

[Assented to 14 March 1980]

**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:

### PART I - PRELIMINARY

#### 1. SHORT TITLE

This Act may be cited as the Dog Act 1980.

#### 2. COMMENCEMENT

The several parts of this Act shall come into operation on the dates respectively fixed by the Administrator by notice in the Gazette.

#### 3. REPEAL

The Ordinances specified in the Schedule are repealed.

#### 4. SAVINGS

(1) All dogs registered before the commencement of this Act under the repealed Ordinance shall be deemed to be registered for the period during which that registration would have continued in force had this Act not commenced, but the registration of those dogs may be renewed or cancelled under this Act.

(2) A Registrar appointed under section 6(1) of the repealed Ordinance shall be deemed to be a Registrar appointed under section 7(1).

#### 5. INTERPRETATION

(1) In this Act, unless the contrary intention appears -

"dog" means an animal which is of the genus Canis;

"dog-tag" means a tag issued under section 17;

## Dog

"dog trader" means a person who buys or sells dogs in the course of his business;

"guide-dog" means a dog trained by a guide-dog training institution recognized by the Guide Dogs for the Blind Association of South Australia and the Northern Territory Incorporated and used as a guide by a person who is wholly or partially blind;

"inspector" means a person appointed as an inspector under section 8;

"licence" means a licence issued under Division 2 of Part III;

"local area" means a municipality or community government area within the meaning of the Local Government Act;

"local authority" means a council or community government council within the meaning of the Local Government Act;

"local inspector", in relation to a local area, means a person appointed under section 8(2) as an inspector in respect of the area;

"local Registrar", in relation to a local area, means a person appointed under section 7(2) as a Registrar in respect of the area;

"pound" means a pound established under this Act and includes premises arrangements for the use of which have been made by a local authority under this Act;

"premises" includes any land or building;

"public place" means -

(a) every road, street, footway, court, alley or thoroughfare which the public is allowed to use, notwithstanding that the road, street, footway, court, alley or thoroughfare may be formed on private property; and

(b) any place declared to be a public place under section 12 or 13(1)(d);

"registered" means registered under this Act;

"Registrar" means a person appointed to be a Registrar under section 7;

"repealed Ordinance" means the Registration of Dogs Act as in force immediately before the commencement of this Act;

## Dog

"veterinary surgeon" means a veterinary surgeon registered under the Veterinary Surgeons Act.

(2) A reference in this Act to the owner of a dog includes a reference to -

- (a) the person for the time being under whose control the dog is; and
- (b) the occupier of the house or premises or part of the house or premises where the dog is ordinarily kept.

### 6. EXEMPTIONS

(1) Division 1 of Part III and sections 33, 34 and 37 do not apply to or in relation to -

- (a) a guide-dog;
- (b) a dog used by an officer within the meaning of the Customs Act 1901 of the Commonwealth in the course of the administration of that Act;
- (c) a dog used as a guard-dog by an Armed Service while it is being so used; and
- (d) a dog used on police work by the Police Force of the Northern Territory constituted under the Police Administration Act while it is being so used.

(2) This Act applies subject to the Territory Parks and Wildlife Conservation Act and the Regulations made under that Act.

## PART II - ADMINISTRATION

### Division 1 - Registrars, Inspectors, &c.

#### 7. REGISTRARS

- (1) The Minister may appoint a person to be a Registrar.
- (2) Subject to sub-section (3), a local authority may appoint a person to be a Registrar in respect of its local area.
- (3) A local authority shall not appoint a person to be a Registrar under sub-section (2) unless it also establishes or makes arrangements for the establishment and maintenance of a pound in respect of that area under section 53.

#### 8. INSPECTORS

- (1) The Minister may appoint a person to be an inspector.

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(2) A local authority may appoint a person to be an inspector in respect of its local area.

(3) Each member of the Police Force is an inspector.

### 9. LOCAL REGISTRARS AND INSPECTORS TO EXERCISE POWERS LOCALLY

No local Registrar or local inspector shall exercise any power or perform any duty or function conferred or imposed on him by or under this Act in relation to a dog which is or the holder of a licence who is not in the local area in respect of which he is appointed to be a Registrar or inspector, as the case may be.

### 10. REGISTRARS AND INSPECTORS NOT TO EXERCISE POWERS IN CERTAIN CASES

A Registrar or inspector appointed under section 7(1) or 8(1) shall not exercise any power or perform any duty or function conferred or imposed on him by or under this Act in relation to a dog which is or the holder of a licence who is in a local area in respect of which a local Registrar or local inspector, as the case may be, has been appointed.

### 11. REGISTERS

Each Registrar shall keep a register in the prescribed form showing the prescribed details in relation to -

- (a) all dogs registered by him;
- (b) all licences granted by him; and
- (c) any offences against this Act or the repealed Ordinance known to the Registrar of which the owner of a dog registered by him has been convicted.

### 12. PUBLIC PLACES

The Minister may, by notice in the Gazette, declare any vacant Crown land to be a public place.

## Division 2 - Powers of Local Authorities

### 13. BY-LAWS

- (1) Subject to this Act, a local authority may make by-laws -
  - (a) for or in relation to the management of a pound established by it;
  - (b) fixing the form and type of dog-tag to be affixed to a registered dog ordinarily kept in its local area;

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(c) requiring a dog which has been sterilized to be marked in the prescribed manner; and

(d) declaring any area of vacant Crown land within its area to be a public place for the purposes of this Act.

(2) Section 478 of the Local Government Act applies to and in relation to by-laws made under sub-section (1) by a community government council within the meaning of that Act.

### 14. RESOLUTIONS

(1) Subject to this Act, a local authority may, by resolution, fix -

(a) the fee to be charged for an application for the registration or renewal of registration of a dog;

(b) the fee to be charged for the application for the grant or renewal of a licence;

(c) fixing the hours during which a pound established by it shall be open;

(d) the fee to be charged for veterinary services to be provided by it (including the charge for the destruction of a dog); and

(e) the fee to be charged for the release of a dog from a pound established by it.

(2) The power of a local authority to fix a fee under sub-section (1)(a) includes the power to make provision for the granting of rebates of fees in such circumstances as are specified in the resolution fixing the fee.

(3) The fee fixed under sub-section (1)(e) shall be fixed by reference to the cost of collecting the dog and maintaining it in the pound.

(4) Notice of a resolution of a local authority under sub-section (1) shall be published not later than 21 days after the making of the resolution in the Gazette and in a newspaper, if any, circulating in the local area.

## PART III - REGISTRATION AND LICENCES

### Division 1 - Registration of Dogs

#### 15. APPLICATIONS FOR REGISTRATION

(1) The owner of an unregistered dog may apply to a Registrar for the registration of the dog.



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(2) An application under sub-section (1) shall be -

(a) in the prescribed form; and

(b) accompanied by -

(i) the fee, if any, fixed under section 14(1)(a) in relation to the application; or

(ii) if no fee has been so fixed - the prescribed fee.

### 16. DETERMINATION OF APPLICATION

(1) Subject to this Act, a Registrar shall, upon receiving an application for the registration of a dog, determine the application -

(a) by registering the dog, either conditionally or unconditionally; or

(b) by refusing to register the dog.

(2) A Registrar shall not impose a condition on the registration of a dog unless that condition is a condition for or with respect to the health of a dog.

(3) A Registrar shall not refuse to register a dog if the number of dogs ordinarily kept at the premises at which the dog is ordinarily kept does not exceed 2.

(4) A Registrar who determines an application for the registration of a dog by refusing it or registering the dog conditionally shall deliver to the applicant a statement in writing of the reasons for the determination.

### 17. DOG-TAGS

A Registrar who registers a dog shall issue to the person who made the application a tag in the form and of the type -

(a) fixed under section 13(1)(b) in relation to the dog; or

(b) if no form or type has been so fixed in relation to the dog - in the form and of the type prescribed.

### 18. PERIOD OF REGISTRATION

Subject to this Act, the registration of a dog remains in force for the period, not exceeding 12 months, specified on the dog-tag issued in respect of the dog when the dog was registered.

## Division 2 - Licences

### 19. APPLICATIONS FOR LICENCE

(1) Any person may apply to a Registrar for a licence in respect of premises of which he is the occupier.

## Dog

(2) An application under sub-section (1) shall be -

(a) in the prescribed form; and

(b) accompanied by -

(i) the fee, if any, fixed under section 14(1)(b) in relation to the application; or

(ii) if no fee has been so fixed - the prescribed fee.

### 20. MATTERS TO BE TAKEN INTO ACCOUNT

A Registrar shall, in considering an application for a licence, take into account any matter which, in his opinion, is relevant, and in particular -

(a) the facilities available at the premises specified in the application for the control of dogs; and

(b) the number of dogs to be kept at the premises.

### 21. DETERMINATION OF APPLICATION

(1) A Registrar shall, within 7 days of receiving an application for a licence, determine the application by -

(a) issuing the licence applied for, either conditionally or unconditionally; or

(b) refusing to issue the licence.

(2) A Registrar who determines an application for a licence by refusing it or issuing the licence conditionally shall deliver to the applicant a statement in writing of the reasons for the determination.

### 22. CERTIFICATES OF STERILIZATION

Where a dog trader sells a dog which has been sterilized, he shall deliver to the purchaser of the dog a certificate in the prescribed form.

### 23. PERIOD OF LICENCE

Subject to this Act, a licence remains in force for the period, not exceeding 12 months, specified in the licence.

### Division 3 - Renewal, Cancellation, &c., of Registration and Licences

### 24. APPLICATIONS FOR RENEWAL OF REGISTRATION

(1) The owner of a registered dog may, at any time before the registration of the dog has expired, apply to a Registrar for the renewal of the registration of the dog.

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(2) An application under sub-section (1) shall be -

(a) in the prescribed form; and

(b) accompanied by -

(i) the fee, if any, fixed under section 14(1)(a) in relation to the application; or

(ii) if no fee has been so fixed - the prescribed fee.

### 25. DETERMINATION OF APPLICATION

(1) A Registrar shall, upon receiving an application for the renewal of the registration of a dog, determine the application by -

(a) renewing the registration of the dog, either conditionally or unconditionally; or

(b) refusing to renew the registration of the dog.

(2) A Registrar who determines an application for the renewal of the registration of a dog by refusing it or renewing the registration of the dog conditionally shall deliver to the applicant a statement in writing of the reasons for the determination.

(3) A Registrar may refuse to renew the registration of a dog if -

(a) the owner of the dog has been convicted of an offence against this Act or the repealed Ordinance on 2 or more occasions within the period of 2 years before the application for the renewal of the registration of the dog;

(b) the dog is shown, to the satisfaction of the Registrar, to be destructive, dangerous, vicious or consistently causing a nuisance; or

(c) the dog is clearly suffering from, or the Registrar is satisfied on the advice of a veterinary surgeon that the dog is suffering from, a contagious or infectious disease.

### 26. APPLICATIONS FOR RENEWAL OF LICENCES

(1) The holder of a licence may, at any time before the expiration of his licence, apply to a Registrar for the renewal of the licence.

(2) An application under sub-section (1) shall be -

(a) in the prescribed form; and

(b) accompanied by -

(i) the fee, if any, fixed under section 14(1)(b) in relation to the application; or

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(ii) if no fee has been so fixed - the prescribed fee.

27. MATTERS TO BE TAKEN INTO ACCOUNT ON RENEWAL OF LICENCE

A Registrar shall, in considering the application for renewal of a licence, take into account any matter which he is entitled to take into account under section 20 and in particular whether any written complaints have been made in relation to the keeping or behaviour of dogs on the premises to which the licence relates.

28. DETERMINATION OF APPLICATION

(1) A Registrar shall, within 7 days of receiving an application for the renewal of a licence, determine the application by -

(a) renewing the licence, either conditionally or unconditionally;  
or

(b) refusing to renew the licence.

(2) A Registrar who determines an application for the renewal of a licence by refusing it or renewing the licence conditionally shall deliver to the applicant a statement in writing of the reasons for the determination.

29. CANCELLATION, &c., OF REGISTRATION OR LICENCE BY REQUEST

A Registrar may, on an application made to him in writing by the owner of a registered dog or the holder of a licence, by notice in writing served on the owner or holder -

(a) cancel;

(b) except in the case of the registration of a dog, suspend, for the period specified in the application; or

(c) vary, in the manner specified in the application, a condition of,

the registration of the dog or the licence, as the case may be.

30. NOTICE TO SHOW CAUSE

A Registrar may, by notice in writing served on the owner of a registered dog or the holder of a licence, require that owner or holder to show cause why -

(a) the registration of that dog should not be cancelled;

(b) the licence issued to him should not be -

(i) cancelled; or

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- (ii) suspended for the period specified in the notice;
  - (c) a condition of that registration or licence should not be varied in the manner specified in the notice; or
  - (d) that registration or licence should not be subject to a condition specified in the notice.
31. CANCELLATION, &c., OF REGISTRATION OR LICENCE OTHERWISE THAN BY REQUEST

The Registrar who served the notice referred to in section 30 may, not less than 14 days after the date of service of that notice, by notice in writing served on the owner or licence holder on whom the first-mentioned notice was served -

- (a) if that first-mentioned notice was a notice referred to in section 30(a) or (b)(i) - cancel the registration of the dog or the licence, as the case may be;
- (b) if that first-mentioned notice was a notice referred to in section 30(b)(ii) - suspend the licence for the period specified in the first-mentioned notice;
- (c) vary a condition to which the registration of the dog or the licence, as the case may be, was subject in the manner specified in the first-mentioned notice; or
- (d) impose the condition specified in the first-mentioned notice on the registration of the dog or the licence, as the case may be.

### 32. OPERATION OF NOTICE

A notice under section 29 or 31 served by a Registrar has effect to cancel, suspend, vary a condition of or impose a condition on the registration of the dog or the licence to which it relates, according to the tenor of the notice, at the expiration of 21 days from the date of service of the notice.

## PART IV - CONTROL OF DOGS

### Division 1 - Offences

#### 33. UNREGISTERED DOGS

(1) Subject to this Act, no person other than the manager of a pound or prescribed refuge or a Registrar shall knowingly keep an unregistered dog which is more than 3 months old.

Penalty: \$200.

(2) The holder of a licence who is boarding a dog for the owner of the dog is not liable in respect of an offence against sub-section (1) committed in respect of such a dog.

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(3) The Society for the Prevention of Cruelty to Animals Incorporated is not liable in respect of an offence against sub-section (1) committed in respect of a dog in a refuge maintained by it.

(4) A veterinary surgeon is not liable in respect of an offence against sub-section (1) in respect of a dog kept by him for the purpose of treatment.

### 34. CONDITIONS OF REGISTRATION TO BE OBSERVED

No person shall keep a dog in contravention of the conditions subject to which the dog is registered.

Penalty: \$200.

### 35. REQUIREMENT FOR LICENCE

(1) The occupier of any premises where more than 2 dogs are ordinarily kept is, unless he is the holder of a licence issued under Division 2 of Part III, guilty of an offence.

Penalty: \$200.

(2) It is a defence to a prosecution for an offence against sub-section (1) that the dog in respect of which the alleged offence occurred had, at the time of the alleged offence, been ordinarily kept at the premises for less than 3 months.

### 36. REMOVAL OF DOG-TAGS

No person shall remove a dog-tag from a registered dog without reasonable cause.

Penalty: \$200.

### 37. DOGS AT LARGE

Subject to this Act, the owner of a dog which is not under effective control and is in a public place is guilty of an offence.

Penalty: \$200.

### 38. DOG RACES, &c.

(1) A Registrar may, by notice in writing, exempt a person or body of persons from the provisions of section 37 for the purposes of a dog-race, a dog-trial, dog obedience training, a dog-show or using dogs to drive cattle or stock on a public road or for a like event or purpose.

(2) An exemption under sub-section (1) may relate to any particular event or to a class of events and may be subject to such conditions as the Registrar thinks fit.

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39. BITCHES ON HEAT

(1) The owner of a female dog which is in oestrus and is in a public place is guilty of an offence.

Penalty: \$200.

(2) Sub-section (1) does not apply to or in relation to a dog which is -

(a) being taken to -

(i) a veterinary surgeon for treatment;

(ii) a kennel for boarding;

(iii) a stud dog for breeding purposes; or

(iv) a conformation show; and

(b) under effective control by means of a short chain, cord or leash or in a motor car or other vehicle,

where it is reasonable to so control the dog.

40. ENTICEMENT

No person shall, with intent to commit an offence against this Act or to cause such an offence to be committed, entice or induce any dog to enter a public place.

Penalty: \$200.

41. DOGS IN ENCLOSED PLACES WITH OTHER ANIMALS

Subject to this Act, no person shall permit a dog to be in an enclosed field, paddock, yard or other place (other than a field, paddock, yard or place owned by him or a pound or prescribed refuge) in which an animal or bird owned by another person is confined without the consent of the owner of that other animal or bird.

Penalty: \$200.

42. DOGS WORRYING PERSONS, ANIMALS, &c.

(1) The owner of a dog which is in a public place and -

(a) attacks or menaces any person or animal; or

(b) chases any vehicle or bicycle,

is guilty of an offence.

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(2) No person shall invite, encourage or provoke a dog to do an act referred to in sub-section (1).

Penalty: \$200.

### 43. DOGS CAUSING NUISANCE

(1) For the purposes of this section, a dog is a nuisance if it -

- (a) is injurious or dangerous to the health of the community;
- (b) creates a noise by barking or otherwise which persistently occurs or continues to a degree or extent which has a disturbing effect on the state of reasonable mental, physical or social well-being of a person; or
- (c) behaves consistently in a manner contrary to the general interest of the community.

(2) No owner of a dog shall permit the dog, either by itself or in concert with other dogs, to be or to become a nuisance.

Penalty: \$200.

### 44. ABANDONING DOGS

No person shall abandon a dog.

Penalty: \$500.

### 45. UNLAWFULLY KILLING OR INJURING DOGS

(1) No person shall wilfully kill or injure any dog belonging to any other person otherwise than in accordance with this Act or unless the dog is so diseased or injured that it is humane to do so.

Penalty: \$200.

(2) It is a defence to a prosecution for an offence against sub-section (1) -

- (a) that the defendant was not a trespasser on the premises on which the dog was;
- (b) that the defendant, another person or a bird or animal belonging to the defendant was at the time of the alleged offence about to be or being attacked by the dog; and
- (c) that, if the dog was attacking a bird or animal belonging to the defendant, the defendant did not incite, encourage or provoke the attack.



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### 46. OBSTRUCTION OF OFFICERS

No person shall obstruct a Registrar or an inspector in the course of carrying out his duties under this Act.

Penalty: \$200.

### 47. FALSE STERILIZATION MARKS

No person shall mark a dog which has not been sterilized with a prescribed mark.

Penalty: \$200.

### 48. FALSE INFORMATION

(1) No person shall knowingly make a false statement in any certificate, application, return, request or other document required or permitted to be made, furnished or given by or under this Act.

Penalty: \$200.

(2) It is a defence to a prosecution for an offence against sub-section (1) in relation to a false statement that a dog is a sterilized dog that a certificate under section 22 was issued in respect of the dog.

## Division 2 - Enforcement

### 49. POWERS OF INSPECTOR

(1) Subject to this Act, an inspector or a Registrar may seize any dog -

(a) which is required by this Act to be registered and is unregistered;

(b) which is, in his opinion, not under effective control and is in a public place; or

(c) ordered to be destroyed under section 66(1).

(2) An inspector or Registrar may destroy any dog which -

(a) is a dog referred to in sub-section (1); and

(b) is so savage or uncontrollable that it cannot be seized pursuant to that section with safety.

### 50. DOGS SEIZED TO BE IMPOUNDED

A person who seizes a dog in pursuance of this Act shall, as soon as practicable after seizing the dog -

(a) cause the dog to be returned to its owner; or

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(b) deliver the dog to a pound or prescribed refuge.

### 51. ENTRY ONTO LAND

(1) A Registrar or inspector may enter upon any land in the execution of his duties -

(a) by the invitation of the occupier or apparent occupier of the land;

(b) in order to seize a dog ordered to be destroyed under section 66(1); or

(c) in execution of a warrant issued under sub-section (2).

(2) A Justice or a magistrate may, upon application by an inspector, if he is satisfied by affidavit that there are reasonable grounds for believing that a dog ordinarily kept on any premises is a dog referred to in section 49(1)(a), issue a warrant in the prescribed form authorizing the inspector specified in the warrant to enter upon the premises on which the dog is ordinarily kept specified in the warrant for the purpose of seizing the dog under section 49.

### Division 3 - Pounds

### 52. MINISTER MAY ESTABLISH POUNDS

The Minister may, by notice in the Gazette, establish a pound.

### 53. ESTABLISHMENT OF POUNDS

(1) A local authority may establish a pound or make such arrangements as it thinks fit for the use of any premises for the impounding of dogs seized under this Act.

(2) Notice of the establishment of a pound or the making of arrangements pursuant to sub-section (1) shall be published in the Gazette.

### 54. MANAGERS OF POUNDS

(1) Where a pound is established, the Minister or local authority who established the pound shall appoint a Registrar to be the manager of the pound.

(2) A local authority which establishes a pound or makes arrangements pursuant to section 53(1) for the use of premises for the impounding of dogs seized under this Act shall ensure that the manager of those premises has qualifications and experience satisfactory to it in the handling and control of dogs.

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### 55. HOURS POUND TO BE OPEN

Each pound shall remain open between such hours on each day (public holidays excepted) -

- (a) as are fixed in respect of that pound under section 14(1)(c);  
or
- (b) if no hours are so fixed - as are prescribed.

### 56. NOTICE OF IMPOUNDING

Where a dog is impounded in a pound, the manager of the pound shall, as soon as practicable after the dog is impounded, cause a notice in the prescribed form of the impounding of the dog to be -

- (a) if the name and address of the owner of the dog is known to the manager of the pound - sent by post to the owner of the dog; or
- (b) if the name or address of the owner of the dog is not known to the manager of the pound - exhibited at -
  - (i) the pound;
  - (ii) if the office of a Registrar is within a reasonable distance of the pound - that office; and
  - (iii) if a police station is within a reasonable distance of the pound - that police station.

### 57. RELEASE OF DOGS FROM POUNDS

A dog shall not be released from a pound -

- (a) unless it is, at the time of the release, registered;
- (b) to a person other than the owner of the dog or his authorized agent; and
- (c) unless there is paid to the manager of the pound -
  - (i) the fee fixed under section 14(1)(e) in relation to the dog; or
  - (ii) if no fee has been so fixed - the prescribed fee.

### 58. SALE OR DESTRUCTION OF IMPOUNDED DOGS

(1) Subject to this Act, the manager of a pound may sell or otherwise dispose of or destroy a dog impounded in the pound.

(2) The manager of a pound shall not sell or destroy a dog impounded in the pound before the expiration of 4 days (excluding

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public holidays, Saturdays and Sundays) from the date on which the notice under section 56 in relation to the dog was first sent or exhibited, as the case may be.

### 59. DISEASED DOGS

(1) A veterinary surgeon or a Registrar with the advice of a veterinary surgeon if available, who examines an impounded dog shall, if he finds that it is diseased, notify the manager of the pound of that finding.

(2) A manager of a pound shall, immediately upon being notified that a dog in that pound is diseased, isolate the dog from the other dogs in the pound and by notice in writing served on the owner, if known, of the diseased dog -

(a) advise the owner that the dog is diseased and -

(i) require the dog to be destroyed; or

(ii) require the dog to undergo a course of treatment specified in the notice; and

(b) require the owner to produce to him, within the time specified in the notice, a report prepared by a veterinary surgeon or person specified in the notice on the diseased dog and on all other dogs ordinarily kept at the premises at which the impounded dog was kept.

(3) A dog the subject of a notice under this section may be released from a pound in accordance with section 57 subject to such conditions as the Registrar thinks fit.

(4) No owner of a dog shall contravene or fail to comply with a requirement contained in a notice served on him under sub-section (2) or with a condition subject to which the dog is released under sub-section (3).

Penalty: \$200.

(5) Notwithstanding any other provision of this Act, the manager of a pound may destroy a dog -

(a) if the dog is so diseased or injured that it is humane to destroy it; or

(b) with the approval of a veterinary surgeon.

### 60. METHOD OF DESTRUCTION OF IMPOUNDED DOGS

A dog in a pound shall not be destroyed otherwise than -

(a) by a veterinary surgeon or a person who is, in the opinion of a Registrar, qualified to destroy the dog; and

## Dog

(b) in a manner approved by the Australian Veterinary Association Limited.

### PART V - APPEALS

#### 61. APPEAL

A dog owner, the holder of a licence or an applicant for registration or renewal of registration or a licence or renewal of a licence who is aggrieved by a decision of a Registrar under this Act may, not later than 28 days after the date of service on him of notice of the decision, appeal to -

(a) if the decision was made by a local Registrar appointed by a community government council within the meaning of the Local Government Act - a magistrate; or

(b) in any other case - a Court of Summary Jurisdiction.

#### 62. POWERS OF MAGISTRATE

A magistrate to whom an appeal under section 61(a) is made has jurisdiction to hear and determine the appeal and in exercising the jurisdiction conferred by this section shall have and may exercise such powers as he would have in hearing a complaint in a Court of Summary Jurisdiction under the Justices Act.

#### 63. POWERS OF COURT OF SUMMARY JURISDICTION

A Court of Summary Jurisdiction has jurisdiction to hear and determine an appeal under section 61(b).

### PART VI - MISCELLANEOUS

#### 64. CHANGE OF OWNERSHIP OF DOGS

(1) A person who acquires ownership of a registered dog shall, not later than 14 days after so acquiring ownership of the dog, notify a Registrar of the prescribed particulars of the change of ownership.

Penalty: \$50.

(2) The registered owner of a dog who changes his address shall, not later than 14 days after the change, notify a Registrar of his new address.

Penalty: \$50.

(3) A Registrar who is notified of a change of ownership under sub-section (1) shall amend the register kept by him accordingly.

#### 65. PROVISION FOR GUIDE-DOGS

Notwithstanding anything contained in any Act, regulation or by-law -

## Dog

- (a) a person who is wholly or partially blind shall be entitled to be accompanied by a guide-dog into any building or place open to or used by the public for any purpose whatsoever or into any vehicle, vessel or craft used for the carriage of passengers for hire or reward and shall not be guilty of any offence by reason only that he takes that dog into or permits that dog to enter any building or place open to or used by the public or into any such vehicle, vessel or craft; and
- (b) an occupier or person in charge of any building or place open to or used by the public or in charge of any vehicle, vessel or craft used for the carriage of passengers for hire or reward shall not refuse entry into any such building, place or transport or deny accommodation or service to any person who is wholly or partially blind by reason only that that person is accompanied by a guide-dog.

Penalty: \$200.

### 66. ORDER FOR DESTRUCTION OF DOGS

- (1) A Court of Summary Jurisdiction may, on the application of -
  - (a) any person who satisfies the Court that a dog is diseased;
  - (b) any person who has suffered any loss, damage or injury as a result of the actions of a dog; or
  - (c) the owner or occupier of premises upon which a dog persistently has caused annoyance or been a nuisance within the meaning of section 43,

order an inspector to destroy the dog.

- (2) A Court of Summary Jurisdiction shall not make an order under sub-section (1) in relation to a registered dog unless -
  - (a) notice of the application under that sub-section has been served on the owner of the dog; or
  - (b) the Court is satisfied that it is proper in all the circumstances to make the order notwithstanding that the owner of the dog has not been served with notice under paragraph (a).

### 67. POISON BAITS

- (1) Subject to this section and the Territory Parks and Wildlife Conservation Act, the occupier of any land not within a town within the meaning of the Crown Lands Act may lay poison on the land for the purpose of destroying dogs trespassing on the land.

## Dog

- (2) No person shall lay poison in pursuance of sub-section (1) -
  - (a) on land within 200 metres of a public place, road or way; and
  - (b) unless notice of the laying of the poison -
    - (i) is conspicuously exhibited on the land; and
    - (ii) has, before the poison is laid, been published not less than 3 times in a newspaper circulating in the area in which the poison is to be laid.

Penalty: \$200.

### 68. LIABILITY FOR DAMAGE

- (1) The owner of a dog shall be liable for any loss, damage or injury as a result of the actions of the dog.
- (2) In any action for damages under this section -
  - (a) it shall not be necessary for the plaintiff to prove a previous mischievous propensity in the dog or that the injury was attributable to neglect on the part of the owner; and
  - (b) the conviction of the defendant for an offence against this Act relating to the occurrence by which the loss, damage or injury to the plaintiff was caused shall be conclusive evidence of the defendant's ownership of the dog.

### 69. PROTECTION OF PERSONS DESTROYING DOGS

- (1) A person who destroys a dog in accordance with this Act 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 upon the request of another person shall not be liable in respect of that destruction if he had reasonable cause to believe that the person who made the request was the owner of the dog.

### 70. DATE OF REGISTRATION OR LICENCE

The registration of a dog, and a licence, takes effect on the day on which it is granted.

### 71. REGULATIONS

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this Act.

## Dog

(2) Without limiting the generality of sub-section (1), the regulations may make provision -

- (a) for or with respect to the control of dogs by reference to age, sex or other characteristics;
- (b) for or with respect to the granting of rebates in relation to fees;
- (c) for or with respect to the calculation of the fee referred to in section 57(c)(ii) by reference to the cost of collecting the dog and maintaining it in the pound;
- (d) for or with respect to the granting of rebates of fees; and
- (e) imposing a penalty of not more than \$100 for an offence against the regulations.

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## SCHEDULE

### Section 3

Registration of Dogs Ordinance 1938 (No. 5 of 1938)  
Registration of Dogs Ordinance 1955 (No. 3 of 1956)  
Registration of Dogs Ordinance 1962 (No. 4 of 1963)  
Registration of Dogs Ordinance 1964 (No. 45 of 1964)  
Registration of Dogs Ordinance 1964 (No. 2 of 1964)  
Registration of Dogs Ordinance 1964 (No. 5 of 1965)  
Registration of Dogs Ordinance 1965 (No. 33 of 1965)  
Registration of Dogs Ordinance (No. 2) 1965 (No. 53 of 1965)  
Registration of Dogs Ordinance 1966 (No. 38 of 1966)  
Registration of Dogs Ordinance 1967 (No. 48 of 1967)  
Registration of Dogs Ordinance 1968 (No. 38 of 1968)  
Registration of Dogs Ordinance 1976 (No. 54 of 1976)

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