

Serial 133
Summary Offences
Amendment (No. 4)
Mr Hatton

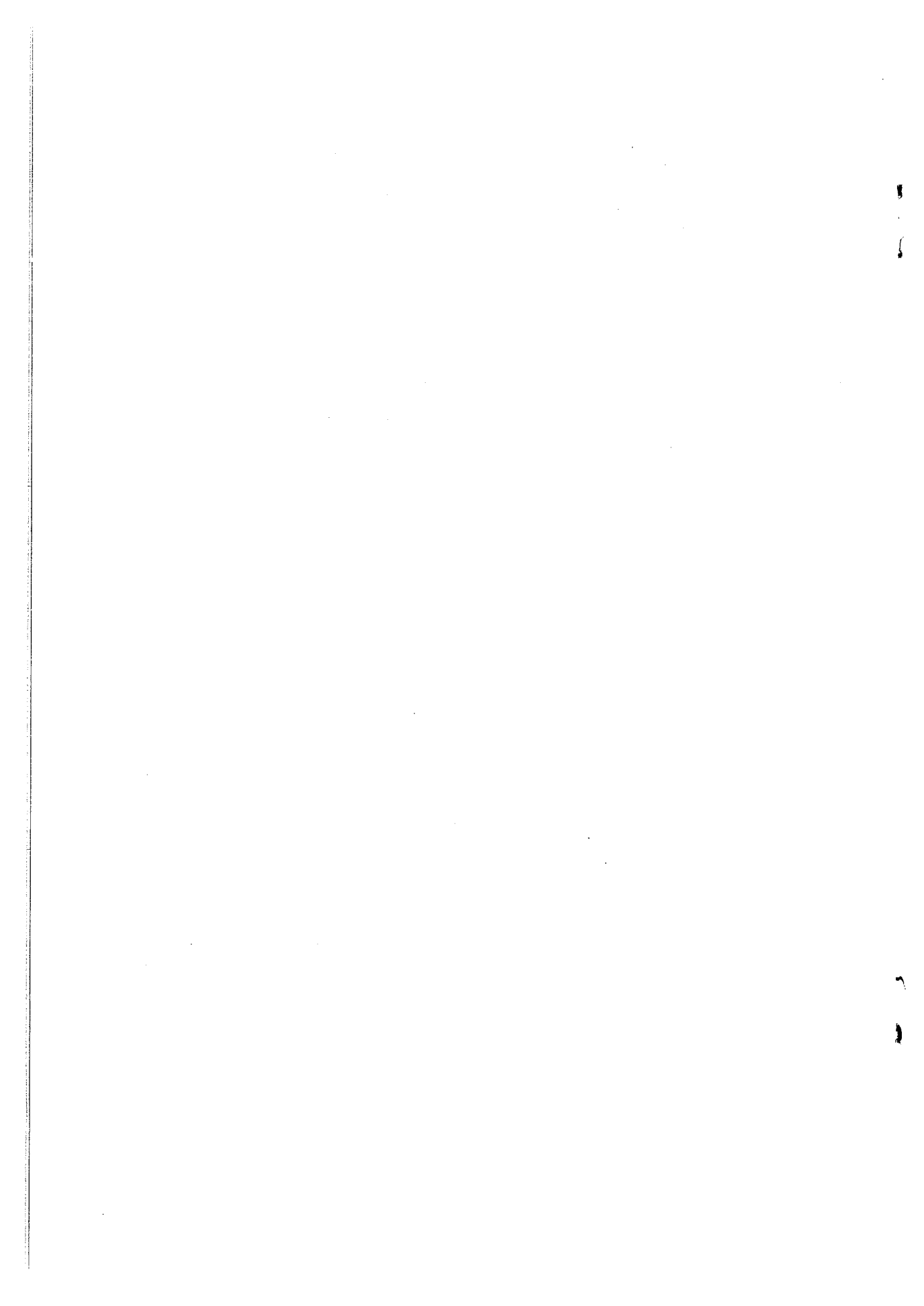
NORTHERN TERRITORY OF AUSTRALIA
SUMMARY OFFENCES AMENDMENT BILL (No. 4) 1995

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"75A. DANGEROUS DOGS"





NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Summary Offences Act*

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 *Summary Offences Amendment Act (No. 4) 1995*.

2. PROHIBITION OF NUISANCES IN THOROUGHFARES

Section 75(1)(b) of *Summary Offences Act* is amended by omitting ", or suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person, or other animal".

3. NEW SECTION

The *Summary Offences Act* is amended by inserting after section 75 the following:

"75A. DANGEROUS DOGS

"(1) In this section, a reference to the owner of a dog includes -

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- (a) the person for the time being under whose control the dog is;
- (b) the occupier of premises or a part of premises where the dog is usually kept; and
- (c) where the owner has not attained the age of 17 years, a parent or guardian of the owner,

but does not include an authorised person, within the meaning of the *Local Government Act*, a member of the Police Force or a person at a pound controlling or keeping a dog in accordance with a by-law of a council, within the meaning of that Act.

"(2) The owner of a dog that -

- (a) attacks a person or animal; or
- (b) menaces a person or animal,

is guilty of an offence.

Penalty: \$5,000.

"(3) It is a defence to a prosecution for an offence against subsection (2) if the owner of the dog proves that -

- (a) a person had, without the owner's permission, enticed the dog to attack or menace the person or animal;
- (b) the animal attacked or menaced was attacked or menaced on premises owned or occupied by the owner; or
- (c) the person attacked or menaced was attacked or menaced on premises owned or occupied by the owner and the person -
 - (i) was on the premises for an illegal purpose; or
 - (ii) was attacked or menaced other than when proceeding by the shortest practical route from a boundary of the premises to the door of the premises closest to the boundary or from the door to the boundary.

"(4) A person shall not entice or induce a dog to act in a manner that would render the owner of the dog liable to prosecution for an offence against subsection (2).

Penalty: \$5,000.

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"(5) Where a court finds a person guilty of an offence against subsection (2), it may -

- (a) order the destruction of the dog in addition to or instead of the penalty specified in that subsection; and/or
- (b) order the person to pay the costs and expenses of and incidental to the impounding of the dog.

"(6) Where a member of the Police Force believes, on reasonable grounds, that a dog has or may cause serious injury to a person or animal, the member may seize and impound or destroy the dog.

"(7) Where a member of the Police Force believes, on reasonable grounds, that a dog that is on land not open to or used by the public has caused serious injury to a person and that it is necessary to prevent further injury to the person or any other person, the member may enter onto the land, without the consent of the occupier or owner, or a warrant, to seize the dog and to destroy or impound the dog."

