**REGISTRATION OE DOGS ACT AMENDMENT BILL 1948**

**House of Assembly, 18 August 1948, pages 775-6**

Second reading

**The Hon. M. McINTOSH (Albert—Minister of Local Government)—**During the past few years municipal and district councils and the associations representing these bodies have made a number of requests to the Government for amendment of the law relating to dogs. These have been inquired into and reported on by the Local Government Advisory Committee.

The SPEAKER—Order! I ask hon. members not to converse aloud.

The Hon. M. McINTOSH—The Government has ascertained that most of the suggested amendments are reasonable and advantageous, and upon consideration of the committee’s reports has given instructions for the preparation of the Bill. Clause 2 deals with the registration discs. Under the present law these discs must be of Metal. It is proposed to abolish this requirement so that councils will be permitted to use any material for the discs which they think proper. The clause also provides that a registrar of dogs may for a fee of Is. issue a new disc in place of a disc which has been lost or destroyed. The Act at present contains no provision on this topic.

Clause 3 provides that when the ownership of a registered dog is transferred, and the registration is transferred into the name of the new owner, a fee of Is. shall be paid. At present the law does not provide for any fee on these transactions.

Clause 4 provides that when a dog is moved from one registration district to another, and the registration transferred to that other district, a fee of Is. will be payable to the registrar of dogs in that district. At present the law does not provide for any fee in these cases.

Clause 5 deals with the amounts payable for the keep of stray dogs which have been seized and impounded. Under section 20 of the principal Act, various authorized persons are empowered to seize and impound dogs found at large.

The owner of an impounded dog may under the present law recover it on payment of a fee of sixpence per day for its keep. This fee is inadequate to cover the costs incurred by the local governing bodies. It is proposed to enact a new scale of fees which is set out in the schedule at the end of the Bill. The fee for the first period of 24 hours after seizure will be five shillings and for every subsequent period of 24 hours, one shilling

The initial fee of live shillings will, of course, cover not merely the cost of the dog’s maintenance but also the costs incurred in seizing, transporting and impounding the dog.

Clause 6 deals with the destruction of dogs which worry, kill, or injure, stock or poultry. Under the present law a man is permitted to kill a dog which is actually found in any enclosed area in the act of worrying stock or poultry therein; but there is no way of dealing with a dog which may be known to be in the habit of killing or worrying stock or poultry, but which is not caught in the act of doing so. It is proposed by clause 6 to enact a new section which will enable the owner of stock or poultry to obtain an order from a court of summary jurisdiction for the destruction of any dog which can be proved to have worried, killed or injured stock or poultry in an enclosed area. The owner of the dog will receive notice of the proceedings and may defend them. If an order is made, it may be executed by a member of the police force on payment of his expenses by the landowner who obtained the order.

Clause 7 deals with the destruction of diseased dogs. The Act at present provides for the destruction of any dog suffering from an infectious or contagious disease in. certain limited cases only—namely, when a dog is produced to the registrar on his request at the time of registration, or when the dog is found at large. The present law does not give authority for the destruction of a diseased dog kept in any premises even if the dog is kept in such condition as to be likely to infect other dogs or human beings. It is proposed by clause 7 to provide that a member of the police force or other authorized person will have power to destroy a dog suffering from an infectious or contagious disease which is kept in any premises under such conditions that it is likely to infect other animals or persons with that disease. Before a dog is destroyed under these provisions a certificate as to the condition of the dog must be given by a veterinary surgeon or a qualified person authorized by the council to give, certificates.

Clause 8 deals with the liability of the owner of a dangerous dog. At present the owner is liable only if the dog endangers the life or limbs of any person or injures or endangers any property. It is not clear that the owner is liable if the dog injures or endangers stock or other animals, and it is proposed to make this clear. The penalty on the owner in any such case is a fine of not less than two pounds or more than five pounds, and in addition the owner can be ordered by the court to pay damages. Clause 9 contains evidentiary provisions to simplify proof in courts of law of the fact that a dog is unregistered or is registered. The receipt of the registrar for the registration fee for a dog will be evidence that the dog is registered; the allegation in a complaint that a dog is unregistered will be prima facie evidence of that fact. Clause 10 provides that notices and particulars required to be given to' a registrar of dogs may be given by post, and documents to be issued by a registrar may be sent by post to the person concerned.

Clause 11 alters the law as to the disposal of fees and fines paid under the Act. At present half of these amounts are paid to the councils and half to the Treasury, except where the fee or fine is paid in respect of a dog kept in an area not within a municipality or district council district. In this latter case the whole of the fee or fine goes to the Treasury. It is proposed by clause 11 to provide that the whole of the fees and fines paid in respect of dogs kept in municipalities and districts will be paid to the councils; the fees and fines in respect of dogs in outside areas will go into the Treasury as before. Clause 12 provides that regulations may be made varying the provisions of the second and fifth schedules to the principal Act. These schedules prescribe the registration fees and the charges payable in respect of impounded dogs so that if the clause is passed the Government will have power to vary these fees and charges by regulations. This power is desirable in view of the rapid changes now occurring in the purchasing power of money. The regulations will, of course, be laid before Parliament and be subject to disallowance.

Clause 13 provides that municipal and district councils may make by-laws regulating the conditions under which dogs will be allowed in streets, parks, and other public places. Although the Local Government Act sets out very many topics on which councils may make by-laws, the topic of dogs is not expressly mentioned, no doubt because it was thought that the Registration of Dogs Act covered the ground sufficiently, but in view of the present extent of the dog nuisance in suburban areas it is desirable that councils should have more powers of control. The new clause will enable councils to completely prohibit the entry of dogs into specified areas, and to ensure that in other areas dogs are under the control of their owners. Clause 14 provides that ownerless dogs kept in approved dogs’ homes need not be registered. The fairness of this provision is obvious. Clause 15 raises the registration fee for female dogs from 7s. 6d. to 15s. It also provides that if any registration fee is not paid within 13 days after becoming due it will be increased by one shilling. Clause 16 enacts the Fifth Schedule of the principal Act, which prescribes the new fees payable in respect of impounded dogs. I have already explained the object of this increase.

The Bill deals with the registration of dogs and matters associated therewith. I have not had any subject before me on which there has been so much correspondence from district councils, perhaps justifiably so, as upon the necessity of a revision of the Registration of Dogs Act. I move the second reading.

Mr. TAPPING secured the adjournment of the debate.