

NORFOLK



ISLAND

Dogs Registration Act 1936

No. 20, 1936

Compilation No. 2

Compilation date: 13 August 2019

Includes amendments up to: Norfolk Island Continued Laws Ordinance 2015 (No. 2, 2015) as amended up to Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019 (F2019L01048)



DOGS REGISTRATION ACT 1936

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Dogs Registration Act 1936

An Act relating to the registration of dogs

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Dogs Registration Act 1936*.

Repeal

2. The *Dog Act 1913* and the *Dog Act 1930* are hereby repealed.

Definitions

3. In this Act, unless the contrary intention appears —
“approved” means approved in writing by the Chief Executive Officer;
“certificate” means a certificate of registration granted under this Act;
“Court” means the Court of Petty Sessions;
“domestic animal” includes horses, cattle, sheep, goats and pigs;
“inspector” means a police officer or a person appointed to be an inspector under section 12A;
“police officer” means a person who is a member of the Police Force for the purpose of the *Police Act 1931*;
“register” means the Register of Dogs;
“registered” means registered under this Act;
“tag” means an approved tag or disc that is current issued by the Registrar for the purpose of registering a dog”;
“the Registrar” means the Registrar of Dogs appointed under this Act.

Appointment of Registrar

4. The Chief Executive Officer may, by written instrument, appoint a person to be Registrar of dogs.

PART 2 — REGISTRATION OF DOGS

Registration of dogs

5. (1) The keeper of a dog may apply to the Registrar for registration of the dog.

(2) An application under subsection 5(1) shall be in an approved form accompanied by the approved fee.

Grant etc, of registration

5A. (1) On receipt of an application for registration of a dog and the fee referred to in section 5, the Registrar may grant, or refuse to grant, registration of the dog.

(2) Registration of a dog shall be subject to such conditions, if any, as the Registrar thinks fit.

(3) The Registrar shall register a dog the subject of an application for registration by entering the approved particulars in the register and shall issue to the keeper of the dog an approved certificate of registration and a current tag.

Keeper must affix tag

5B. (1) The keeper of a dog aged 6 months or over must not fail to affix a tag referred to in section 5A as soon as practicable and in any case not later than 14 days after the tag has been issued.

Penalty: 3 penalty units.

(2) A reference to a dog in subsection 5B(1) includes a dog that was, immediately before the commencement of this Act, registered under the Principal Act.

Register

5C. (1) The Registrar shall keep and maintain the Register of Dogs.

(2) A person may, during business hours and on payment of the approved fee, if any, inspect and take copies of entries in the register.

Expiration of registration

6. Registration of a dog shall expire upon 1 January next after the date of registration.

Change of ownership of dog

7. (1) Upon any change in the ownership of a dog, the new keeper of the dog shall obtain and forward to the Registrar the certificate issued to the previous keeper.

(2) Upon receipt of the certificate the Registrar shall amend the certificate and the register by substituting the name of the new keeper of the dog for that of the previous keeper and shall thereupon return the certificate to the new keeper.

Keeping unregistered dog

10. (1) Any person who keeps a dog which is not registered shall be guilty of an offence.

Penalty: 2 penalty units.

(2) The provisions of subsection (1) shall not apply in the case of a dog —

(a) under the age of 6 months; or

(b) whose keeper registers the dog within 30 days of the date when —

(i) he commenced to keep the dog; or

(ii) the registration of the dog expired.

(3) In any prosecution under subsection (1) proof that the subsection does not apply in respect of the dog shall lie upon the defendant.

Proof of registration

11. (1) In any prosecution under section 10 —

(a) the averment of the prosecutor contained in the information that the dog is not registered under the Act shall be deemed to be proved in the absence of proof to the contrary; and

(b) the certificate of registration of the dog or a copy thereof, certified by the Registrar, shall be admissible in evidence for the defendant as proof of registration.

(2) Upon payment of the approved fee, the Registrar shall furnish to the keeper of any dog registered under this Act a certified copy of the certificate of registration of the dog.

Proof of ownership of dogs

12. In any prosecution under this Act, any dog shall, unless the contrary is proved, be deemed to be kept by the person who is in actual occupation of the house or premises where the dog is found and the person by whom any dog is ordinarily kept shall, whether the dog is kept for his own use or otherwise, be deemed for the purposes of this Act to be the keeper of the dog.

PART 3 — INSPECTORS**Appointment of inspectors**

12A. (1) The Chief Executive Officer may, by notice in the Gazette, appoint a person to be an inspector for the purposes of this Act.

(2) The Chief Executive Officer shall issue to an inspector appointed under subsection 12A(1) a certificate of appointment and an inspector shall, on request, produce it to the occupier of the place that the inspector has entered or seeks to enter.

(3) A person who ceases to be an inspector appointed under subsection 12A(1) shall return the certificate of appointment to the Chief Executive Officer as soon as practicable.

Powers of inspector to enter etc

12B. (1) Subject to subsection 12B(2), an inspector may at all reasonable times —

- (a) enter a place where the inspector believes on reasonable grounds that a person is keeping an unregistered dog and inspect the place;
- (b) question, with respect to matters with which this Act is concerned, a person at the place; and
- (c) make such enquiries as the inspector considers to be necessary for the exercise of his or her powers under this Act.

(2) An inspector shall not enter a place unless the inspector has first obtained —

- (a) the permission of the owner or manager of the place; or
- (b) a warrant.

Dogs may be seized and destroyed

13. (1) An inspector may seize and destroy an unregistered dog.

(2) An inspector may destroy a dog that is —

- (a) molesting stock or a domestic animal; or
- (b) molesting a person.

(3) An inspector may seize and detain a registered dog that is in a prescribed place.

(4) An inspector shall, by notice in writing served by post, notify the keeper or reputed keeper of the detention of a dog seized under subsection 13(3) and request him or her to claim the dog without delay.

(5) Where a person neglects or fails to comply with a request within 48 hours after receipt of a request to do so under subsection 13(4), the inspector may destroy the dog.

Liability for costs etc

13A. (1) Where an inspector seizes, or seizes and detains, a dog under section 13, the costs related to its seizure and detention are a debt due and payable to the Administration by the keeper of the dog.

(2) The costs referred to in subsection 13A(1) include all reasonable costs incurred by the inspector in relation to —

- (a) the dog's capture;
- (b) its board and maintenance including food;
- (c) veterinary services that may be required for the well-being of the dog; and
- (d) its destruction and disposal.

PART 4 — OFFENCES ETC

Dog attacking persons or domestic animals

15. (1) The keeper of any dog which rushes at or attacks any person or domestic animal whereby the person is endangered or the animal injured shall be guilty of an offence and shall, in addition, be liable to pay for any damage caused by the dog.

Penalty: 10 penalty units.

(2) The provisions of subsection 15(1) shall not apply in any case where a person is endangered, or a domestic animal injured, while that person or animal is, without lawful excuse, on land or premises belonging to, or occupied by, the keeper of the dog.

Destruction of dog attacking person

16. Any dog which attacks a person or domestic animal may, if the attack be not on land or premises owned or occupied by the keeper of the dog, be forthwith destroyed by any person.

PART 5 — INFRINGEMENT NOTICES

Infringement notices

17A. (1) Where an inspector has reason to believe that a person has committed a prescribed offence against this Act or the Regulations, he or she may serve, or cause to be served, on the person an infringement notice in accordance with this section.

(2) An infringement notice shall —

- (a) state the name of the inspector who serves the notice, or causes the notice to be served;
- (b) specify the day on which and the time and place at which the prescribed offence is alleged to have been committed;
- (c) specify the nature of the alleged prescribed offence;
- (d) contain a notification to the person on whom it is served that —
 - (i) if the infringer pays the penalty for the alleged infringement within 14 days after the date of the notice no further action will be taken in respect of the infringement;
 - (ii) if the infringer does not pay the penalty for the alleged infringement or take action of the kind referred to in subparagraph 17A(2)(iii), he or she shall incur liability for the administrative charge in addition to the penalty for the infringement;
 - (iii) if the infringer wishes to dispute liability for the alleged infringement he or she must give the Registrar notice in writing to that effect within 14 days after the date of the notice;
 - (iv) if liability is disputed, the matter may be referred to the Court for determination;

- (v) if liability is disputed and the Court finds against the infringer, he or she may be convicted and ordered to pay such penalty and costs, and be subject to such further orders, as the Court determines;
- (e) specify the place at which, and the manner in which, the prescribed penalty may be paid; and
- (f) contain a statement setting out the procedures under this section relating to the withdrawal of notices and the consequences of the withdrawal of a notice,

and may contain such other particulars, if any, as the Chief Executive Officer considers necessary.

(3) An inspector may, at any time, withdraw an infringement notice by notice in writing served on the alleged infringer.

(4) An inspector shall not lay an information for an offence arising out of the circumstances on which an infringement notice is based unless, within 14 days after the date of the notice, he or she serves on the alleged infringer —

- (a) a notice under subsection 17A(2); and
- (b) a notice advising that such an information will be laid.

(5) Where an infringement notice has been served on a person and before —

- (a) the expiration of the period of 14 days after the date of the notice; or
- (b) the notice is withdrawn,

whichever first occurs, the amount of the prescribed penalty in relation to the alleged prescribed offence is paid in accordance with the notice —

- (c) any liability of the person in respect of the alleged prescribed offence shall be deemed to be discharged;
- (d) no further proceedings shall be taken in respect of the alleged prescribed offence; and
- (e) the person shall not be regarded as having been convicted of the alleged prescribed offence.

(6) Where —

- (a) an infringement notice has been served on a person;
- (b) the person has paid the prescribed penalty in relation to the alleged prescribed offence in accordance with the notice; and
- (c) the notice is subsequently withdrawn,

the Chief Executive Officer shall cause to be refunded to the person an amount equal to the prescribed penalty so paid by the person.

(7) An infringement notice, or a notice of withdrawal of an infringement notice, may be served on a person —

- (a) by delivering the notice to the person personally;
- (b) by sending the notice to the person by post addressed to the person at his or her last-known place of residence or business; or
- (c) by leaving the notice at the last-known place of residence or business of the person with a person apparently over the age of 16 years and apparently resident or employed at that place.

(8) For the purposes of this section, a document that purports to have been signed by the inspector shall be taken to have been so signed unless the contrary is

proved.

(9) Where the amount of a prescribed penalty is paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured on presentation.

(10) Nothing in this section shall be construed as requiring the serving of an infringement notice under this section or as affecting the institution or prosecution of proceedings, or limiting the amount of the fine that may be imposed by the Court, in respect of an alleged prescribed offence in relation to which —

- (a) an infringement notice has not been served; or
- (b) an infringement notice has been served and withdrawn in accordance with this section.

Final notice — non-payment of penalty

17B. (1) Where —

- (a) an infringement notice has been served under section 17A; and
- (b) the person on whom it is served fails —
 - (i) to pay the penalty for the infringement; or
 - (ii) to lodge a notice under section 17D(1);

the person is liable to pay to the Registrar, within 14 days after the date of service by the inspector of a notice in accordance with this section, or within such further time (not exceeding 28 days) as the Registrar, whether before or after the expiration of that period, allows, the sum of the penalty for the infringement and the administrative charge.

(2) Subsection 17B(1) does not apply where the notice is withdrawn.

(3) A notice under this section shall contain a notification to the person on whom it is served that —

- (a) the infringer has not paid the penalty for the alleged infringement to which the notice relates; and
- (b) if the penalty for the alleged infringement and the administrative charge is paid within 14 days after the date of the notice, or within such further period (not exceeding 28 days) as the Registrar allows, no further action will be taken against the infringer in respect of the alleged infringement;

Discharge of liability

17C. Where an infringement notice under section 17A, or a notice under section 17B, has been served on a person and, before the time for payment, or an extension of that time, expires, the penalty for the infringement, or the penalty and the administrative charge is paid in accordance with the relevant notice or where the relevant notice is withdrawn —

- (a) any liability of a person in respect of the alleged infringement shall be deemed to be discharged; and
- (b) no further proceedings shall be taken in respect of the infringement.

Disputing liability under infringement notice

17D. (1) A person on whom an infringement notice under section 17A is served may, by notice in writing lodged with the Registrar within 14 days after the date of the notice, dispute liability for the alleged infringement to which the notice relates.

(2) A notice under subsection 17D(1) shall set out the grounds on which the person relies.

Disputed notices — issue of proceedings

17E. (1) If a person to whom section 17D applies lodges a notice in accordance

with that section, the Registrar may, before the end of the period of 60 days after the lodgement of the notice, lay an information in the Court in respect of the alleged infringement.

(2) Where a person referred to in subsection 17E(1) —

- (a) disputes liability; and
- (b) before the hearing of proceedings in respect of the alleged infringement commences, wishes to pay the penalty for the infringement,

the person is liable to pay to the Registrar the sum of —

- (c) the penalty for the infringement; and
- (d) the prescribed costs, if any, in commencing the proceedings, and disbursements, if any, incurred by the Registrar to the date of the payment.

(3) Where a person referred to in subsection 17E(1) pays the sum referred to in subsection 17E(2), the Registrar shall discontinue the proceedings in respect of the infringement.

(4) Where the Registrar does not lay an information within the period referred to in subsection 17E(1), he or she shall —

- (a) notify the person referred to in that subsection that no further action will be taken in relation to that person in respect of the alleged infringement; and
- (b) take no further action in respect of it.

Evidentiary provision

17F. (1) In proceedings in respect of an infringement in respect of which an infringement notice under section 17A, or a notice under section 17B, has been served, a certificate signed by the inspector stating —

- (a) that —
 - (i) the Registrar did not allow further time for the payment of the penalty in respect of the infringement, or the penalty for the infringement and the administrative charge; and
 - (ii) the penalty in respect of the infringement, or the penalty for the infringement and the administrative charge was not paid in accordance with the notice; or
- (b) that —
 - (i) the Registrar allowed the further time specified in the certificate for the payment of the penalty in respect of the infringement, or the penalty for the infringement and the administrative charge; and
 - (ii) the penalty in respect of the infringement, or the penalty for the infringement and the administrative charge, was not paid in accordance with the notice or within the further time allowed by the Registrar,

is evidence of the matter so stated.

(2) For the purposes of subsection 17F(1) a document that purports to have been signed by the inspector or the Registrar shall be taken to have been so signed unless the contrary is proved.

Applications — how made

17G. An application under section 17A shall be made in accordance with Part 5 of the *Court of Petty Sessions Act 1960*.

PART 6 — MISCELLANEOUS**Regulations**

18. (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters —

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act,

and in particular for prescribing penalties not exceeding 5 penalty units for offences against the regulations.

(2) Without limiting subsection (1), regulations may be made —

- (a) prohibiting a person from permitting a dog to be in a place specified in the regulations; or
- (b) requiring a person permitting a dog to be in a place specified in the regulations to comply with conditions specified in the regulations.

NOTES

The *Dogs Registration Act 1936* as shown in this reprint comprises Act No. 20 of 1936 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Dogs Registration Act 1936</i>	20, 1936	21.12.36	
<i>Fees Act 1976</i>	3, 1976	31.5.76	
<i>Ordinances Citation Act 1976</i>	11, 1976	25.11.76	
<i>Ordinances Revision (Ministers) Act 1980</i>	8, 1980	6.11.81	5
<i>Dogs Registration (Amendment) Act 1980</i>	18, 1980	1.7.80	
<i>Ordinances Revision (Decimal Currency) Act 1980</i>	31, 1980	15.1.81	
<i>Statute Law Revision (Penalties and Fees) Act 1985</i>	12, 1985	13.5.85	4
<i>Dogs Registration Amendment Act 1988</i>	7, 1988	26.5.88	
<i>Dogs Registration Amendment Act 1994</i>	18, 1994	28.7.94	
<i>Statute Law (Miscellaneous Provisions) Act 1995</i>	13, 1995	27.7.95	
<i>Citation of Laws Act 1995</i>	14, 1995	1.1.96	
<i>Dogs Registration Amendment Act 1999</i>	4, 1999	26.3.99	
<i>Statutes Amendment (Fees) (No. 2) Act 1999</i>	17, 1999	17.7.00	
[Previously consolidated as at 1 April 2002]			
<i>Interpretation (Amendment) Act 2012</i> [to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]	14, 2012	28.12.12	

Ordinance	Registration	Commencement	Application, saving and transitional provisions
Norfolk Island Continued Laws Amendment Ordinance 2015 (No. 2, 2015) (now cited as Norfolk Island Continued Laws Ordinance 2015 (see F2015L01491))	17 June 2015 (F2015L00835)	18 June 2015 (s 2(1) item 1)	Sch 1 (items 344, 345, 382–396)
as amended by			
Norfolk Island Continued Laws Amendment (Statutory Appointments and Other Matters) Ordinance 2018	28 Sept 2018 (F2018L01378)	Sch 1 (item 14): 29 Sept 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019	12 Aug 2019 (F2019L01048)	Sch 1 (item 19): 13 Aug 2019 (s 2(1) item 1)	—

Table of Amendments

ad = added or inserted

am = amended

rep = repealed

rs = repealed and substituted

Provisions affected	How affected
1	am 3, 1976; 11, 1976
2	am 14, 1995
3	am 7, 1988; 18, 1994; 13, 1995; 14, 1995; 14, 2012; Ord No 2, 2015 (as am by F2018L01378)
4	am 8, 1980; 14, 2012; Ord No 2, 2015 (as am by F2018L01378)
5	rs 18, 1994
	am Ord No 2, 2015 (as am by F2019L01048)
5A	ad 18, 1994
5B	ad 18, 1994
5C	ad 18, 1994
	am Ord No 2, 2015 (as am by F2019L01048)
7	am 18, 1994
8	rep 18, 1994
9	am 3, 1976; 12, 1985
	rs 18, 1980
	rep 18, 1994
10	am 31, 1980; 12, 1985
11	am 31, 1980; 12, 1985; 14, 1995; 17, 1999; Ord No 2, 2015 (as am by F2019L01048)
12	am 14, 1995
12A	ad 18, 1994
	am 13, 1995; 14, 2012; Ord No 2, 2015 (as am by F2018L01378)
12B	ad 18, 1994
	am 14, 1995
13	am 7, 1988; 4, 1999
	rs 18, 1994
13A	ad 18, 1994
14	rep 18, 1994
15	am 31, 1980; 12, 1985

ad = added or inserted am = amended rep = repealed rs = repealed and substituted

Provisions affected	How affected	
17	ad	7, 1988
	rs	18, 1994
	rep	4, 1999
17A	ad	18, 1994
	am	14, 2012; Ord No 2, 2015 (as am by F2018L01378)
17B	ad	18, 1994
17C	ad	18, 1994
17D	ad	18, 1994
17E	ad	18, 1994
17F	ad	18, 1994
17G	ad	18, 1994
18	ad	18, 1994
	am	14, 1995
18(2)	ad	4, 1999
Schedule	am	7, 1988
	rep	18, 1994