

Dog Act 1966 No 2

[1966-2]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Administrative Decisions Legislation Amendment Act 1997 No 77](#) (not commenced)
- **Repeal**
The Act was repealed by sec 99 (1) of the [Companion Animals Act 1998 No 87](#) with effect from 1.7.1999.

Authorisation

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Dog Act 1966 No 2



New South Wales

An Act to make provisions with respect to the control and registration of dogs; to empower municipal and shire councils to register dogs; to repeal the *Dog and Goat Act 1898*; and for purposes connected therewith.

Part 1 Preliminary

1 Name of Act and commencement

- (1) This Act may be cited as the *Dog Act 1966*.
- (2) Subject to subsection (3), this Act shall commence on 1 October 1966.
- (3) The provisions of this Act relating to the making of applications for the registration of dogs and the duties of registration clerks upon their receiving any such applications shall commence on 1 August 1966.

2 Notes

Matter appearing under the heading “NOTE” does not form part of this Act.

3 Repeals

Each Act specified in Column 1 of the Schedule to this Act is repealed to the extent specified opposite that Act in Column 2 of that Schedule.

4 Definitions

- (1) In this Act, unless the context or subject matter otherwise indicates or requires:

Administrator, in relation to prescribed land, means the person prescribed, whether by reference to the person being the holder of an office or otherwise, as the administrator of that land for the purposes of this definition.

Animal includes poultry and domesticated birds.

Area has the same meaning as it has in the *Local Government Act 1993*.

Collar means a collar of leather or other durable material.

Council has the same meaning as it has in the [Local Government Act 1993](#).

Disc means a disc or badge of metal or plastic or such other material as may be prescribed.

Dog includes a bitch and a desexed dog or bitch.

Greyhound means a dog that is wholly or partly of the species or kind commonly known as “greyhound” or that belongs wholly or partly to any variety of that species or kind by whatever name the variety is known.

Owner, in relation to a dog, means (whether or not the dog is a registered dog), the person by whom the dog is ordinarily kept and includes:

- (a) where the dog (whether or not it is a registered dog) is, at any particular time, ordinarily kept on any land or on any premises, the person who is the occupier of that land or those premises at that time, and
- (b) where the dog is, at any particular time, a registered dog, the person recorded under section 16 as the registered owner of the dog at that time.

Prescribed land means any public place, or any part of a public place, which is prescribed for the purposes of this definition.

Provocation of a dog:

- (a) by a person—includes:
 - teasing, tormenting or abusing the dog, or
 - any act of cruelty towards the dog, or
 - entry without lawful excuse on any land, vehicle or premises of which the owner of the dog is an occupier or on which the dog is ordinarily kept, or
 - attacking the owner of the dog, or any person towards whom the dog could reasonably be expected to be protective, in front of the dog, and
- (b) by another animal—includes:
 - an attack on the dog made by the other animal, or
 - the entry of the other animal on any land, vehicle or premises of which the owner of the dog is an occupier or on which the dog is ordinarily kept.

Public place means:

- (a) any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden, and

(b) any other place,

which the public are entitled to use.

Registered dog means a dog which is for the time being registered under this Act.

Registered owner, in relation to a dog, means a person nominated as the registered owner of the dog for the purposes of this Act and recorded as the registered owner of the dog under section 16.

Registration badge means a disc issued by a registration clerk pursuant to section 14.

Registration clerk means an employee of a council of an area appointed by the council to be the registration clerk for that area.

Registration collar means a collar to which a registration badge is attached.

Regulations means regulations under this Act.

Road means the whole of a road, including the footways, the carriageway, any bridge and any gardens, reserves and the like.

(1A) A reference in this Act to a prescribed form is, if the form is not prescribed by the regulations, a reference to:

(a) the form (if any) approved by the Director-General of the Department of Local Government and Co-operatives for the purposes of the provision in relation to which the expression is used, or

(b) if no form is approved by the Director-General, the form approved by the council for the purposes of the provision in relation to which the expression is used.

(2) A reference in this Act to the owner of a dog or to the owner of a registered dog is, except where otherwise expressly provided, a reference to any person who is an owner of the dog.

(2A) In any prosecution of, or action against, the owner of a dog arising under this Act:

(a) where a person is the occupier of any land or premises on which the dog is ordinarily kept at any particular time, the person shall not be treated, by virtue of paragraph (a) of the definition of **Owner** in subsection (1), as being the owner of the dog at that time if the person satisfies the court that at that time the dog is ordinarily kept by some other person of or over the age of 18 years, or

(b) where a person is recorded under section 16 as the registered owner of a dog at any particular time, the person shall not be treated, by virtue of paragraph (b) of the definition of **Owner** in subsection (1), as being the owner of the dog at that

time if the person satisfies the court that at that time the person who made the application or gave the notice by virtue of which that person became so recorded has ceased to be the owner of the dog.

- (2B) In any prosecution of the owner of a dog in respect of an offence against this Act it shall be a sufficient defence if the defendant proves that:
- (a) another owner of the dog has been convicted of an offence arising out of the same circumstances, or
 - (b) the commission by another owner of the dog of an offence arising out of the same circumstances has been proved but a court has made an order under section 556A of the *Crimes Act 1900* in respect of the offence, or
 - (c) another owner of the dog has paid the amount of the penalty prescribed under section 22A for an alleged offence arising out of the same circumstances.
- (3) For the purposes of the definition of **Owner** (paragraph (b) excepted) in subsection (1), where a dog is ordinarily kept by an employee on behalf of his or her employer the employer shall be deemed to be the owner of the dog.
- (4) A reference in this Act to the occupier of land or premises shall be construed as a reference to the person who is entitled to occupy that land or those premises as owner or mortgagee in possession or under a lease, licence or permit.
- (5) A reference in this Act to an adequate chain, cord or leash, is, in relation to a dog of a species, kind or class in respect of which a type of chain, cord or leash has been prescribed, a reference to that type of chain, cord or leash.
- (6) A reference in this Act, other than in this section, to prescribed land includes a reference to any part of the land.

5 Liability of owners of dogs

- (1) A person:
- (a) who is the owner of a dog of the age of 6 months or over (not being a dog declared to be dangerous under this Act) that is ordinarily kept in the area of a council and is not a registered dog,
 - (a1) who is the owner of a dog that is declared to be dangerous under this Act, that is ordinarily kept in the area of a council and is not a registered dog,
 - (b) who is the owner of a registered dog not wearing a collar:
 - (i) to which is attached the registration badge last issued in respect of that dog, and
 - (ii) on which or on a disc attached to which is inscribed the name and address of

the owner,

- (c) who is the owner of a dog, not being a registered dog, that is not wearing a collar on which or on a disc attached to which is inscribed the name and address of the owner,
- (d) who fails, within 14 days after becoming the owner of a registered dog (that owner not being a person referred to in paragraph (b) of the definition of **Owner** in section 4 (1)), to give notice, in or to the effect of the prescribed form, to the registration clerk for the area in which the dog is registered under this Act and, where the dog is intended to be ordinarily kept in another area, to the registration clerk for that other area that the person has become, and of the date on which the person became, such an owner of the dog,
- (d1) who fails to include in or lodge with a notice required under paragraph (d) to be given by him or her to the registration clerk for the area in which a dog is intended to be ordinarily kept a nomination of one person (being, subject to subsection (1A), the person required to give the notice or some other person) as the person to be the registered owner of the dog for the purposes of this Act,
- (d2) who, being an owner (as defined in subsection (1B)) of a registered dog, fails, within 14 days after ceasing to be such an owner, to give notice, in or to the effect of the prescribed form, to the registration clerk for the area in which the dog is registered under this Act of the date that he or she ceased to be the owner of the dog and of the name and address of the person who appears to him or her to be the person by whom the dog is intended to be ordinarily kept,
- (e) who is the owner of a dog, not being a registered dog, that is wearing a registration collar,
- (f) who, not being the owner, or a person authorised by the owner, of a dog:
 - (i) removes the registration collar from the dog,
 - (ii) removes the registration badge from the collar worn by the dog, or
- (g) who alters or defaces a registration badge attached to, or any inscription on, or on a disc attached to, the collar worn by a dog or removes any such disc,

shall be guilty of an offence against this Act.

- (1A) A nomination of a person as the person to be the registered owner of a dog as referred to in subsection (1) (d1) shall be of no effect unless the person nominated:
 - (a) is a person of or over the age of 18 years or is a body corporate, and
 - (b) has, where the person is not the person giving notice under subsection (1) (d) in respect of the dog, consented in writing to the person being nominated as the

person to be the registered owner of the dog for the purposes of this Act.

- (1B) In subsection (1) (d2), **owner**, in relation to a dog, means the person for the time being recorded under section 16 (2) (a) as the owner of the dog.
- (2) Subsection (1) (b) and subsection (1) (c) do not apply to:
- (a) a greyhound while it is participating in a race or trial that is under the direct control of the Greyhound Racing Authority (NSW),
 - (b) a dog while it is engaged in the driving of animals and is under the effective control of some competent person or while it is proceeding immediately to or from any place at which it will be, or has been, so engaged and is under the effective control of some competent person,
 - (c) a dog while it is being exhibited for show purposes or is proceeding immediately to or from a place at which it will be, or has been, so exhibited, or
 - (d) a dog while it is on land or within premises of which the owner of the dog is the occupier.
- (3) A person shall not be guilty of an offence against this Act arising under subsection (1) (g) by reason only of inscribing, or altering the inscription, on a registration badge so that it shows the name and address of the owner of the dog, if that person is the owner of the dog in respect of which the registration badge was issued or is a person authorised by that owner to make that inscription or alteration and if the inscription referred to in section 14 (2) (c) is not obscured or defaced.
- (4) A person guilty of an offence under this section is liable to a penalty not exceeding:
- in the case of an offence under subsection (1) (a1)—10 penalty units, or
 - in any other case—5 penalty units.

Parts 2-4

6-13 (Repealed)

Part 5 Registration of dogs

14 Mode of registration

- (1) An application for the registration of a dog shall:
- (a) be made by the owner of the dog or by some person on his or her behalf,
 - (b) be made in or to the effect of the prescribed form,
 - (c) include the address of the land or premises on which the dog is intended to be ordinarily kept,

- (d) subject to subsection (1A), contain a nomination of one person, being the applicant or some other person, as the person to be the registered owner of the dog for the purposes of this Act,
- (e) contain any consent required to be obtained under subsection (1A) (b),
- (f) subject to the regulations, be accompanied by the registration fee determined or prescribed under subsection (1B), and
- (g) be lodged with the registration clerk for the area in which the dog is intended to be ordinarily kept.

(1A) An application under subsection (1) for the registration of a dog shall be of no effect unless the person nominated as referred to in subsection (1) (d):

- (a) is a person of or over the age of 18 years or is a body corporate, and
- (b) has, where the person is not the applicant for registration of the dog, consented in writing to the person being nominated as the person to be the registered owner of the dog for the purposes of this Act.

(1B) The registration fee for a dog is to be the registration fee (not exceeding any maximum amount prescribed by the regulations) determined by the council of the area in which the dog is intended to be ordinarily kept as the general registration fee applicable in that area for the period of registration of the dog.

(1C) A reference in subsection (1) (a) to the owner of a dog does not, where a person other than the applicant for registration is already recorded under section 16 as the registered owner of that dog (in the area in which the dog is kept or intended to be kept or in any other area), include a reference to that person.

(2) Upon receipt of an application for registration the registration clerk for the area shall:

- (a) issue a receipt in or to the effect of the prescribed form for the registration fee,
- (b) allocate a registration number in respect of each dog described in the application,
- (c) issue to the applicant for registration, in respect of each dog described in the application, a disc on which is inscribed:
 - (i) the name of the area,
 - (ii) the registration number allocated in respect of the dog in accordance with paragraph (b), and
 - (iii) the year in which the registration expires.

(3) The regulations may provide for the period that the registration of a dog is to be in force.

15 Loss of registration badge

- (1) A registration clerk, upon being satisfied that a registration badge issued in respect of a dog has been lost or destroyed, may, upon application being made in or to the effect of the prescribed form by the owner, or some person authorised by the owner, of the dog and upon payment of the fee prescribed or determined under subsection (2), issue a registration badge in respect of that dog.
- (2) The fee for the issue of a registration badge under this section is to be the fee prescribed by the regulations for the purposes of this section, or, if the regulations do not prescribe a fee for those purposes:
 - (a) the fee (if any) determined by the Director-General of the Department of Local Government and Co-operatives, or
 - (b) if no fee has been determined by the Director-General, the fee determined by the council issuing the badge.

16 Records to be kept

- (1) A registration clerk shall keep a record showing particulars in respect of:
 - (a) every dog registered by the registration clerk under the provisions of this Act, and
 - (b) every dog in respect of which the registration clerk has received a notice referred to in section 5 (1) (d) or (d2).
- (2) Subject to subsection (3), the particulars referred to in subsection (1) shall, in relation to a dog, include:
 - (a) the name and address of the owner by whom the application for registration was made or the owner giving notice under section 5 (1) (d),
 - (b) the address stated in the application for registration, or in the notice given under section 5 (1) (d), as the address of the land or premises where the dog is intended to be ordinarily kept,
 - (c) the name and address of the person nominated under this Act as the registered owner of the dog, and
 - (d) the registration number allocated in respect of the dog.
- (3) Where:
 - (a) a person nominated under this Act as the registered owner of a dog is not the person recorded under subsection (2) (a) as the owner of the dog,
 - (b) the person so nominated has requested that the person's name and address be removed from a record kept pursuant to subsection (1), and

(c) the person recorded under subsection (2) (a) as the owner of the dog has nominated a person, being himself or herself or some other person, as the person to be the registered owner of the dog for the purposes of this Act,

the registration clerk who keeps the record referred to in paragraph (b) shall:

(d) remove from that record the name and address of the person referred to in paragraph (b), and

(e) enter in that record the name and address of the person nominated as referred to in paragraph (c).

(4) A nomination referred to in subsection (3) (c) shall be of no effect unless the person nominated:

(a) is a person of or over the age of 18 years or is a body corporate,

(b) has, where the person is not the person recorded under subsection (2) (a) as the owner of the dog, consented in writing to the person being nominated as the person to be the registered owner of that dog for the purposes of this Act.

(5) A record required to be kept under this section may be inspected, without fee, by any person at any reasonable time during office hours.

17 Penalty for making false statements in applications for registration

A person who in an application for the registration of a dog makes a false statement shall be guilty of an offence against this Act and liable to a penalty not exceeding 5 penalty units.

17A-20C (Repealed)

21 Proof of registration

(1) In any proceedings under this Act, the onus of proving the due registration of a dog is on the person asserting that the dog is a registered dog.

(1A) For that purpose:

(a) the receipt issued by a registration clerk on the registration of a dog or on the issue of a duplicate registration badge under section 15, or

(b) a copy of any such receipt certified as a true copy under the hand of the registration clerk,

is evidence of the registration of the dog until the contrary is proved.

(2) In any legal proceedings, a copy of any particulars, a record of which is required to be kept by the registration clerk for an area under section 16, is, if the copy is certified under the hand of the registration clerk for that area to be a true copy of those

particulars as at a particular time or during a particular period, admissible in evidence and is prima facie evidence of the matters set out therein.

21A Requirement to state name and address

- (1) An employee of a council, a police officer, an administrator of prescribed land or a person authorised by an administrator who reasonably suspects a person of having committed an offence against this Act may require the person to state his or her full name and residential address.
- (2) A person shall not:
 - (a) fail or refuse to comply with a requirement under this section, or
 - (b) in purported compliance with such a requirement, furnish a name that is not his or her name or an address that is not his or her residential address.

Penalty: 5 penalty units.

- (3) A person is not guilty of an offence under this section unless it is established that the employee of the council, the police officer, the administrator of prescribed land or the person authorised by an administrator warned the person that the failure or refusal to comply with the requirement is an offence.

22 Recovery of penalties

A penalty for an offence against this Act may be recovered before a Local Court constituted by a Magistrate or any 2 justices.

22A Penalty notices for certain offences

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under this Act, being an offence prescribed by the regulations.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section shall not be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.

- (6) The regulations may:
- (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
 - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
 - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (7) The amount of a penalty prescribed under this section for an offence shall not exceed the maximum amount of penalty which could be imposed for the offence by a court.
- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings which may be taken in respect of offences.
- (9) In this section, **authorised officer** means:
- (a) an employee of a council authorised by the council for the purposes of this section, or
 - (b) an administrator of prescribed land or a person authorised by the administrator for the purposes of this section, or
 - (c) a police officer.
- (10) An employee of a council or an administrator (or a person authorised by the administrator) is not an authorised officer for the purposes of an alleged offence if the council or the administrator (as the case requires) is not authorised under this Act to institute proceedings for the offence.

22B Proceedings for offences

- (1) Proceedings for an offence under this Act that occurred in a public place may be instituted only:
- (a) if the offence occurred on prescribed land (including a public or other road) and is an offence under section 8 (1), 9 (2), 9B (3), 9C (3) or 21A (2)—by the administrator of the land or a person authorised by the administrator, or
 - (b) if the offence occurred on prescribed land (including a public or other road) within the area of a council but is not an offence referred to in paragraph (a)—by the council or a person authorised by the council, or
 - (c) if the offence occurred within the area of a council, but not on prescribed land—by the council or a person authorised by the council, or
 - (d) in any case—by a police officer.

- (2) In a prosecution for an offence against this Act instituted by a person purporting to be authorised under subsection (1), proof of that authorisation is not required until evidence is given to the contrary.

23 Powers and duties of council

Each council must:

- (a) appoint a registration clerk,
- (b) provide, control and manage places for the reception, maintenance, detention and destruction of dogs, or enter into arrangements with any person or persons for the reception, maintenance, detention and destruction of dogs or for any of those matters, and
- (c) appoint and authorise an employee or agent of the council for the purposes of section 10 (2).

24 Power of entry

The registration clerk or an employee of a council duly authorised in writing by the council may, for the purposes of this Act, enter upon any land or premises within the area of the council at all reasonable times.

25 Disposal of certain penalties

A penalty for an offence against this Act recovered as a result of an information laid, or penalty notice served, by the registration clerk or another employee of a council shall be paid to the council.

26 Council's receipts and expenditure to be paid to and from its consolidated fund

- (1) All fees and charges paid to a council under this Act and the unclaimed proceeds of the sale of any dog sold under this Act shall form part of the council's consolidated fund.
- (2) The cost of the administration of this Act incurred by a council must be paid, in accordance with the [Local Government Act 1993](#), from the council's consolidated fund.

27 Regulations

- (1) The Governor may make regulations not inconsistent with this Act:
 - (a) for or with respect to the determination by a council of fees for the registration of dogs intended to be ordinarily kept in the council's area,
 - (b) fixing fees for the release of dogs seized and delivered to an employee or agent of a council under section 10 (2),
 - (c) providing for a reduction of the fee for the registration of dogs, where the

registration is to be in force for a period of less than one year,

- (c1) providing for the reduction of the fee for the registration of a dog if the dog has been desexed or is permanently incapable of reproduction,
- (c2) providing for the reduction of the fee for the registration of a dog where the fee is paid for more than one period of registration,
- (d) providing for the reduction, waiver or exemption from payment of the fee for the registration of a dog where the owner of the dog is a person belonging to a prescribed class of persons,
- (d1) prescribing the circumstances in which a council may revoke a declaration made by it that a dog is dangerous,
- (e) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(1A) A regulation may create an offence punishable by a penalty not exceeding 5 penalty units.

(2) A provision of a regulation may:

- (a) apply generally or be limited in its application by reference to specified exceptions or factors,
- (b) apply differently according to different factors of a specified kind, or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

(3)-(6) (Repealed)

Schedule (Repealed)