

DOG ORDINANCE 1934-1941.⁽¹⁾

An Ordinance Relating to Dogs.

BE it ordained by the Legislative Council for the Territory of New Guinea, in pursuance of the powers conferred by the *New Guinea Act 1920-1932*, as follows:—

Short title.
Amended by
No. 3 of 1934,
s. 50.

1. This Ordinance may be cited as the *Dog Ordinance 1934-1941*.⁽¹⁾

Owner.

2. For the purposes of this Ordinance, any person shall be deemed to be the owner of a dog, and liable accordingly, who—

- (a) keeps or harbours, or has in his care for the time being, any dog, whether at large or in confinement; or
- (b) occupies any house or premises wherein any dog is usually kept or permitted to remain:

Provided that where there are more occupiers than one in any house or premises let in separate flats, apartments, or lodgings, the occupier of that part of the house or premises in which the dog is usually kept or permitted to remain shall be deemed to be the owner of the dog.

Power to order
destruction
of dangerous
dogs.

3.—(1.) A District Court may take cognizance of an information that a dog, whether at large or not, is dangerous and not kept under proper control; and, if it appears to the court that the dog is dangerous and not kept under proper control, it may order the owner of the dog to destroy it.

(2.) Any person who fails to comply with an order made under the last preceding sub-section shall be guilty of an offence and shall be liable to a fine not exceeding Two pounds for every day during which the failure continues.

(1) The *Dog Ordinance 1934-1941* comprises the *Dog Ordinance 1934*, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL.

Short title, number and year.	Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Governor-General in Council.	Date on which came into operation.
<i>Dog Ordinance 1934</i> (No. 7 of 1934)	6.2.1934	30.6.1934	6.2.1934 (<i>Laws of T.N.G.</i> , Vol. XIII., p. 33)
<i>Dog Ordinance 1941</i> (No. 20 of 1941)	23.9.1941	29.11.1941	23.9.1941 (<i>Laws of T.N.G.</i> , Vol. XV., p. 163)

Dog Ordinance 1934-1941.

4.—(1.) If any dog, on any road or in any public or unenclosed place, rushes at, attacks, worries, or chases any person or any horse, goat, swine, cattle, or sheep the property of any person other than the owner of the dog, and the person or animal rushed at, attacked, worried, or chased is not a trespasser, the owner of the dog shall be guilty of an offence.

Dogs attacking persons, &c.

Penalty: Five pounds.

(2.) If at the hearing of an information under the last preceding sub-section the District Court is of opinion that the offence proved is so trivial as not to deserve punishment, it may dismiss the information.

5.—(1.) Upon a complaint made by any person claiming that he has suffered damage occasioned by a dog, a District Court shall have jurisdiction to order the owner of the dog to pay to the complainant a sum not exceeding Fifty pounds as compensation for the actual damage suffered by him.

Compensation for damage by dog.

(2.) In proceedings under this section, it shall not be necessary to prove a previous mischievous propensity in the dog or the owner's knowledge of such mischievous propensity or that the damage is due to the negligence of the owner.

6. Any person who wilfully sets on or urges any dog to attack or chase any person shall be guilty of an offence.

Wilfully urging dogs to attack, &c.

Penalty: Fifty pounds or imprisonment for six months.

7.—(1.) The Administrator may, by proclamation⁽²⁾ in the *New Guinea Gazette*, prohibit the keeping of dogs in any specified area, either generally or by any specified class of persons.

Power to prohibit the keeping of dogs in specified areas.

(2.) Any person who keeps a dog in contravention of the provisions of a proclamation made under the last preceding sub-section shall be guilty of an offence.

Penalty: Ten pounds.

8.—(1.) Any owner of any slut who allows her to be at large in any street or public place in any town whilst she is on heat shall be guilty of an offence.

Sluts not to be at large at certain times.

Penalty: Five pounds.

(2.) The Administrator may by notice⁽³⁾ direct that the provisions of the last preceding sub-section shall apply to any area specified in the notice as if the area were a town.

Sub-section (2) added by No. 20 of 1941, s. 2.

9. The Administrator in Council may make regulations,⁽⁴⁾ not inconsistent with this Ordinance, prescribing all matters which are

Power to make regulations.

(2) No proclamation has been published in *N.G. Gaz.*

(3) No notice has been published in *N.G. Gaz.*

(4) No regulations have been made pursuant to Section 9. See, however, the *Dog Regulations 1923* (as amended) made under the *Administrator's Powers Ordinance 1923-1938*, printed on p. 68.

ANIMALS AND BIRDS—

necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular prescribing matters providing for and in relation to—

- (a) the registration of dogs;
 - (b) the destruction of diseased or neglected dogs;
 - (c) the fees (if any) which shall be payable in respect of any act or matter to which the regulations relate;
and
 - (d) the imposition of penalties not exceeding Twenty pounds for offences against any of the regulations.
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