

DOG ORDINANCE, 1913.⁽¹⁾

No. 18 of 1913.

An Ordinance relating to Dogs.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Dog Ordinance, 1913*⁽¹⁾ and shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette*.⁽¹⁾

Short title and commencement.

2. In this Ordinance unless the context otherwise requires:—

Interpretation.

“District” means a district established under this Ordinance.

3.—(1.) Every person having a dog in his possession or under his control or being the occupier of any house or premises where a dog is kept or harboured or permitted to live or remain shall be deemed to keep and be the owner of the dog.

Persons to be deemed the owners of dogs.
W.A. No. 6 of 1903, s. 4.

(2.) Where there are more occupiers than one of any house or premises the occupier of that part of the house or premises in which the dog is kept or harboured or permitted to live or remain shall be deemed to keep and to be the owner of the dog.

4. The owner of every dog shall be liable in damages for injury done by his dog and it shall not be necessary for the party seeking damages to show a previous mischievous propensity in such dog or the owner's knowledge of such mischievous propensity or that the injury was attributable to neglect on the part of the owner of the dog.

Mischievous propensity in dogs need not be proved.
W.A. *Ib.* s. 24.

5. Any person who wilfully sets on urges or permits any dog to attack worry or chase any person or any horse cattle sheep or poultry or any domestic animal unless such horse cattle sheep or poultry or any domestic animal be trespassing at the time shall be liable on summary conviction to a penalty not exceeding Twenty

Penalty on persons setting on dogs to attack persons, &c.
W.A. *Ib.* s. 25.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
26.11.1913	16.3.1913	1.6.1914 (Papua Govt. Gaz. of 16.3.1913)

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pounds or to imprisonment with or without hard labour for any term not exceeding six months.

A conviction under this section shall not affect the right of action of any person for any damages such dog may have done.

Districts and Regulations for registration of dogs.

6. The Lieutenant-Governor⁽²⁾ may—

- (1) By notice⁽³⁾ in the *Gazette* establish districts under this Ordinance;
- (2) Make Regulations⁽⁴⁾
 - (a) compelling the registration of dogs;
 - (b) providing a registration fee not exceeding fifteen shillings per annum to be paid by the person keeping any dog;
 - (c) authorising the seizure and sale or destruction of unregistered dogs in a district;
 - (d) authorising the seizure and sale or destruction of registered dogs found straying at large in a district;
 - (e) imposing a penalty for any breach of the Regulations but so that no penalty shall exceed Ten pounds or three months' imprisonment in default of payment thereof.
- (3) Such Regulations shall apply to every district established under sub-section one of this section.

Recovery of penalties.
W.A. No. 6 of 1903, s. 32.

7. All penalties incurred under this Ordinance and the Regulations and damages not exceeding Twenty pounds for any injury occasioned or done by any dog as hereinbefore mentioned or for any dog improperly sold or destroyed shall be recoverable summarily before any two or more Justices of the Peace in Petty Sessions.

Onus of proof of registration, &c. on owner.
W.A. *Ib.* s. 31.

8. In any proceeding under any Regulation under this Ordinance the proof of due registration or that any dog is under the prescribed age for registration or has not been kept by the owner thereof within a district without being registered for a period exceeding that prescribed shall in each case be on the defendant.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(3) A Table containing particulars of notices made under the *Dog Ordinance*, 1913, establishing Dog Districts, is printed on p. 108, and the notices are printed immediately after the Table.

(4) See the *Dog Regulations*, printed on p. 103.