

DOG (AMENDMENT) ACT, 1982, No. 146

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 146, 1982.

An Act to amend the Dog Act, 1966, to enable the administrators of certain land instead of councils to exercise certain powers under that Act in relation to that land, and for other purposes. [Assented to, 21st December, 1982.]

Dog (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Dog (Amendment) Act, 1982".

Amendment of Act No. 2, 1966.

2. The Dog Act, 1966, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE DOG ACT, 1966.

- (1) (a) Section 4 (1), definition of "Administrator"—

Before the definition of "Animal", insert:—

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

- (b) Section 4 (1), definition of "Prescribed land"—

After the definition of "Owner", insert:—

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

Dog (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DOG ACT, 1966—*continued.*

(c) Section 4 (6)—

After section 4 (5), insert:—

(6) A reference in this Act, other than in this section, to prescribed land includes a reference to any part of the land.

(2) (a) Section 8 (3), (4)—

Omit the subsections, insert instead:—

(3) Subsection (1) and section 10 (1) do not apply to a dog while it is—

- (a) being exhibited for show purposes;
- (b) participating in an obedience trial; or
- (c) engaged in the driving of animals,

and is under the effective control of some competent person.

(4) Subsection (1) and section 10 (1) do not apply—

- (a) to a dog in or on a public place or part of a public place (not, in either case, being prescribed land) within the area of a council, being a public place or part of a public place for the time being declared by the council by order to be a public place or part of a public place to which subsection (1) does not apply;
- (b) to a dog in or on prescribed land, being prescribed land for the time being declared by the administrator of the land by order to be prescribed land to which subsection (1) does not apply; or
- (c) in such circumstances as may be prescribed.

Dog (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DOG ACT, 1966—*continued.*

(b) Section 8 (5) (a), (b), (c)—

Omit section 8 (5) (a) and (b), insert instead:—

- (a) where the offence occurred within the area of a council, but not on prescribed land—the council or a person authorised by it;
- (b) where the offence occurred on prescribed land—the administrator of that land or a person authorised by him; or
- (c) in any case—a member of the police force.

(c) Section 8 (5A)—

After section 8 (5), insert:—

(5A) In any prosecution for an offence against this section instituted by a person purporting to be authorised under subsection (5) (b) by an administrator of prescribed land, proof shall not, until evidence is given to the contrary, be required of that authority.

(d) Section 8 (7)—

After section 8 (6), insert:—

(7) An administrator of prescribed land may make orders for the purposes of subsection (4) (b).

(3) (a) Section 9 (1), definition of “prohibited place”—

- (i) From paragraph (c), omit “a council or other public”, insert instead “the”.
- (ii) From paragraph (c) (i), omit “council or public authority, as the case may be,”, insert instead “authority”.
- (iii) From paragraph (c) (ii), omit “council or public”.

Dog (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DOG ACT, 1966—*continued.*

- (b) Section 9 (1), definition of “public bathing area”—
- (i) From paragraph (b), omit “council or a public authority having control thereof”, insert instead “authority”.
 - (ii) From paragraph (c), omit “council or public authority, as the case may be,”, insert instead “authority”.
- (c) Section 9 (1), definition of “shopping area”—
- Omit “shop.”, insert instead “shop;”.
- (d) Section 9 (1), definition of “the authority”—
- After the definition of “shopping area”, insert:—
- “the authority”, in relation to a public place or any part of a public place, means—
- (a) in the case of a public place or part situated within the area of a council but not being prescribed land—the council;
 - (b) in the case of prescribed land—the administrator of that land; and
 - (c) in any case—the public authority, if any, having control of the public place or part.
- (e) Section 9 (5)—
- Omit the subsection, insert instead:—
- (5) For the purposes of subsection (1), orders may be made and notices may be exhibited with respect to any public place or any part of a public place by the authority for the place or part.
- (4) (a) Section 9B (1) (b)—
- Omit “and”.

Dog (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE DOG ACT, 1966—*continued.*

(b) Section 9B (1) (c)—

After “any part of a public place”, insert “(not, in either case, being prescribed land)”.

(c) Section 9B (1) (c) (ii)—

Omit “place.”, insert instead “place; and”.

(d) Section 9B (1) (d)—

After section 9B (1) (c), insert:—

- (d) subject to subsection (2), to prescribed land (not being land which is a public place referred to in paragraph (a) or (b)) to which the administrator of the land has, by order, applied this section and on which, or near the boundaries of which, there are conspicuously exhibited by the administrator at reasonable intervals notices to the effect that this section applies to the prescribed land.

(e) Section 9B (2)—

Omit “A council shall not, under subsection (1) (c) (ii), apply this section”, insert instead “This section shall not be applied, under subsection (1) (c) (ii) or (d),”.

(f) Section 9B (6)—

After section 9B (5), insert:—

- (6) An administrator of prescribed land may make orders and exhibit notices for the purposes of subsection (1) (d).

Dog (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE DOG ACT, 1966—*continued.*

(5) (a) Section 9c (1), (1A)—

Omit section 9c (1), insert instead:—

(1) A council may, by an order made with the prior approval of the Minister and published in accordance with subsection (2), declare that the leading or exercising of greyhounds in or on roads or parts of roads, being roads or parts of roads which—

- (a) the public are entitled to use;
- (b) are not prescribed land; and
- (c) are specified in the order,

is prohibited.

(1A) An administrator of prescribed land may, by an order published in accordance with subsection (2), declare that the leading or exercising of greyhounds in or on roads or parts of roads, being roads or parts of roads which—

- (a) the public are entitled to use;
- (b) are prescribed land; and
- (c) are specified in the order,

is prohibited.

(b) Section 9c (2)—

After “subsection (1)”, insert “or (1A), as the case may be,”.

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 21st December, 1982.*

