

DOG (AMENDMENT) BILL 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Dog Act 1966 so as—

- (a) to enable a council to declare periods of the day during which a dog shall be allowed in a public place within the area of the council without having to be controlled by a chain, cord or leash;
- (b) to provide that registration fees shall not be required to be paid by such classes of dog owners as may be prescribed by the regulations;
- (c) to extend the existing provisions of the Principal Act relating to guide dogs for blind persons to include dogs assisting deaf persons; and
- (d) to provide that it shall be an offence for a person reasonably suspected by a person concerned in the enforcement of the Principal Act to refuse to give a name or address or to give a false name and address.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1) (a) provides that when a dog is in or on a public place declared by a council to be a place in or on which the dog is not required to be controlled by a chain, cord or leash, the dog must nevertheless be accompanied by some competent person.

Schedule 1 (1) (b) provides that the exemption from the requirement that a dog be controlled by a chain, cord or leash when in or on a public place may be limited to such periods of the day as a council may declare.

Schedule 1 (1) (c) provides that when a dog is in or on prescribed land declared by the administrator of the prescribed land to be land in or on which the dog is not required to be controlled by a chain, cord or leash, the dog must nevertheless be accompanied by some competent person.

Schedule 1 (1) (d) enables a council to make orders declaring periods of the day during which a dog may be in or on a public place or part of a public place without being required to be controlled by a chain, cord or leash.

Schedule 1 (1) (e) enables an order of a council declaring periods of the day during which a dog may be in or on a public place without being required to be controlled by a chain, cord or leash to apply to different periods on different days.

Schedule 1 (2) enables the regulations to vary the provisions of the Principal Act which require the payment of a dog registration fee.

Schedule 1 (3) amends the heading to Part VA of the Principal Act as a consequence of amendments effected by Schedule 1 (4) (a)–(c).

Schedule 1 (4) (a)–(c) provide, generally, that the existing provisions of the Principal Act relating to guide dogs for blind persons shall apply also to dogs assisting deaf persons.

Schedule 1 (5) provides that a person enforcing the Principal Act may require a person who is reasonably suspected of having committed an offence against the Principal Act to state his or her name and address. It also provides that it shall be an offence if such a person refuses to give his or her name and address or gives a false name or address.

Schedule 1 (6) provides, by way of statute law revision, that a penalty for an offence against the Principal Act may be recovered before a Local Court constituted by a Magistrate or any 2 justices.

Schedule 1 (7) (a) enables the Governor-in-Council to make regulations waiving the fee for the registration of a dog where the owner is a person belonging to a class of persons prescribed by the regulations.

Schedule 1 (7) (b) enables a regulation to be limited or general in its application, to apply differently according to different factors and to authorise any matter to be determined or regulated by any specified person.

DOG (AMENDMENT) BILL 1985

No. , 1985

A BILL FOR

An Act to amend the Dog Act 1966 in relation to dogs used by blind or deaf persons, and for other purposes.

Dog (Amendment) 1985

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:

5 Short title

1. This Act may be cited as the "Dog (Amendment) Act 1985".

Amendment of Act No. 2, 1966

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

10

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE DOG ACT 1966

- (1) (a) Section 8 (4) (a)—

After "dog", insert ", accompanied by some competent person,".

- 15 (b) Section 8 (4) (a1)—

After section 8 (4) (a), insert:

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- (a1) to a dog, accompanied by some competent person, 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 during a period of the day declared by the council by order to be a period during which subsection (1) does not apply;

- (c) Section 8 (4) (b)—

After "dog", insert ", accompanied by some competent person,".

*Dog (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE DOG ACT 1966—*continued*

(d) Section 8 (6)—

After “(4) (a)”, insert “or (a1)”.

(e) Section 8 (6A)—

After section 8 (6), insert:

5 (6A) For the purposes of subsection (4) (a1), an order of a council may specify different periods on different days.

(2) Section 14 (1) (f)—

Before “be”, insert “subject to the regulations,”.

(3) Part VA, heading—

10 Omit the heading, insert instead:

PART VA
DOGS USED BY THE BLIND AND DEAF

(4) (a) Section 17A—

15 Omit “completely or partially blind” wherever occurring, insert instead “blind or deaf”.

(b) Section 17A—

After “guide” wherever occurring, insert “or assistant”.

(c) Section 17A (5)—

After section 17A (4), insert:

20 (5) A reference in this section to a blind or deaf person includes a reference to a person who is partially blind or partially deaf.

(5) Section 21A—

After section 21, insert:

*Dog (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE DOG ACT 1966—*continued***Requirement to state name and address**

5 21A. (1) A servant of a council, a member of the police force, 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

10 (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: \$200.

15 (3) A person is not guilty of an offence under this section unless it is established that the servant of the council, the member of the police force, 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.

20 (6) Section 22—

Omit “any 2 justices in petty sessions”, insert instead “a Local Court constituted by a Magistrate or any 2 justices”.

(7) (a) Section 27 (1) (d)—

After “reduction”, insert “, waiver or exemption from payment”.

25 (b) Section 27 (2)—

After section 27 (1), insert:

(2) A provision of a regulation may—

(a) apply generally or be limited in its application by reference to specified exceptions or factors;

30 (b) apply differently according to different factors of a specified kind; or

Dog (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE DOG ACT 1966—*continued*

- (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.

BY AUTHORITY

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DOG (AMENDMENT) ACT 1985 No. 125

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 125, 1985

An Act to amend the Dog Act 1966 in relation to dogs used by blind or deaf persons, and for other purposes. [Assented to, 25th November, 1985.]

Dog (Amendment) 1985

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 1985".

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 8 (4) (a)—

After "dog", insert ", accompanied by some competent person,".

(b) Section 8 (4) (a1)—

After section 8 (4) (a), insert:

- (a1) to a dog, accompanied by some competent person, 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 during a period of the day declared by the council by order to be a period during which subsection (1) does not apply;

(c) Section 8 (4) (b)—

After "dog", insert ", accompanied by some competent person,".

Dog (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE DOG ACT 1966—*continued*

(d) Section 8 (6)—

After “(4) (a)”, insert “or (a1)”.

(e) Section 8 (6A)—

After section 8 (6), insert:

(6A) For the purposes of subsection (4) (a1), an order of a council may specify different periods on different days.

(2) Section 14 (1) (f)—

Before “be”, insert “subject to the regulations,”.

(3) Part VA, heading—

Omit the heading, insert instead:

PART VA
DOGS USED BY THE BLIND AND DEAF

(4) (a) Section 17A—

Omit “completely or partially blind” wherever occurring, insert instead “blind or deaf”.

(b) Section 17A—

After “guide” wherever occurring, insert “or assistant”.

(c) Section 17A (5)—

After section 17A (4), insert:

(5) A reference in this section to a blind or deaf person includes a reference to a person who is partially blind or partially deaf.

(5) Section 21A—

After section 21, insert:

*Dog (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE DOG ACT 1966—*continued***Requirement to state name and address**

21A. (1) A servant of a council, a member of the police force, 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: \$200.

(3) A person is not guilty of an offence under this section unless it is established that the servant of the council, the member of the police force, 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.

(6) Section 22—

Omit “any 2 justices in petty sessions”, insert instead “a Local Court constituted by a Magistrate or any 2 justices”.

(7) (a) Section 27 (1) (d)—

After “reduction”, insert “, waiver or exemption from payment”.

(b) Section 27 (2)—

After section 27 (1), insert:

(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

Dog (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE DOG ACT 1966—*continued*

- (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.

BY AUTHORITY

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