

[AS REPORTED FROM THE AGRICULTURAL AND PASTORAL COMMITTEE.]

Legislative Council, 17th October, 1935.

Hon. Mr. Carrington.

ALSATIAN DOG.

ANALYSIS.

Title.	5. In certain cases dogs to be destroyed unless registered and sterilized.
1. Short Title.	6. Alsatian dogs to be muzzled.
2. Interpretation.	7. Alsatian dogs not to be imported without consent of Minister of Internal Affairs.
3. Powers of local authority.	
4. Offence to keep Alsatian dog unless registered under this Act.	

A BILL INTITULED

AN ACT to more Strictly Control and in certain Cases to prohibit the Breeding of Alsatian Dogs. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of same, as follows:—

1. This Act may be cited as the Alsatian Dog Act, 1935. Short Title.

2. For the purposes of this Act In this Act, unless the context otherwise requires,— Interpretation.

“ Alsatian dog ” means a dog, whether male or female, which is wholly or partly of the species or kind commonly known as “ Alsatian dog ” or “ Alsatian wolf-hound ”, or belongs wholly or partly to any variety of the said species by whatever name such variety may be known, but does not include any such dog the property of the State used for military or police purposes:

New.

“Local authority” means a Borough Council, County Council, Town Board, or Road Board:
“Owner” means an owner as defined by section twenty-eight of the Dogs Registration Act, 1908.

5

Struck out.

Powers of local authority.

3. (1) Every local authority is hereby authorized and directed to carry out within its district the provisions of this Act, and to appoint such inspectors or officers as may be necessary to ensure the due enforcement of such provisions, and shall keep a roll or register of all Alsatian dogs registered under this Act.

10

(2) “Local authority” means a Borough Council, County Council, Town Board, or Road Board.

(3) After the expiry of *three* months from the date of the commencement of this Act it shall be lawful for a local authority to, by resolution, decide that its district shall be free of unsterilized Alsatian dogs, and it shall then give one month’s notice to any person having possession of or under his control any Alsatian dog, and if after the expiry of six weeks from the receipt of such notice the Alsatian dog in question has not been effectively sterilized or destroyed the person notified shall forthwith come under the provisions of section *five* of this Act.

15

20

25

New.

Offence to keep Alsatian Dog unless registered under this Act.

3. (1) Every local authority shall, in addition to the register required to be kept under the Dogs Registration Act, 1908, keep a register in respect of Alsatian dogs owned by persons in the district of that authority.

30

(2) The register shall be in such form and contain such particulars as may be prescribed by regulations made under this Act.

(3) Every Alsatian dog shall be registered in accordance with the provisions of this Act.

35

(4) Any person who after the expiry of *three* months from the date of the commencement of this Act keeps or has in his possession or under his control any Alsatian dog which is not registered under this Act shall be guilty of an offence, and upon conviction shall be liable to a penalty not exceeding *fifty* pounds.

40

(5) On the hearing of any charge of an offence against subsection *four* of this section the onus of proof that the dog has been registered shall be upon the defendant,

New.

(6) The fee under this Act to be paid for the registration of an Alsatian dog shall be *five* pounds.

Struck out.

5 4. (1) Any person who after the expiry of *three* months from the date of the commencement of this Act keeps or has in his possession or under his control any Alsatian dog which is not registered under this Act shall be guilty of an offence, and upon conviction shall be liable to a penalty not exceeding *fifty* pounds.

Offence to keep Alsatian dog unless registered under this Act.

10 (2) On the hearing of any charge of an offence against subsection *one* of this section the onus of proof that the dog has been registered shall be upon the defendant.

15 (3) Notwithstanding anything contained in section eight of the Dogs Registration Act, 1908, the fee under that Act to be paid for the registration of an Alsatian dog shall be *ten* pounds.

20 (4) It shall be the duty of local authorities and/or any constable to destroy any Alsatian dog not wearing a collar bearing its registration number.

New.

25 4. (1) Any local authority may by resolution decide that Alsatian dogs which are not under proper control shall not be allowed within its district.

Local authorities may prohibit Alsatian dogs within its district unless certain conditions are complied with.

30 (2) On the passing of such resolution it shall forthwith cause to be published three times in a newspaper circulating in its district a notice to the effect that unless all Alsatian dogs registered in its district are under proper control within *one* month from the date of the notice they shall be liable to be destroyed by the local authority.

35 (3) Any person who owns an Alsatian dog and who fails to comply with the terms of the notice shall be guilty of an offence against this section and shall be liable on summary conviction to a fine of *ten* pounds.

Struck out.

40 5. (1) Where any person has been convicted of an offence against section *four* of this Act, the local authority may by order in writing require such person to destroy the dog in respect of which the offence was committed, within a period to be limited in the order unless, before the expiration of such period, the dog has been registered and effectively sterilized.

In certain cases dogs to be destroyed unless registered and sterilized.

Struck out.

(2) If any dog mentioned in the order is registered and effectively sterilized, the person to whom such order has been given shall produce to the local authority a certificate of registration and a certificate of a veterinary surgeon registered under the Veterinary Surgeons Act, 1926, to the effect that the dog has been so sterilized.

(3) Where any person fails to comply with an order under subsection *one* of this section, the local authority may direct an inspector or an officer of the local authority to destroy the dog mentioned in the order.

(4) The inspector or officer so directed may enter upon any land or premises where such dog is or is reasonably believed to be, and, if the certificates referred to in subsection *two* of this section are not produced to him on demand, may destroy the dog.

(5) The expenses of the inspector or officer in or about the destruction of any such dog may be recovered as a debt in any Court of competent jurisdiction by the local authority from the person to whom the order was given. The expenses shall include the cost incurred by the inspector or officer in travelling to or from the land or premises and a proportionate part of the salary or wages of such inspector or officer, having regard to the time occupied by him on the work and in travelling to or from the land or premises.

New.

Powers of local authority.

5. (1) Every local authority is hereby authorized and directed to carry out within its district the provisions of this Act, and to appoint such inspectors or officers as may be necessary to ensure the due enforcement of such provisions.

(2) A local authority for the purposes of carrying out the provisions of this Act may give an order to an inspector or other officer of the local authority directing him to destroy the dog mentioned in the order.

(3) The inspector or officer so directed may enter upon any land or premises where such dog is or is reasonably believed to be, and may destroy the dog.

(4) The expenses of the inspector or officer in or about the destruction of any such dog may be recovered as a debt in any Court of competent jurisdiction by the local authority from the person to whom the order was

New.

5 given. The expenses shall include the cost incurred by the inspector or officer in travelling to or from the land or premises and a proportionate part of the salary or wages of such inspector or officer, having regard to the time occupied by him on the work and in travelling to or from the land or premises.

10 6. (1) Every person who permits any Alsatian dog to go at large in any public place, or in or about any private premises where tradesmen, post-office officials, and others may be required to visit in the execution of their duties, whether with a registered collar affixed to it or not, without being muzzled in a manner sufficient to prevent the dog from causing injury by biting is liable for every such offence to a fine not exceeding *ten* pounds, and any such dog so at large may be forthwith seized and killed by any constable.

Alsatian dogs to be muzzled.

(2) Any constable witnessing an attack by an Alsatian dog on any person may forthwith seize and kill such dog.

20 7. (1) No person after *three* months from the date of the passing of this Act shall, without the consent of the Minister of Internal Affairs, introduce or import into New Zealand any dog of the Alsatian wolf-hound species.

Alsatian dogs not to be imported without consent of Minister of Internal Affairs.

25 (2) Every person who offends against this section is liable to a fine of *two hundred* pounds or imprisonment for *six* months.

New.

30 8. The Governor-General may from time to time, by Order in Council, make regulations prescribing any matters for which regulations are contemplated or required under this Act or which he deems necessary for the efficient administration thereof.

Regulations.

35 9. This Act shall come into force on the *first* day of *February*, nineteen hundred and *thirty-six*.

Commencement.