



Australian Capital Territory

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## AUSTRALIAN CAPITAL TERRITORY

### DOG CONTROL ACT 1975

*Reprinted as at 30 June 1991*

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## AUSTRALIAN CAPITAL TERRITORY

### DOG CONTROL ACT 1975

An Act relating to the Keeping and Control of Dogs

#### PART I—PRELIMINARY

##### Short title

1. This Act may be cited as the *Dog Control Act 1975*.<sup>1</sup>

##### Commencement

2. This Act shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.<sup>1</sup>

##### Repeal

3. The Ordinances specified in the Schedule to this Act are repealed.

##### Saving of existing registrations

4. Notwithstanding the repeal effected by section 3—
  - (a) each dog that, immediately before the commencement of this Act, was registered under the *Dogs Registration Ordinance 1926-1967* shall be deemed to have been registered under this Act as if this Act had been in operation when the dog was registered; and
  - (b) the period of registration shall, for the purposes of this Act, be deemed to have commenced on the anniversary of the registration that occurred immediately before the commencement of this Act.

**Interpretation**

**5. (1)** In this Act, unless the contrary intention appears—

“blind person” means a person who is totally or partially blind;

“certificate of registration” means a certificate of registration issued under the *Dogs Registration Ordinance 1926-1967*, under subsection 12 (1) or under subsection 15 (3);

“deaf person” means a person who is totally or partially deaf;

“Deputy Registrar” means a person appointed under subsection 6 (2);

“domestic animal” means an animal kept as a domestic pet;

“farm-animal” means a horse, neat, sheep, goat or pig, or a bird included in the class of birds commonly known as poultry;

“guide dog” means a dog that has been trained in the guidance of the blind and is, or is to be, used for the guidance of a blind person;

“hearing dog” means a dog that has been trained in the assistance of the deaf and is, or is to be, used for the assistance of a deaf person;

“inspector” means a person appointed under subsection 7 (1);

“pensioner” has the same meaning as in the *Rates and Land Rent (Relief) Act 1970*;

“premises” includes land;

“public place” means—

(a) any place to which the public has access; or

(b) any place that the public may use,

and includes—

(c) unoccupied land;

(d) the grounds of a school; and

(e) the grounds of a day nursery, kindergarten or other place for the reception of children;

“register” means the register kept under this Act;

“registered” means registered, or deemed to have been registered, under this Act, and “registration” has a corresponding meaning;

“registered veterinary surgeon” means a person registered as a veterinary surgeon in a State or Territory of Australia;

“Registrar” means the person appointed under subsection 6 (1);

“registration tag” means a registration tag issued under subsection 12 (1) or a registration disc issued under the *Dogs Registration Ordinance 1926-1967*;

“residential unit” means a building, or a part of a building, that is used as a single dwelling;

“unemployed person” means a person to whom there is being paid an unemployment benefit under the *Social Security Act 1947* of the Commonwealth.

(2) In a case where—

(a) a dog is owned by a person under the age of 16 years; and

(b) that person resides with his parents, one of his parents or his guardian,

the parents, the parent with whom he resides or the guardian, as the case requires, shall, for the purpose of this Act, be deemed to be the keeper of the dog.

(3) A reference in a provision of this Act to a prescribed fee shall be read as a reference to the fee determined under section 40A for the purposes of that provision.

#### **Registrar and Deputy Registrar**

6. (1) The Minister may, by instrument in writing, appoint a person to be the Registrar of Dogs for the purposes of this Act.

(2) The Minister may, by instrument in writing, appoint such Deputy Registrars of Dogs as he considers necessary for the purposes of this Act.

(3) A Deputy Registrar may exercise such of the powers, and shall perform such of the duties, of the Registrar as the Minister directs.

(4) A power exercised or duty performed by a Deputy Registrar in accordance with subsection (3) shall, for the purposes of this Act, be deemed to have been exercised or performed by the Registrar.

#### **Appointment of inspectors**

7. (1) The Minister may, by instrument in writing, appoint such inspectors as he considers necessary for the purposes of this Act.

(2) An inspector shall perform such duties as the Registrar directs or as are prescribed.

(3) The Registrar and a Deputy Registrar each have the powers of an inspector.

## PART II—REGISTRATION OF DOGS

### Register

8. (1) The Registrar shall keep a register for the purpose of this Act.

(2) The register book kept under the *Dogs Registration Ordinance 1926-1967* is incorporated with, and shall form part of, the register referred to in subsection (1).

### Application for registration

9. (1) An application for registration of a dog shall—

- (a) be made in writing, in accordance with a form made available by the Registrar, by the keeper of the dog;
- (b) state—
  - (i) the name and address of the applicant;
  - (ii) that the applicant has, if such is the case, attained the age of 18 years or, if the applicant has not attained that age, his age;
  - (iii) the breed of the dog or, if the breed is unknown, a description of the dog;
  - (iv) the age of the dog;
  - (v) the sex of the dog;
  - (vi) the colour and distinctive markings (if any) of the dog;
  - (vii) the address where the dog is ordinarily kept;
  - (viii) whether the dog is sterile; and
  - (ix) whether the dog is a guide dog or a hearing dog;
- (c) be lodged at the office of the Registrar; and
- (d) except in the case of—
  - (i) an application by a pensioner or an unemployed person; or
  - (ii) an application for the registration of a dog that is a guide dog or a hearing dog,

be accompanied by the prescribed fee for the registration of the dog.

(2) Where a dog is sterile, an application for registration of the dog shall be accompanied by—



- (a) in a case in which the dog has been sterilized by a registered veterinary surgeon—
  - (i) a certificate of that veterinary surgeon given on the basis of that sterilization to the effect that the dog is sterile; or
  - (ii) if the applicant is unable to obtain such a certificate, a statutory declaration made by the applicant stating that the dog is sterile and stating the reason why the applicant is unable to obtain such a certificate; and
- (b) in any other case—a certificate of a registered veterinary surgeon to the effect that the dog is sterile.

### **Registration**

**10. (1)** Subject to subsection (3), and to section 11, upon receiving an application in accordance with section 9 from the keeper of a dog, the Registrar shall register the dog by entering in the register—

- (a) the particulars relating to the dog stated in the application;
- (b) the registration number allotted in respect of the dog;
- (c) if the dog is a guide dog or a hearing dog, a statement to that effect;
- (d) the name and address of the keeper of the dog; and
- (e) the date on which the period of registration expires.

(2) Subject to this Act, every registration, and every renewal of registration, remains in force for a period of one year.

(3) If the Registrar is not satisfied that the dog is a guide dog or a hearing dog, he may refuse to register the dog until the prescribed fee for the registration of the dog has been paid.

### **Certificate of registration and tag**

**12. (1)** Upon registering a dog, the Registrar shall issue to the keeper of the dog a certificate of registration of the dog and a registration tag for the dog.

- (2) A certificate of registration of a dog shall state—
  - (a) the registration number allotted in respect of the dog;
  - (b) the breed and colour of the dog;
  - (c) whether the dog is a guide dog or a hearing dog;
  - (d) the name and address of the keeper of the dog; and

(c) the date on which the period of registration expires.

(3) A registration tag for a dog shall bear the registration number allotted in respect of the dog.

#### **Renewal of registration**

13. (1) Subject to this section, the Registrar shall, on payment of the prescribed fee, renew the registration of a dog.

(2) Where—

(a) a dog has been sterilized; or

(b) a matter stated in the application for registration of a dog is no longer true,

the keeper of the dog shall, on paying the prescribed fee, inform the Registrar of that fact and, in the case of a dog that has been sterilized, produce to the Registrar a certificate or statutory declaration, as the case may be, that would be required under subsection 9 (2) if the dog were then being registered.

(3) No fee is payable in respect of the renewal of the registration of a dog—

(a) the owner of which is a pensioner or an unemployed person; or

(b) that is a guide dog or a hearing dog.

#### **Change of address to be notified**

15. (1) Where a change occurs in the address at which a dog is kept, the keeper of the dog shall, within 14 days after the change, give to the Registrar a notice in writing stating the new address at which the dog is ordinarily kept.

(2) Where a person becomes the keeper of a dog that is already registered, he shall, within 14 days after he becomes the keeper of the dog, notify the Registrar in writing accordingly.

Penalty: \$40.

(3) Where a person notifies the Registrar that he has become the keeper of a dog that is already registered, the Registrar shall—

(a) alter the entry in the register relating to the dog by substituting, for the name and address of the person there shown as the keeper of the dog, the name and address of the new keeper of the dog; and

(b) on payment of the prescribed fee, issue to the new keeper of the dog a new certificate of registration of the dog.

### **Cancellation of registration**

16. Where the keeper of a registered dog informs the Registrar in writing that the dog has been lost, the Registrar shall cancel the registration of the dog.

### **Effect of cancellation of registration**

17. Where the registration of a dog has been cancelled under section 16, the person who, immediately before the cancellation of the registration of the dog, was shown in the register as the keeper of the dog shall be deemed to have ceased to be the keeper of the dog on the date on which the registration of the dog was cancelled.

### **Replacement of lost etc. certificate or tag**

18. If the Registrar is satisfied that a certificate of registration or a registration tag has been lost, damaged or destroyed, he may, on receipt of the prescribed fee, issue a new certificate of registration or a new registration tag, as the case requires, to the keeper of the dog to which the certificate or tag relates.

## **PART III—OFFENCES**

### **Keeping unregistered dogs**

19. (1) Subject to this section, a person who is the keeper of a dog—

- (a) that is not registered; or
- (b) of which he is not shown in the register as its keeper,

is guilty of an offence and, on conviction, is punishable by a penalty not exceeding \$40.

(2) A person does not commit an offence against subsection (1) if—

- (a) the dog is under the age of 6 months;
- (b) the dog has been kept by that person for a period of less than 14 days; or
- (c) that person has been resident in the Territory for a period not exceeding 3 weeks.

### **Tag for untattooed dog**

20. (1) The keeper of a dog is, subject to this section, guilty of an offence against this section and, on conviction, is punishable by a fine not exceeding \$40 if the dog is in a public place and does not carry on it its registration tag.

(2) This section does not apply to, or in relation to, the keeper of a dog that has the registration number allotted in respect of it tattooed on one of its ears.

(3) It is a defence to a prosecution for an offence against this section if the person charged proves that the absence of the registration tag was not due to his negligence or to a wilful act or omission on his part.

#### **Dog being at large in a public place**

21. (1) Where a female dog is in a public place while it is on heat, the keeper of the dog is guilty of an offence against this section and, on conviction, is punishable by a fine not exceeding \$140.

(2) Subsection (1) does not apply to or in relation to a dog that is confined in a motor vehicle.

(3) Where a dog (other than a female dog that is on heat) is at large in a public place, the keeper of the dog is guilty of an offence against this section and, on conviction, is punishable by a fine not exceeding \$100.

(4) It is a defence to a prosecution for an offence against subsection (3) that the keeper of the dog took reasonable precautions to prevent the dog being at large in a public place.

#### **Removal of faeces**

22. (1) Where a dog that is under the control of a person in a prescribed place drops faeces, the person having the control of the dog is guilty of an offence and punishable, on conviction, by a fine not exceeding \$40, unless the person removes the faeces to a place that is not a prescribed place.

(2) In this section, "prescribed place" means—

- (a) a footpath, plaza or other area of land specifically designed for pedestrian use;
- (b) land or premises occupied by a person other than the keeper of the dog; or
- (c) a place referred to in subsection 23 (1), 23 (2) or 23 (4).

(3) In this section, "dog" does not include a guide dog that is accompanying a blind person.

#### **Restricted areas**

23. (1) Subject to this section, a person shall not—

- (a) take a dog into the grounds of a school at a time when pupils are in those grounds; or

- (b) take a dog into the grounds of a day nursery, kindergarten or other place for the reception of children at a time when children are in those grounds.

Penalty: \$100.

- (2) A person shall not take a dog into an area that is a prohibited area for the purposes of this section.

Penalty: \$100.

- (3) A person shall not take a dog—

- (a) within 10 metres of an apparatus or construction that is designed for play by children, being an apparatus or construction that is in a public place, while children are playing on the apparatus or construction;
- (b) within 10 metres of a fire-place or heating appliance designed for cooking food, being a fire-place or heating appliance that is in a public place; or
- (c) within 10 metres of an area adjacent to the foreshores of Lake Burley Griffin that is designated by a notice as a swimming area.

Penalty: \$100.

- (4) A person shall not take a dog onto a field or playing area on which organized sport is being played.

Penalty: \$100.

- (5) A person who takes a dog into the grounds of a school, day nursery, kindergarten or other place is not guilty of an offence against subsection (1) if—

- (a) the keeper of the dog resides in those grounds; or
- (b) the dog is taken into those grounds with the permission of the headmaster of the school or the person in charge of the nursery, kindergarten or other place, as the case requires.

- (6) Subsection (3) does not apply in relation to a dog that is not in a public place.

- (7) An area is a prohibited area for the purposes of this section if it is defined, by means of a sign or signs erected by the authority of the Minister, as an area into which dogs may not be taken.

- (8) In proceedings for an offence against subsection (2), a sign shall be taken to have been erected by the authority of the Minister unless the contrary is proved.

(9) The Minister may, at any time, cause a sign erected for the purpose of subsection (7) to be removed.

(10) In this section, "dog" does not include a guide dog that is accompanying a blind person or a hearing dog that is accompanying a deaf person.

#### **Restrictions on taking of greyhounds into public place**

24. (1) The keeper of a greyhound dog that is in a public place is guilty of an offence against this section unless the dog—

- (a) is held by means of a leash; and
- (b) is wearing a device that is effective to prevent the dog biting a person or an animal.

(2) Where a person has in a public place more than four greyhound dogs on a leash or leashes held by him, that person and any other person who is the keeper of one or more of those dogs are each guilty of an offence against this section.

(3) A person who is guilty of an offence against this section is punishable, on conviction, by a fine not exceeding \$100.

#### **Dogs attacking or worrying person or animal**

25. (1) Subject to this section, where—

- (a) a dog attacks a person;
- (b) by reason of the behaviour of a dog, a person reasonably fears that the dog is about to attack him; or
- (c) a dog attacks a domestic animal or a farm-animal,

the keeper of the dog is guilty of an offence against this section and, on conviction, is punishable by a fine not exceeding \$200.

(2) Subsection (1) does not apply where the animal or person is, without lawful excuse, on land or premises occupied by the keeper of the dog.

(3) It is a defence to a prosecution for an offence against subsection (1) if it is proved that the person or animal had provoked the dog.

(4) Where the keeper of a dog is convicted of an offence against this section, the court may, if it thinks fit, order that the dog be destroyed.

(5) A member of the Police Force may execute an order under subsection (4) and, for that purpose, the member of the Police Force may enter upon any premises upon which he has reasonable grounds for believing the dog to which the order relates may be found.

**Offences in relation to registration tags**

26. (1) A person other than the keeper of a dog shall not remove from a dog its registration tag except with the consent of the keeper of the dog.

(2) The keeper of a dog shall not cause or permit the dog to carry a registration tag unless the registration tag was issued for that dog.

Penalty: \$20.

**Obstruction etc. of officials**

27. A person shall not obstruct, hinder, threaten or intimidate the Registrar, a Deputy Registrar or an inspector in the exercise of a power conferred, or the performance of a duty imposed, by or under this Act.

Penalty: \$200.

**PART IV—SEIZURE AND DESTRUCTION OF DOGS**

**Seizure of dogs**

28. (1) An inspector may seize a dog that is found, whether by the inspector or another person, at large in a public place.

(2) Where an inspector has reasonable cause to believe that a dog has attacked a person, a domestic animal or a farm-animal elsewhere than on land or premises occupied or owned by the keeper of the dog, the inspector may seize the dog if it is—

- (a) in a public place;
- (b) on unoccupied land; or
- (c) on land occupied by the keeper of the dog,

and may, for the purpose of seizing the dog on land referred to in paragraph (c), enter upon that land.

(3) Where an inspector has reasonable cause to believe that a dog has attacked a person, a domestic animal or a farm-animal and the dog is on land occupied by a person other than the keeper of the dog, the inspector may seize the dog on that land with the consent of the occupier of that land.

(4) Where a dog is on land occupied by a person other than the keeper of the dog, an inspector may, at the request of the occupier of that land, seize the dog.

(5) Where an inspector has reasonable cause to believe that a dog that has attacked a person, a domestic animal or a farm-animal is on premises

occupied by the keeper of the dog, the inspector may require the keeper of the dog to produce the dog for inspection by the inspector.

(6) For the purposes of this section, where, by reason of the behaviour of a dog, a person reasonably fears that the dog is about to attack him, the dog shall be taken to have attacked the person.

(7) A person to whom a requirement is made under subsection (5) shall not fail to comply with the requirement.

Penalty: \$100.

#### **Notice to keeper of seized dog**

29. Where a dog that is seized by an inspector—

- (a) has the registration number allotted in respect of it tattooed on one of its ears; or
- (b) is carrying its registration tag,

the Registrar shall cause to be served by post or by telegram on the person who is shown in the register as the keeper of the dog, at the address shown in the register as the address of that person, a notice in writing stating that the dog has been seized and, where the dog has been seized under subsection 28 (1), indicating the place at which the dog may be claimed.

#### **Return of impounded dogs**

30. (1) Subject to subsection (3), where a dog that has been seized under subsection 28 (1) by an inspector is claimed by or on behalf of its keeper, the Registrar shall, unless the dog has been destroyed, return the dog to its keeper or to the person claiming the dog on behalf of its keeper on payment to the Registrar of the prescribed fee.

(3) Where a dog that has been seized by an inspector is not registered, the Registrar shall not return the dog to its keeper or to a person claiming the dog on behalf of its keeper unless its keeper makes an application in accordance with section 9 for registration of the dog.

#### **Detention of dogs that have attacked or worried persons or animals**

31. (1) Where a dog is seized by an inspector in pursuance of subsection 28 (2), 28 (3) or 28 (4), the dog shall be detained in such custody as the Registrar directs until—

- (a) if proceedings for an offence against section 25 are instituted within 7 days after the day on which the dog was seized—the completion of those proceedings; or



- (b) if proceedings for an offence against section 25 are not instituted within that period of 7 days—the expiration of a period of 9 days after the day on which the dog was seized.

(2) Where, under subsection 25 (4), the court orders the destruction of a dog that is detained under subsection (1), the costs of detaining the dog shall be borne by the Territory.

(3) Where—

- (a) proceedings referred to in paragraph (1) (a) are instituted but the court does not order the destruction of the dog; or
- (b) proceedings referred to in that paragraph are not instituted within the period referred to in paragraph (1) (b),

the Registrar shall return the dog to its keeper.

#### **Destruction of dogs by Registrar**

32. Subject to sections 30 and 31, where the dog has been seized by an inspector, the Registrar may, subject to the Regulations, sell the dog or cause the dog to be destroyed—

- (a) where a notice has been served on a person under section 29—at the expiration of 5 days after the date of service of the notice; or
- (b) in any other case—at the expiration of 7 days after the date on which the dog is seized.

#### **Estimated purchase price**

32A. (1) The regulations may provide for the estimated purchase price for a dog to be paid to the Registrar before the dog is sold under section 32.

(2) In subsection (1), a reference to the estimated purchase price for a dog shall be read as a reference to an amount equal to the sum of—

- (a) the fees determined under section 40A for the purposes of this paragraph and paragraph 9 (1) (d) respectively; and
- (b) the amount estimated by the Registrar to be the amount of the fee likely to be charged by a veterinary surgeon for services rendered in relation to the dog pursuant to the regulations.

#### **Destruction of diseased or injured dogs**

33. (1) An inspector or a member of the Police Force may destroy a dog that—

- (a) is found at large in a public place or has, in pursuance of this Act, been seized on land occupied by a person other than the keeper of the dog; and
- (b) is so injured or diseased—
  - (i) that its life can not be saved; or
  - (ii) that it is dangerous to persons or other animals.
- (2) If a dog that is destroyed under subsection (1)—
  - (a) had the registration number allotted in respect of it tattooed on one of its ears; or
  - (b) was carrying its registration tag,

the Registrar shall cause notice in writing of the destruction of the dog to be served by post on the person who is shown in the register as the keeper of the dog at the address shown in the register as the address of that person.

#### **Destruction of attacking dogs**

- 34. (1) In this section, "field" includes paddock, yard or other place.
- (2) A person may destroy forthwith a dog found attacking a person, a domestic animal or a farm-animal elsewhere than on premises occupied or owned by the keeper of the dog.
- (3) The occupier of an enclosed field, or a person authorized to do so by the occupier, may destroy—
  - (a) a dog found attacking a farm-animal confined in the enclosed field; or
  - (b) a dog found in the enclosed field if it appears that a farm-animal confined in the field has, immediately prior to the dog being so found, been killed, injured or attacked by a dog.
- (4) Paragraph (3) (b) does not apply if a dog is held by a person by means of a leash.

#### **Destruction without cruelty**

- 35. (1) A person who destroys a dog in pursuance of this Act shall do so without cruelty to the dog.

Penalty: \$200.

- (2) Notwithstanding anything contained in the *Prevention of Cruelty to Animals Act 1959-1966*, a person who destroys a dog in pursuance of this Act is not guilty of an offence against the first-mentioned Act arising out of an act or omission related to the destruction of the dog.

**PART IVA—GUIDE DOGS AND HEARING DOGS**

**Crown**

**35A. (1)** This Part binds the Crown.

**(2)** Nothing in this Part renders the Crown liable to be prosecuted for an offence.

**Public place**

**35B.** In this Part, "public place" includes—

(a) the part of any—

- (i) government office;
- (ii) bank, building society or credit union;
- (iii) shop, store, market, restaurant, hotel or club;
- (iv) university, college or school;
- (v) theatre, gallery, library, war memorial, museum, exhibition centre, church, sportsground, racetrack or other place of cultural, historical or educational display, of religious observance or of entertainment or recreation; or
- (vi) other public, commercial or business office or premises;

to which the public have access or which the public are entitled to use (whether on payment of money or otherwise); and

(b) a motor omnibus or taxi within the meaning of the *Motor Traffic Act 1936*.

**Rights of blind or deaf person with dog**

**35C. (1)** Notwithstanding any other law of the Territory, a blind person accompanied by a guide dog or a deaf person accompanied by a hearing dog has the same right of access to, and the same entitlement to the use of, a public place as that person would have if not accompanied by a dog.

**(2)** Without limiting the generality of subsection (1), a blind person or deaf person is not guilty of an offence by reason only of taking a guide dog or hearing dog (as the case requires) onto or into, or permitting such a dog to enter, a public place.

**Exclusion etc. from public place—offence**

**35D.** A person shall not, without reasonable cause—

- (a) deny a blind person accompanied by a guide dog, or a deaf person accompanied by a hearing dog, access to, or the use of, a public place; or
- (b) exclude or remove from a public place—
  - (i) a blind person accompanied by a guide dog;
  - (ii) a deaf person accompanied by a hearing dog;
  - (iii) a guide dog that is accompanying a blind person; or
  - (iv) a hearing dog that is accompanying a deaf person.

Penalty: \$500.

#### **Imposition of excess charges—offence**

**35E. (1)** A person shall not impose a charge on a blind person accompanied by a guide dog, or on a deaf person accompanied by a hearing dog—

- (a) in respect of accommodation, goods or services provided or supplied to or for the blind or deaf person; or
- (b) for access to, or the use of, a public place by the blind or deaf person;

unless that charge would have been imposed on the blind or deaf person if not accompanied by a dog.

Penalty: \$500.

**(2)** A person does not commit an offence under subsection (1) by reason only of imposing a charge or additional charge on a blind person accompanied by a guide dog, or on a deaf person accompanied by a hearing dog, in respect of—

- (a) accommodation, goods or services provided or supplied for the dog; or
- (b) expenses reasonably incurred by the first-mentioned person because of the presence of the dog;

if that charge or additional charge was reasonable in the circumstances.

#### **Recovery of excess charge**

**35F.** Where a blind person or deaf person has paid a charge imposed in contravention of subsection 35E (1), he or she is entitled to recover from the person to whom it was paid an amount equal to the amount by which that charge exceeds the charge that could have been imposed without involving such a contravention.

**PART V—MISCELLANEOUS**

**Certified copy of certificate of registration**

36. (1) A person whose name is shown in a certificate of registration as the keeper of the dog described in the certificate of registration may apply in writing to the Registrar for a certified copy of the certificate of registration.

(2) An application shall be accompanied by the prescribed fee.

(3) Upon receiving an application and the prescribed fee referred to in subsection (2), the Registrar shall issue to the applicant a copy of the certificate of registration to which the application relates having endorsed on it a certificate signed by the Registrar stating that the copy is a true copy of the certificate of registration.

**Evidence of registration or non-registration**

37. (1) A certificate of registration, or a certified copy of a certificate of registration issued under subsection 36 (3), is evidence that the dog described in it is registered.

(2) Subject to this Act, the person shown in the register as the keeper of a dog shall be deemed to be the keeper of the dog unless the contrary is proved.

(3) A certificate signed by the Registrar and certifying that, at a specified date, a specified person—

(a) was shown in the register as the keeper of a dog described in the certificate; or

(b) was not shown in the register as the keeper of—

(i) a dog described in the certificate; or

(ii) any dog,

is evidence of that fact.

(4) A document that purports to be a certificate of registration, a certified copy of a certificate of registration issued under subsection 36 (3) or a certificate referred to in subsection (3) shall, unless the contrary is proved, be deemed to be such a certificate or such a certified copy and to have been duly given or issued.

**Inspection of register**

38. A person is entitled, on payment of the prescribed fee, to inspect the particulars included in an entry in the register.

**List of keepers**

39. (1) The Registrar shall, as soon as practicable after the end of each month, cause to be prepared a list showing, in alphabetical order, the names and addresses of all persons who were, at the end of that month, shown in the register as being the keepers of dogs.

(2) The list referred to in subsection (1) shall be kept at the office of the Registrar and shall be open to public inspection at all reasonable times.

**Compensation for injuries caused by dogs**

40. (1) Where—

- (a) a dog attacks a person and the person suffers personal injury or damage to his property by reason of the attack;
- (b) by reason of the behaviour of a dog a person reasonably fears that a dog is about to attack him and, as a result, that person suffers injury; or
- (c) a dog attacks a domestic animal or a farm-animal and, by reason of the attack, the animal dies or is injured,

the keeper of the dog is liable to pay to that person or the owner of that domestic animal or farm-animal compensation for any loss or expense incurred as a result of the attack.

(2) Compensation under subsection (1) may be recovered whether or not a prosecution for an offence against this Act has been instituted against the keeper of the dog that made the attack and, where such a prosecution has been instituted, notwithstanding that the keeper has been acquitted of the offence charged.

(3) In proceedings to recover compensation under subsection (1) for loss resulting from injury to a person or damage to the property of a person, it is a defence for the defendant to prove that—

- (a) the injury was suffered by the plaintiff while the plaintiff was, without lawful excuse, on land or premises occupied by the defendant;
- (b) the plaintiff failed to take reasonable care for his own safety; or
- (c) the plaintiff provoked the dog.

(4) In proceedings to recover compensation under subsection (1) for loss resulting from injury to a domestic animal or a farm-animal, it is a defence for the defendant to prove that the injury was suffered by the animal while it was on land or premises occupied by the defendant or that the animal attacked had provoked the dog by which it was attacked.

(5) In proceedings to recover compensation under subsection (1) it is not necessary for the plaintiff to prove the existence of a mischievous propensity in the dog concerned or that the defendant knew of any such propensity.

(6) Nothing in this section affects any right that a person has to recover damages or compensation apart from this section.

**Power of Minister to determine fees**

40A. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

**Regulations**

41. The Executive may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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**SCHEDULE**

Section 3

**ORDINANCES REPEALED**

## NOTE

1. The *Dog Control Act 1975* as shown in this reprint comprises Act No. 18, 1975 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
<i>Dog Control Ordinance 1975</i>	18, 1975	1 July 1975	21 July 1975 (see Gazette 1975, No. S150)	
<i>Dog Control Ordinance 1976</i>	11, 1976	19 Mar 1976	19 Mar 1976	—
<i>Dog Control (Amendment) Ordinance 1977</i>	42, 1977	24 Aug 1977	24 Aug 1977	—
<i>Dog Control (Amendment) Ordinance 1981</i>	36, 1981	21 Oct 1981	21 Oct 1981	—
<i>Dog Control (Amendment) Ordinance 1982</i>	65, 1982	18 Aug 1982	18 Aug 1982	—
<i>Dog Control (Amendment) Ordinance 1983</i>	23, 1983	24 Aug 1983	24 Aug 1983	—
<i>Dog Control (Amendment) Ordinance 1984</i>	48, 1984	27 Aug 1984	27 Aug 1984	—
<i>Dog Control (Amendment) Ordinance 1985</i>	14, 1985	4 Apr 1985	4 Apr 1985	—
<i>Dog Control (Amendment) Ordinance (No. 2) 1985</i>	37, 1985	20 Aug 1985	20 Aug 1985	—
<i>Sex Discrimination (Miscellaneous Amendments) Ordinance 1986</i>	31, 1986	31 July 1986	1 Aug 1986	—
<i>Dog Control (Amendment) Ordinance 1988</i>	84, 1988	19 Dec 1988	29 Dec 1988 (see Gazette 1988, No. S414)	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and Gazette 1989, No. S164)	—

Self-Government day 11 May 1989



## NOTE—continued

Table 2

Table of Acts

Act	Number and year	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
<i>Rates and Land Rent (Relief) (Amendment) Act 1991</i>	22, 1991	10 May 1991	10 May 1991	—

Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 5	am. No. 42, 1977; No. 23, 1983; No. 48, 1984; No. 31, 1986; No. 84, 1988; Act No. 22, 1991
S. 9	am. No. 11, 1976; No. 36, 1981; No. 65, 1982; No. 23, 1983; No. 48, 1984; No. 84, 1988
S. 10	am. No. 23, 1983; No. 84, 1988
S. 11	rep. No. 42, 1977
S. 12	am. No. 84, 1988
S. 13	am. No. 11, 1976; No. 48, 1984; No. 84, 1988
S. 14	rs. No. 11, 1976 rep. No. 48, 1984
S. 15	am. No. 23, 1983; No. 84, 1988
S. 18	am. No. 23, 1983
Ss. 19-21	am. No. 84, 1988
S. 22	am. No. 14, 1985; No. 84, 1988
Ss. 23-26	am. No. 84, 1988
S. 28	am. No. 84, 1988
S. 30	am. No. 36, 1981; No. 65, 1982; No. 23, 1983
S. 31	am. No. 38, 1989
S. 32A	ad. No. 37, 1985
S. 35	am. No. 84, 1988
Part IVA (ss. 35A-35F)	ad. No. 84, 1988
Ss. 35A-35F	ad. No. 84, 1988
S. 36	am. No. 23, 1983
S. 38	am. No. 23, 1983
S. 40A	ad. No. 23, 1983
S. 41	am. No. 38, 1989

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