



Australian Capital Territory

## **Dog Control Act 1975**

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This is a republication of the *Dog Control Act 1975* effective from 24 June 1992 to 28 February 1993.

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## AUSTRALIAN CAPITAL TERRITORY

### DOG CONTROL ACT 1975

*Reprinted as at 31 July 1992*

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 The Ordinances specified in the Schedule to this Act are repealed.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

- “authorised officer” means the Registrar, a Deputy Registrar or an inspector;
- “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*, 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);
- “determined fee” means the fee determined under section 40A for the purposes of the provision in which the expression occurs;
- “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);
- “leash” includes a chain and a cord;
- “occupier”, in relation to premises, includes a person who is or is reasonably believed to be in charge of the premises;
- “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*;

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

“wildlife” has the same meaning as in the *Nature Conservation Act 1980*.

(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 or her parents, one of his or her parents or his or her guardian,

the parents, the parent with whom he or she 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 the Minister 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 the Minister 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.

#### Identity cards

7A. The Minister shall issue to each inspector an identity card that specifies the name and appointment of the inspector and on which appears a recent photograph of the inspector.

#### Return of identity cards

7B. A person appointed to be an inspector shall not, without reasonable excuse, fail to return his or her identity card to the Registrar upon ceasing to be an inspector.

Penalty: \$100.

#### Declared exercise areas

7C. (1) The Minister may, by notice published in the *Gazette*, declare a specified area to be an exercise area for the purposes of this Act.

(2) A declaration is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

## 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* is incorporated with, and shall form part of, the register referred to in subsection (1).

### Application for registration

9. An application for the registration of a dog shall be—

- (a) in accordance with the form approved by the Registrar and shall specify the name, address and age of the applicant and particulars of the dog and of the premises at which the dog is ordinarily to be kept; and
- (b) lodged with the Registrar together with the determined fee (if any).

### Registration

10. (1) Subject to subsection (3), 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, remains in force for a period of one year.

**Certificate of registration etc.**

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.

(1A) Subsection (1) shall not be taken to require the Registrar to issue a registration tag upon reregistering a dog if the registration number allotted in respect of the dog is the number allotted previously in respect of 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
- (e) 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.

**Notice of change of address**

15. (1) Where a change occurs in the address at which a registered 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.

Penalty: \$300.

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

Penalty: \$300.

(3) Where a person notifies the Registrar that he or she 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 determined 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.

#### **Lost certificate etc.**

18. If the Registrar is satisfied that a certificate of registration or a registration tag has been lost, damaged or destroyed, he or she may, on receipt of the determined 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 IIA—KEEPERS' LICENCES**

#### **Keeping more than 3 dogs**

18A. (1) A person shall not, except in accordance with a licence, keep a dog on residential premises in the City Area if the number of dogs kept on the premises would exceed 3.

Penalty: \$500.

(2) Subsection (1) does not apply if—

- (a) the dog has not attained the age of 3 months;
- (b) the dog has been or is to be kept by that person for a period not exceeding 14 days;
- (c) the person has been resident in the Territory for a period not exceeding 3 weeks; or

- (d) the dog is a guide dog or hearing dog.

**Applications**

**18B.** An application for a licence shall be—

- (a) in accordance with a form approved by the Registrar and shall specify the name, address and age of the applicant and particulars relevant for the purposes of section 18C; and
- (b) be lodged with the Registrar together with the determined fee (if any).

**Grant or refusal of licence**

**18C. (1)** Where an application for a licence has been made, the Registrar shall—

- (a) grant the licence subject to the conditions (if any) specified in the licence; or
- (b) refuse to grant the licence.

**(2)** For the purpose of making a decision under subsection (1), the Registrar shall have regard to the following matters:

- (a) the number and type of dogs to which the application relates;
- (b) the size and nature of the relevant premises;
- (c) the security of the premises for the purpose of confining the dogs;
- (d) the adequacy of the facilities for keeping the dogs on the premises;
- (e) the likelihood of any nuisance to the occupiers of neighbouring premises;
- (f) any other relevant matter.

**(3)** Without limiting the generality of subsection (2), the Registrar shall refuse to grant a licence in relation to a dog unless satisfied that—

- (a) the dog will be confined in a yard which will allow the dog adequate freedom of movement;
- (ab) no part of the yard is less than—
  - (i) 9 metres from a dwelling house (other than the keeper's dwelling house); and
  - (ii) 2 metres from a boundary fence;
- (b) there is adequate shelter for the dog;

- (c) the yard and associated facilities are properly ventilated and so constructed as to permit them to be kept in a sanitary condition; and
  - (d) proper arrangements exist for the sanitary disposal of waste.
- (4) Paragraph (3) (ab) does not apply in relation to a yard the construction of which was completed before 24 June 1992—
- (a) if an application for a licence to keep dogs in the yard is lodged with the Registrar in accordance with paragraph 18B (b) before 1 October 1992; and
  - (b) for so long as the premise in which the yard is contained remains continuously licensed.

#### **Duration of licence**

**18D.** Subject to this Part, a licence remains in force for the period (not exceeding 12 months) specified in the licence, commencing on the date on which it is granted.

#### **Change of circumstances**

**18E. (1)** A licensee who changes his or her residential address shall give the Registrar written particulars of the new address within 14 days after the date of the change.

(2) A licensee who becomes the keeper of a dog not specified in the licence shall give the Registrar written particulars of the dog within 14 days of becoming the keeper.

(3) A person who contravenes subsection (1) or (2), without reasonable excuse, is guilty of an offence punishable on conviction by a fine not exceeding \$300.

#### **Cancellation of licence**

**18F. (1)** The Registrar shall cancel a licence on request by the licensee.

(2) Subject to section 18G, the Registrar may cancel a licence if—

- (a) a ground for refusing to grant the licence exists in relation to the licensee;
- (b) the licensee has failed to comply with a condition specified in the licence; or
- (c) the licence was obtained by fraud or misrepresentation.

(3) The cancellation of a licence takes effect on—

- (a) the date on which written notice of the cancellation is given to the person; or
- (b) if a later date of effect is specified in the notice—on that later date.

**Notice of proposed cancellation**

**18G. (1)** The Registrar shall not cancel a licence under subsection 18F (2) unless the Registrar has given the person a notice in writing that—

- (a) specifies the grounds on which the Registrar proposes to cancel the licence;
- (b) states the facts or circumstances that, in the Registrar's opinion, constitute that ground; and
- (c) informs the licensee that the licensee may, within 14 days after the date of the notice, give the Registrar a written response to the matters raised in the notice.

(2) For the purpose of making a decision under subsection 18F (2), the Registrar shall have regard to the response (if any) given in accordance with a notice under subsection (1).

**Powers of inspection**

**18H. (1)** For the purposes of this Part, an inspector may enter and inspect residential premises—

- (a) at any reasonable time; or
- (b) at any time with the consent of the occupier;

if the inspector believes on reasonable grounds that a person is keeping a dog on the premises in contravention of section 18A.

(2) An inspector who enters premises under subsection (1), is not authorised to remain in the premises if, on request by or on behalf of the occupier of the premises, the inspector does not produce his or her identity card.

(3) An inspector who is entitled to remain on the premises may, for the purposes of this Part—

- (a) inspect, examine, take measurements of, or conduct tests concerning, the premises or any facilities that appear to the inspector to be used in connection with keeping a dog;
- (b) take such photographs, video recordings, or make such sketches or other recordings, as the inspector believes on reasonable grounds to be necessary.

**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 or she is not shown in the register as its keeper,

is guilty of an offence and, on conviction, is punishable by a penalty not exceeding \$500.

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

- (a) the dog is under the age of 3 months;
- (b) the dog has been kept by that person for a period of less than 14 days;
- (c) that person has been resident in the Territory for a period not exceeding 3 weeks; or
- (d) in relation to a dog that is kept for the purposes of breeding—
  - (i) the dog is registered or licensed in a State or another Territory;
  - (ii) the dog is not kept for a period that exceeds 30 days;
  - (iii) the person keeping the dog gives the Registrar notice, in writing, stating the address at which the dog is or was kept within 14 days after commencing to keep the dog; and
  - (iv) where the keeper is not the holder of a licence under Part IIA—the number of dogs kept by the person at that address does not exceed 3.

**(3)** A notification under subparagraph (2) (c) (iii) shall be in accordance with a form approved by the Minister.

**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 \$300 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 or her negligence or to a wilful act or omission on his or her part.

**Preventing escape**

**20A.** A person who has possession or control of a dog in or on premises or a vehicle shall take reasonable precautions to prevent the dog from escaping into—

- (a) a public place; or
- (b) another person's premises or vehicle without the consent of that person.

Penalty: \$500.

**Dogs in public places**

**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 and, on conviction, is punishable by a fine not exceeding \$500.

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

(3) In a prosecution for an offence against subsection (1)—

- (a) it is not a defence that the dog was under the control of a competent person; and
- (b) it is a defence that the keeper had taken reasonable precautions to prevent the dog from being in a public place.

(4) Where a dog is in a public place and is not restrained by a competent person by means of a leash, the keeper of the dog is guilty of an offence punishable, on conviction, by a fine not exceeding \$500.

(5) It is a defence to a prosecution for an offence against subsection (4) that the keeper had taken reasonable precautions to avoid contravening subsection (4).

(6) Subsection (4) does not apply if the dog is—

- (a) in an exercise area declared under section 7C;
- (b) a working dog working livestock;
- (c) participating in a dog show, field trial or obedience trial; or
- (d) participating in a dramatic performance or other entertainment;

and is under the control of a competent person.



**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 \$300, 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), (2) or (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: \$500.

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

Penalty: \$500.

(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: \$500.

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

Penalty: \$500.

(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 4 greyhound dogs on a leash or leashes held by him or her, 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 \$500.

**Dog 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 her;
- (c) a dog attacks a domestic animal or a farm-animal; or
- (d) a dog attacks wildlife;

the keeper of the dog is guilty of an offence against this section and, on conviction, is punishable by a fine not exceeding \$1,000.

(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 or she 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: \$300.

**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: \$1,000.

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

### **Seizure**

**28. (1)** An inspector may seize a dog that is in a public place if—

- (a) in circumstances referred to in paragraph 21 (6) (a), (b), (c) or (d)—the dog is not under the control of a competent person; or
- (b) in any other case—the dog is not restrained in accordance with subsection 21 (4).

**(2)** Where an inspector has reasonable cause to believe that a dog has attacked a person, a domestic animal, farm-animal or wildlife 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, farm-animal or wildlife 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.

**(4A)** An inspector may seize a dog that is kept in contravention of section 18A.

**(5)** Where an inspector has reasonable cause to believe that a dog that has attacked a person, a domestic animal, farm-animal or wildlife 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 or her, 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: \$500.**

**Notice of seizure**

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) or (4A), indicating the place at which the dog may be claimed.

**Return of impounded dog**

30. (1) Subject to subsections (2) and (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 determined fee.

(2) 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.

(3) The Registrar shall not return a dog to the keeper or a person claiming on behalf of the keeper if the Registrar believes on reasonable grounds that the dog would not be kept in accordance with a licence under Part IIA.

**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), (3) or (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 14 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 14 days—the expiration of a period of 16 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. (1)** 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.

(2) The Registrar shall not sell or destroy a dog if—

- (a) at the end of the relevant period referred to in subsection (1) an application for a licence in relation to the dog is pending with the Registrar; or
- (b) a decision of—
  - (i) the Registrar in respect of a licence in relation to the dog; or
  - (ii) a decision of the Administrative Appeals Tribunal or a court relating to the decision of the Registrar;

has not become final.

(3) For the purposes of paragraph (2) (b), a decision referred to in that paragraph shall be taken to have become final if no application for review has been made, or appeal instituted, within 28 days after the date of the decision.

#### **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 determined fees 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 dog**

**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, farm-animal or wildlife 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*, 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 determined fee.

(3) Upon receiving an application and the determined 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 determined 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 dog**

40. (1) Where—

- (a) a dog attacks a person and the person suffers personal injury or damage to his or her 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 or her and, as a result, that person suffers injury; or
- (c) a dog attacks an animal that is a domestic animal, a farm-animal or wildlife 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 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 or her own safety; or
- (c) the plaintiff provoked the dog.

(4) In proceedings to recover compensation under subsection (1), 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.

#### Appeals

**40AA.** Application may be made to the Administrative Appeals Tribunal for review of any of the following decisions of the Registrar:

- (a) granting a licence under section 18C subject to conditions;
- (b) refusing to grant a licence under section 18C;
- (c) cancelling a licence under subsection 18F (2).

#### Notification

**40AB. (1)** The Registrar shall, within 7 days after making a decision of a kind referred to in section 40AA in respect of a person, give notice in writing of the decision to the person.

- (2) The notice shall set out the reasons for the decision and—
  - (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
  - (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by

the decision may request a statement pursuant to section 26 of that Act.

(3) The validity of a decision referred to in subsection (1) shall not be taken to be affected by a failure to comply with subsection (2).

### **Infringement notices**

**40AC.** (1) In this section—

“due date”, in relation to a prescribed penalty, means the due date fixed in accordance with subsection (4);

“prescribed offence” means a provision of this Act specified in the first column in Schedule 2;

“prescribed penalty”, in relation to a prescribed offence, means the penalty specified in the second column in Schedule 2 opposite to that offence.

(2) Where an authorised officer believes on reasonable grounds that a person has committed a prescribed offence, the officer may serve an infringement notice on the person.

(3) An infringement notice shall—

- (a) identify the officer who served the notice;
- (b) specify the day on which, and the time and place at which, the prescribed offence is alleged to have been committed;
- (c) specify the nature of the alleged offence;
- (d) contain a statement to the effect that, if the person does not wish the matter to be dealt with by a court, the person may pay the prescribed penalty to the Registrar by the due date;
- (e) specify the place at which, and the manner in which, the penalty may be paid; and
- (f) contain a statement setting out the procedures under this section relating to the withdrawal of notices and the consequences of withdrawal.

(4) For the purposes of paragraph (3) (d), the due date, in relation to the payment of a prescribed penalty is—

- (a) where paragraph (b) does not apply—the 28th day after the date of the relevant infringement notice; or
- (b) if an application by the person to the Registrar for an extension of the due date is pending on that 28th day—the date fixed in accordance with subsection (5).

(5) The Registrar may—

- (a) upon application in writing made before a due date; and
- (b) by notice in writing given to the applicant;

fix as the new due date the date specified in the notice, being a date not less than 14 days after the date of the notice.

(6) An authorised officer may withdraw an infringement notice by notice in writing given to the person within 28 days after the date of the infringement notice.

(7) Upon payment of the prescribed penalty before the due date—

- (a) the person's liability in respect of the offence is discharged;
- (b) the person shall not be taken to have been convicted of the offence; and
- (c) proceedings may not be instituted against the person in respect of the offence.

(8) The Registrar shall refund an amount equal to the amount paid pursuant to an infringement notice that is subsequently withdrawn.

(9) In proceedings for the prosecution of a prescribed offence, a certificate by an authorised officer stating that—

- (a) an infringement notice was served on a specified person on a specified date;
- (b) no extension of the due date for payment of the prescribed penalty was given to the person under subsection (5);
- (c) a specified person did not pay the prescribed penalty for a specified offence before the due date; or
- (d) an infringement notice was withdrawn;

is evidence of the matter so stated.

#### **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.

**SCHEDULE**

Section 3

**ORDINANCES REPEALED**

*Dogs Registration Ordinance 1926*  
*Dogs Registration Ordinance 1933*  
*Dogs Registration Ordinance 1934*  
*Dogs Registration Ordinance 1936*  
*Dogs Registration Ordinance 1937*  
*Dogs Registration Ordinance 1953*  
*Dogs Registration Ordinance 1961*  
*Dogs Registration Ordinance 1965*  
*Dogs Registration Ordinance 1967*

**SCHEDULE 2**

Section 40AC

**PRESCRIBED OFFENCES AND PENALTIES**

Prescribed Offence	Prescribed Penalty
Subsection 15 (1)	\$50
Subsection 15 (2)	\$50
Subsection 18A (1)	\$50
Subsection 18E (1)	\$50
Subsection 18E (2)	\$50
Subsection 19 (1)	\$75
Section 20A	\$75
Subsection 20 (1)	\$50
Subsection 21 (1)	\$75
Subsection 21 (4)	\$75
Subsection 22 (1)	\$50
Subsection 23 (1)	\$75
Subsection 23 (2)	\$75
Subsection 23 (3)	\$75
Subsection 23 (4)	\$75
Subsection 26 (1)	\$75
Subsection-26 (2)	\$75

## 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



*Dog Control Act 1975*

## NOTE—continued

Table 2

Table of Acts

Act	Number and year	Date of notification in Gazettes	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	—
<i>Dog Control (Amendment) Act 1991</i>	96, 1991	24 Dec 1991	24 June 1992	—
<i>Dog Control (Amendment) Act 1992</i>	27, 1992	23 June 1992	Ss. 1-3: 23 June 1992 Remainder: 24 June 1992 (see s. 2 (2))	S. 8

Table of Amendments

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

Provision	How affected
S. 4.....	am. Act No. 27, 1992
S. 5.....	am. No. 42, 1977; No. 23, 1983; No. 48, 1984; No. 31, 1986; No. 84, 1988; Acts Nos. 22 and 96, 1991; No. 27, 1992
Ss. 6, 7.....	am. Act No. 27, 1992
Ss. 7A-7C .....	ad. Act No. 96, 1991
S. 8.....	am. Act No. 27, 1992
S. 9.....	am. No. 11, 1976; No. 36, 1981; No. 65, 1982; No. 23, 1983; No. 48, 1984; No. 84, 1988 rs. Act No. 96, 1991
S. 10.....	am. No. 23, 1983; No. 84, 1988; Act No. 96, 1991
S. 11.....	rep. No. 42, 1977
S. 12.....	am. No. 84, 1988; Act No. 96, 1991
S. 13.....	am. No. 11, 1976; No. 48, 1984; No. 84, 1988 rep. Act No. 96, 1991
S. 14.....	rs. No. 11, 1976 rep. No. 48, 1984
S. 15.....	am. No. 23, 1983; No. 84, 1988; Act No. 96, 1991; No. 27, 1992
S. 18.....	am. No. 23, 1983; Act No. 96, 1991; No. 27, 1992
Part IIA (ss. 18A-18H).....	ad. Act No. 96, 1991
Ss. 18A, 18B.....	ad. Act No. 96, 1991
S. 18C.....	ad. Act No. 96, 1991 am. No. 27, 1992
Ss. 18D, 18E.....	ad. Act No. 96, 1991
S. 18F.....	ad. Act No. 96, 1991 am. No. 27, 1992
Ss. 18G, 18H.....	ad. Act No. 96, 1991
Ss. 19, 20.....	am. No. 84, 1988; Act No. 96, 1991; No. 27, 1992

## NOTE—continued

## Table of Amendments—continued

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

Provision	How affected
S. 20A.....	ad. Act No. 96, 1991
S. 21.....	am. No. 84, 1988; Act No. 96, 1991
S. 22.....	am. No. 14, 1985; No. 84, 1988; Act No. 96, 1991; No. 27, 1992
S. 23.....	am. No. 84, 1988; Act No. 96, 1991
Ss. 24, 25.....	am. No. 84, 1988; Act No. 96, 1991; No. 27, 1992
S. 26.....	am. No. 84, 1988; Act No. 96, 1991
S. 27.....	am. Act No. 96, 1991
S. 28.....	am. No. 84, 1988; Act No. 96, 1991; No. 27, 1992
S. 29.....	am. Act No. 96, 1991
S. 30.....	am. No. 36, 1981; No. 55, 1982; No. 23, 1983; Act No. 96, 1991
S. 31.....	am. No. 38, 1989; Act No. 96, 1991; No. 27, 1992
S. 32.....	am. Act No. 96, 1991
S. 32A.....	ad. No. 37, 1985 am. Act No. 96, 1991
S. 34.....	am. Act No. 96, 1991
S. 35.....	am. No. 84, 1988; Act No. 27, 1992
Part IVA (ss. 35A-35F).....	ad. No. 84, 1988
Ss. 35A-35F.....	ad. No. 84, 1988
S. 36.....	am. No. 23, 1983; Act No. 96, 1991
S. 38.....	am. No. 23, 1983; Act No. 96, 1991
S. 40.....	am. Act No. 96, 1991; No. 27, 1992
Ss. 40AA-40AC.....	ad. Act No. 96, 1991
S. 40A.....	ad. No. 23, 1983
S. 41.....	am. No. 38, 1989
Schedule 2.....	ad. Act No. 96, 1991

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