



AUSTRALIAN CAPITAL TERRITORY

Dog Control (Amendment) Act 1992

No. 27 of 1992

An Act to amend the *Dog Control Act 1975* and for related purposes

[Notified in ACT Gazette S88: 23 June 1992]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Dog Control (Amendment) Act 1992*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence, or are to be taken to have commenced, on the day on which Part IIA of the Principal Act commences or commenced.

Principal Act

3. In this Act, “Principal Act” means the *Dog Control Act 1975*.¹

Grant or refusal of licence

4. Section 18C of the Principal Act is amended—

(a) by omitting paragraph (3) (a) and substituting the following paragraphs:

“(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;” and
- (b) by adding at the end the following subsection:
 - “(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.”.

Cancellation of licence

- 5. Section 18F of the Principal Act is amended—
 - (a) by omitting from paragraph (2) (a) “or”; and
 - (b) by adding at the end the following word and paragraph:
 - “; or (c) the licence was obtained by fraud or misrepresentation.”.

Keeping unregistered dogs

- 6. Section 19 of the Principal Act is amended—
 - (a) by omitting from paragraph (2) (b) “or”;
 - (b) by adding at the end of subsection (2) the following word and paragraph:
 - “; 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.”; and

(c) by adding at the end the following subsection:

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

Further amendments

7. The Principal Act is amended as set out in the Schedule.

Transitional

8. A person shall not be taken to commit an offence against section 18A of the Principal Act, as amended by this Act, during the period commencing 24 June 1992 and ending on 30 September 1992, on the ground that the person was not the holder of a licence if, during that period, the person—

- (a) keeps dogs in a yard the construction of which was completed before 24 June 1992; and
 - (b) applies for a licence in accordance with section 18B of the Principal Act, as amended by this Act, and the person has not been notified by the Registrar of a refusal to grant the licence.
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SCHEDULE

Section 7

FURTHER AMENDMENTS**Paragraph 4 (a)—**

Omit “-1967”.

Subsection 5 (1) (definitions of “certificate of registration” and “registration tag”)—

Omit “-1967”.

Paragraph 5 (2) (b)—

Insert “or her” after “his” (wherever occurring).

Subsection 5 (2)—

Insert “or she” after “he”.

Subsection 6 (2)—

Omit “he”, substitute “the Minister”.

Subsection 7 (1)—

Omit “he”, substitute “the Minister”.

Subsection 8 (2)—

Omit “-1967”.

Subparagraph 9 (1) (b) (ii)—

Insert “or her” after “his”.

Subsection 10 (3)—

Insert “or she” after “he”.

Subsection 15 (2)—

Insert “or she” after “he” (wherever occurring).

Subsection 15 (3)—

Insert “or she” after “he”.

Section 18—

Insert “or she” after “he”.

Paragraph 19 (1) (b)—

Insert “or she” after “he”.

SCHEDULE—continued

Subsection 20 (3)—

Insert “or her” after “his” (wherever occurring).

Paragraph 22 (2) (c)—

Omit “23 (2) or 23”, substitute “(2) or”.

Subsection 24 (2)—

(a) Insert “or her” after “him”.

(b) Omit “four”, substitute “4”.

Paragraph 25 (1) (b)—

Insert “or her” after “him”.

Subsection 25 (5)—

Insert “or she” after “he”.

Subsection 28 (6)—

Insert “or her” after “him”.

Subsection 31 (1)—

Omit “28 (3) or 28”, substitute “(3) or”.

Subsection 35 (2)—

Omit “-1966”.

Paragraph 40 (1) (a)—

Insert “or her” after “his”.

Paragraph 40 (1) (b)—

Insert “or her” after “him”.

Paragraph 40 (3) (b)—

Insert “or her” after “his”.

NOTE

1. Ordinance No. 18, 1975 as amended to date. For previous amendments see the tables in Note 1 to the *Dog Control Act 1975* (as reprinted as at 30 June 1991) and see also Act No. 96, 1991.

[Presentation speech made in Assembly on 16 June 1992]

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