

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Westende)

**Dog Control (Amendment) Bill (No. 2)
1993**

**A BILL
FOR**

An Act to amend the *Dog Control Act 1975*

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

Short title

- 5 1. This Act may be cited as the *Dog Control (Amendment) Act (No. 2) 1993*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

- 10 3. In this Act, "Principal Act" means the *Dog Control Act 1975*.¹

Job No.: 1993/48

Interpretation

4. Section 5 of the Principal Act is amended by inserting in subsection (1) the following definition:

“ ‘dangerous dog’ means a dog referred to in section 39A;”.

5 Insertion

5. After section 18A of the Principal Act the following section is inserted:

Keeping a dangerous dog

10 “18AB. (1) A person shall not, except in accordance with a licence, keep a dangerous dog.

Penalty: \$5,000.

“(2) Where an application for a licence to keep a dangerous dog is refused, the Registrar may cause the dog to be seized and destroyed.

15 “(3) For the purposes of subsection (2) an inspector may enter the premises where the dangerous dog is kept.

“(4) The Registrar shall not cause a dog to be destroyed under subsection (2)—

20 (a) before the expiration of the time within which application may be made to the Administrative Appeals Tribunal for a review of the Registrar’s decision to refuse the application for the licence; or

(b) if an application is made to the Administrative Appeals Tribunal for review of the decision—

25 (i) before the review, and any appeal to the Supreme Court, is finalised; or

(ii) if the decision is set aside.”.

Dogs in public places

6. Section 21 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

“(4) Where a dog is in a public place and is not—

30 (a) restrained by a competent person by means of a leash; and

(b) under the control of that person;

the keeper of the dog is guilty of an offence.

Penalty: \$1,000.”.

Insertion

7. After section 24 of the Principal Act the following section is inserted:

Muzzles on dangerous dogs

5 “24A. Where a dangerous dog is in a public place and is not wearing a device that is effective to prevent the dog biting a person or an animal, the keeper of the dog is guilty of an offence.

 Penalty: \$1,000.”.

Dog attacking or worrying person or animal

10 8. Section 25 of the Principal Act is amended by omitting from subsection (1) “\$1,000” and substituting “\$10,000”.

Seizure

9. Section 28 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

15 “(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—

(a) require the keeper to produce the dog for inspection; and

20 (b) in the case of a dog the inspector believes on reasonable grounds not to be registered—seize the dog.”.

Detention of registered dogs that have attacked or worried persons or animals

10. Section 31 of the Principal Act is amended—

25 (a) by inserting in subsection (1) “registered” before “dog” (first occurring); and

(b) by adding at the end of the section the following subsection:

30 “(4) Where proceedings under subsection (3) are found by the Registrar or the court to be frivolous or vexatious, the costs of impounding the dog shall be borne by the person who instituted the proceedings.”.

Insertion

11. After section 31 of the Principal Act the following section is inserted:

Destruction of unregistered dogs

"31A. Where an unregistered dog is seized by an inspector in pursuance of subsection 28 (2) or (4) or paragraph 28 (5) (b), the Registrar may—

- 5 (a) cause the dog to be destroyed if he or she believes on reasonable grounds that this is justified;
- (b) return the dog to its keeper, subject to subsection 30 (2); or
- (c) in any other case—sell the dog in accordance with section 32."

Destruction of dogs by the Registrar

- 10 **12.** Section 32 of the Principal Act is amended by omitting from subsection (1) "30 and 31, where the" and substituting "30, 31 and 31A, where a".

Insertion

- 15 **13.** After section 39 of the Principal Act the following section is inserted:

Dangerous dogs

"39A. (1) For the purposes of this Act, a dog is to be taken to be dangerous if—

- 20 (a) the Registrar, by instrument, declares the dog to be dangerous; or
- (b) the dog is of a breed prescribed by the Regulations.
- "(2) The Registrar may make a declaration under paragraph (1) (a)—
- (a) if the dog has caused serious injury to a person or animal by attacking that person or animal;
- 25 (b) if the dog has behaved in such a way that a person or animal reasonably feared they were going to be attacked by that dog;
- (c) if the dog has been trained as a guard dog or is kept as a guard dog for the purpose of guarding non-residential premises;
- (d) if the dog has been declared a dangerous dog under the law of a State or other Territory; or
- 30 (e) for any other reason prescribed by the Regulations."

NOTE

1. Reprinted as at 31 July 1992. See also Acts No. 45, 1992 and No. 29, 1993.