

2017

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Alistair Coe)

## **Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2017**

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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# **Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2017**

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## **A Bill for**

An Act to amend legislation about dangerous dogs

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Domestic Animals (Dangerous Dogs) Legislation*  
4 *Amendment Act 2017*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on  
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 **3 Legislation amended**

10 This Act amends the *Domestic Animals Act 2000* and the *Domestic*  
11 *Animals Regulation 2001*.

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## Part 2 Domestic Animals Act 2000

### 4 Declarations—dangerous dogs New section 22 (1) (aa)

*insert*

- (aa) the dog has attacked and caused injury to a person or serious injury to an animal; or

### 5 Dangerous dog licences—applications New section 24 (3)

*insert*

- (3) An application in relation to a dangerous dog declared to be a dangerous dog under section 22 (1) (aa) or (b) or section 22 (2) must be accompanied by an application fee of—
- (a) an amount equal to 10 times the application fee (if any) for the registration of a dog under section 6; or
- (b) if the amount mentioned in paragraph (a) is less than \$750—\$750.

### 6 Special licences—renewals New section 32 (3)

*insert*

- (3) An application for renewal of a dangerous dog licence for a dog declared to be a dangerous dog under section 22 (1) (aa) or (b) or section 22 (2) must be accompanied by a renewal fee of—
- (a) an amount equal to 10 times the application fee (if any) for the registration of a dog under section 6; or
- (b) if the amount mentioned in paragraph (a) is less than \$750—\$750.

1 **7 Dog attacks person or animal causing serious injury**  
2 **Section 50 (5) and (6)**

3 *omit*

4 **8 Dangerous dog attacks or harasses person or animal**  
5 **Section 50A (4) to (6)**

6 *omit*

7 **9 New sections 53A to 53C**

8 *insert*

9 **53A Complaints about attacking dogs—death or serious**  
10 **injury to person etc**

- 11 (1) A person (the *complainant*) may complain in writing to the registrar  
12 about a dog if—
- 13 (a) the dog attacked the complainant, another person or an animal  
14 kept by the complainant; and
- 15 (b) the attack caused—
- 16 (i) the death of the other person; or  
17 (ii) a serious injury to the complainant or other person; or  
18 (iii) the death of the animal.

19 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- 20 (2) The registrar must investigate the complaint unless satisfied that the  
21 complaint is frivolous or vexatious.

22 *Note* An authorised person must seize the dog if the registrar decides to  
23 investigate the complaint—see s 56A (1).

- 24 (3) If the registrar decides that the dog carried out the attack and the  
25 attack caused a circumstance mentioned in subsection (1) (b), the  
26 registrar must destroy the dog.

- 1 (4) However, the registrar may decide not to destroy the dog under  
2 subsection (3) if satisfied—
- 3 (a) the person or animal provoked the dog; or
- 4 (b) the person or animal was attacked because the dog came to the  
5 aid of a person or animal the dog could be expected to protect;  
6 or
- 7 (c) if the attack was on premises occupied by the keeper of the  
8 dog—the person was on the premises without lawful excuse.
- 9 (5) The registrar must give written notice of the decision to the  
10 complainant and the keeper of the dog.

11 **53B Complaints about attacking dogs—injury to person or**  
12 **serious injury to animal**

- 13 (1) A person (the *complainant*) may complain in writing to the registrar  
14 about a dog if—
- 15 (a) the dog attacked the complainant, another person or an animal  
16 kept by the complainant; and
- 17 (b) the attack caused—
- 18 (i) an injury to the complainant or other person; or  
19 (ii) a serious injury to the animal.

20 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- 21 (2) The registrar must investigate the complaint unless satisfied that the  
22 complaint is frivolous or vexatious.

23 *Note* An authorised person must seize the dog if the registrar decides to  
24 investigate the complaint—see s 56A (1).

- 1 (3) If the registrar decides that the dog carried out the attack and the  
2 attack caused a circumstance mentioned in subsection (1) (b), the  
3 registrar—
- 4 (a) must issue a control order in relation to the keeper of the dog;  
5 and
- 6 (b) may destroy the dog.
- 7 *Note 1* The registrar must declare a dog to be a dangerous dog if the dog  
8 attacked and caused injury to a person or serious injury to an animal—  
9 see s 22 (1) (aa).
- 10 *Note 2* If a dog is seized and, after the seizure, the dog is declared to be a  
11 dangerous dog, the registrar must release the dog to a person claiming  
12 its release if satisfied that the person is its keeper and a dangerous dog  
13 licence is in force for the dog—see s 65.
- 14 *Note 3* As a condition of the issue of a dangerous dog licence, the registrar can  
15 require the keeper of the dog and the dog complete an approved course  
16 in behavioural or socialisation training for the dog.
- 17 (4) However, the registrar may decide not to take action under  
18 subsection (3) if satisfied—
- 19 (a) the person or animal provoked the dog; or
- 20 (b) the person or animal was attacked because the dog came to the  
21 aid of a person or animal the dog could be expected to protect;  
22 or
- 23 (c) if the attack was on premises occupied by the keeper of the  
24 dog—the person was on the premises without lawful excuse.
- 25 (5) The registrar must give written notice of the decision to—
- 26 (a) the complainant; and
- 27 (b) the keeper of the dog; and
- 28 (c) people occupying property adjacent or nearby to premises  
29 where the dog is kept.



- 1 (6) The notice must include details of the control order.
- 2 (7) In this section—
- 3 ***control order*** means an order imposing the following conditions on
- 4 a dangerous dog licence:
- 5 (a) the property where the dog is kept under the licence has secure
- 6 fencing to properly confine the dog to the premises;
- 7 (b) fencing at the property where the dog is kept under the licence
- 8 must be inspected by the registrar every 6 months;
- 9 (c) the keeper and the dog must complete an approved course in
- 10 behavioural or socialisation training for the dog;
- 11 (d) any other condition the registrar considers appropriate.

12 **53C Complaints about harassing dogs**

- 13 (1) A person (the ***complainant***) may complain in writing to the registrar
- 14 about a dog if the dog harassed the complainant or another person.

15 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- 16 (2) The registrar must investigate the complaint unless satisfied that the
- 17 complaint is frivolous or vexatious.

18 *Note* An authorised person may seize the dog if the registrar decides to

19 investigate the complaint—see s 56A (2).

- 20 (3) If the registrar decides the dog harassed the complainant, the
- 21 registrar may issue a control order in relation to the keeper of the
- 22 dog.

23 *Note 1* The registrar may declare a dog to be a dangerous dog if the dog

24 harassed a person—see s 22 (2).

- 1                    *Note 2*    If a dog is seized and, after the seizure, the dog is declared to be a  
2    dangerous dog, the registrar must release the dog to a person claiming  
3    its release if satisfied that the person is its keeper and a dangerous dog  
4    licence is in force for the dog—see s 65.
- 5                    *Note 3*    As a condition of the issue of a dangerous dog licence, the registrar can  
6    require the keeper of the dog and the dog complete an approved course  
7    in behavioural or socialisation training for the dog.
- 8                    (4) However, the registrar may decide not to issue a control order under  
9    subsection (3) if satisfied—
- 10    (a) the complainant or the other person provoked the dog; or
- 11    (b) the complainant or other person was harassed because the dog  
12    came to the aid of a person or animal the dog could be  
13    expected to protect; or
- 14    (c) if the harassment was on premises occupied by the keeper of  
15    the dog—the complainant or other person was on the premises  
16    without lawful excuse.
- 17                    *Note*        The registrar must release the dog at the end of an investigation if the  
18    keeper holds a licence to keep a dangerous dog—see s 65A (2).
- 19                    (5) The registrar must give written notice of the decision to—
- 20    (a) the complainant; and
- 21    (b) the keeper of the dog; and
- 22    (c) if the registrar decides to issue a control order—people  
23    occupying property adjacent or nearby to premises where the  
24    dog is kept.
- 25                    (6) If the registrar decides to issue a control order, the notice must  
26    include details of the control order.
- 27                    (7) In this section:
- 28    *control order*—see section 53B (7).

1 **10 New section 56A**

2 *insert*

3 **56A Seizure of dogs—complaints about dogs attacking or**  
4 **harassing**

- 5 (1) An authorised person must seize a dog if the dog is the subject of a  
6 complaint being investigated by the registrar under—
- 7 (a) section 53A (Complaints about attacking dogs—death or  
8 serious injury to person etc); or
- 9 (b) section 53B (Complaints about attacking dogs—injury to  
10 person or serious injury to animal).
- 11 (2) An authorised person may seize a dog if the dog is the subject of a  
12 complaint being investigated by the registrar under section 53C  
13 (Complaints about harassing dogs).
- 14 (3) A dog seized under this section must be impounded until the end of  
15 the investigation.

16 **11 Seizure—dangerous dogs**  
17 **Section 57**

18 *omit*

19 *may*

20 *substitute*

21 *must*

22 **12 Section 57 (a)**

23 *substitute*

- 24 (a) if the keeper of the dog has contravened a condition of a  
25 dangerous dog licence in force for the dog; or

1 **13 Seizure—attacking and harassing dogs**  
2 **Section 59, new note**

3 *insert*

4 *Note* An authorised person must seize a dog if the dog is the subject of a  
5 complaint being investigated by the registrar under s 53A or s 53B and  
6 may seize a dog if the dog is the subject of a complaint being  
7 investigated under s 53C—see s 56A.

8 **14 Section 63 heading**

9 *substitute*

10 **63 Releasing dogs seized under power relating to multiple**  
11 **dogs**

12 **15 Section 63 (1) and note**

13 *substitute*

14 (1) This section applies to a dog seized under section 58 (Seizure—  
15 contravention of multiple dog licence) unless the dog is declared to  
16 be a dangerous dog after it was seized.

17 *Note* Section 65 deals with the release of a dog declared to be dangerous after  
18 it is seized.

19 **16 New section 65A**

20 *insert*

21 **65A Releasing dogs seized under complaints power**

22 (1) This section applies if a dog is seized under section 56A (Seizure of  
23 dogs—complaints about dogs attacking or harassing).

- 1 (2) At the end of the investigation of a complaint, the registrar must—
- 2 (a) if the registrar dismisses the complaint—return the dog to a
- 3 person claiming its release if satisfied that the person is its
- 4 keeper; or
- 5 (b) if the registrar declares the dog to be a dangerous dog, but
- 6 decides not to destroy the dog—release the dog to a person
- 7 claiming its release if satisfied that the person is its keeper and
- 8 a dangerous dog licence is in force for the dog.
- 9 (3) The registrar may release the dog under subsection (2) only if the
- 10 registrar is satisfied any fee payable under section 144 for the
- 11 release of the dog has been paid.

12 *Note 1* A fee may be payable under s 144 before a dog may be released.

13 *Note 2* The registrar is not obliged to release a dog if its keeper has

14 relinquished ownership (see s 69).

## 15 **17 Dictionary, new definition of *serious injury***

16 *insert*

17 *serious injury*, to a person or animal, means any injury (including

18 the cumulative effect of more than 1 injury) that—

- 19 (a) endangers, or is likely to endanger, the person or animal's life;
- 20 or
- 21 (b) is, or is likely to be, a significant or longstanding injury.

1 **Part 3** **Domestic Animals**  
2 **Regulation 2001**

3 **18 Schedule 1, new items 11A to 11D**

4 *insert*

11A	<a href="#">Act, 53A (3)</a>	destroy dog	keeper of dog
11B	<a href="#">Act, 53B (3) (a)</a>	issue control order	keeper of dog
11C	<a href="#">Act, 53B (3) (b)</a>	destroy dog	keeper of dog
11D	<a href="#">Act, 53C (3)</a>	issue control order	keeper of dog

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 1 November 2017.

**2 Notification**

Notified under the [Legislation Act](#) on 2017.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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