

2019

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Nicole Lawder)

Domestic Animals (Disqualified Keepers Register) Amendment Bill 2019

A Bill for

An Act to amend the *Domestic Animals Act 2000*

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

1	1	Name of Act
2		This Act is the <i>Domestic Animals (Disqualified Keepers Register)</i>
3		<i>Amendment Act 2019</i> .
4	2	Commencement
5		This Act commences on a day fixed by the Minister by written notice.
6	<i>Note 1</i>	The naming and commencement provisions automatically commence on
7		the notification day (see Legislation Act , s 75 (1)).
8	<i>Note 2</i>	A single day or time may be fixed, or different days or times may be
9		fixed, for the commencement of different provisions (see Legislation Act ,
10		s 77 (1)).
11	<i>Note 3</i>	If a provision has not commenced within 6 months beginning on the
12		notification day, it automatically commences on the first day after that
13		period (see Legislation Act , s 79).
14	3	Legislation amended
15		This Act amends the <i>Domestic Animals Act 2000</i> .
16	4	New sections 138B to 138E
17		<i>insert</i>
18	138B	Disqualified keepers register
19	(1)	The registrar must keep a register of people disqualified from keeping
20		animals under section 138A (the <i>disqualified keepers register</i>).
21	(2)	The registrar must enter on the disqualified keepers register the
22		particulars given to the registrar by the court under section 138A (5).
23	138C	Access to disqualified keepers register
24	(1)	A person (the <i>applicant</i>) may make a request, in writing, to the
25		registrar to access information on the disqualified keepers register.

(2) The request must be in relation to—

(a) a named person; or

(b) anyone living at a stated property.

(3) On receiving the request the registrar must, unless satisfied the request is frivolous or vexatious—

(a) if the person mentioned in subsection (2) is on the disqualified keepers register—tell the applicant, in writing, the particulars of the disqualification; and

(b) in any other case—tell the applicant, in writing, that the person mentioned in subsection (2) is not on the disqualified keepers register.

Examples—par (a)

1 The registrar receives a request from Brian for information about ‘whether any person at 123 Maple Street is on the disqualified keepers register’. A search of the register reveals that Norman Bates, who lives at 123 Maple Street, was convicted 6 months ago for an offence of animal cruelty and disqualified from keeping any domestic animals for 2 years. The registrar may only tell Brian that a person living at 123 Maple Street is currently disqualified from keeping any animals.

2 The registrar receives a request from Edna for information about ‘whether Cecily Smethurst is on the disqualified keepers register’. A search of the register reveals that Cecily Smethurst of 321 Oak Street was convicted 6 months ago for an offence related to being the keeper of a dangerous dog that attacked another animal and is disqualified from keeping a dog for 5 years. The registrar may only tell Edna that Cecily Smethurst is currently disqualified from keeping a dog.

(4) In this section:

particulars, of a disqualification, means the particulars in relation to a disqualified person given to the registrar under section 138A (5), other than personal information about the person.

personal information, about a person, means any of the following in relation to the person:

- (a) name;
- (b) address;
- (c) date of birth;
- (d) any other similar information that may be used to identify or contact the person.

138D Complaints about disqualified keepers

- (1) A person (the *complainant*) may complain, in writing, to the registrar if the complainant believes that a person is keeping an animal in contravention of a disqualification under section 138A.
- (2) The registrar must investigate the complaint within 5 working days unless satisfied the complaint is frivolous or vexatious.

138E Dealing with animals kept by disqualified keepers

- (1) This section applies if a person who is disqualified from keeping an animal (the *disqualified keeper*) keeps an animal in contravention of the disqualification.
- (2) The registrar may sell or otherwise dispose of the animal with the consent of the disqualified keeper.
Note The court may also order the registrar to destroy, sell or otherwise dispose of an animal under s 138A (7).
- (3) The registrar may recover from the disqualified keeper the reasonable costs of removing and disposing of the animal under this section.

5 Dictionary, new definition of *disqualified keepers register*

insert

disqualified keepers register—see section 138B.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 23 October 2019.

2 Notification

Notified under the [Legislation Act](#) on 2019.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
