

## EXPLANATORY MEMORANDUM

### Dog Control (Amendment) Act 1993

#### Outline

This Bill amends the Dog Control Act 1975 to increase the powers of the Registrar of Dogs and his or her officers to seize dogs that have attacked people or other animals. It also seeks to ensure the proper impounding of dogs once they have been accused of attacking people or other animals, makes the cost of impounding dogs a cost on the keeper of the dogs where dogs are subsequently convicted, and ensures that dogs found guilty of such attacks are destroyed unless exceptional circumstances apply.

Community concern has been raised by a number of vicious attacks by dogs on people and other animals in recent months and the apparent leniency of the law with regard to ensuring dogs are not given further opportunity to attack.

#### Revenue/Cost Implications

There are no direct cost implications from this Bill, except, perhaps, to give the Registrar of Dogs another avenue to recover costs when dogs are impounded.

#### Formal Clauses

Clause 1 is the formal title of the Bill.

Clause 2 sets the commencement date as the first of July, giving dog owners, the Registrar of Dogs and the Magistrates Court time to absorb the changes and to make any administrative changes that are deemed necessary.

Clause 3 defines the Principal Act which this Bill seeks to amend as the Dog Control Act 1975.

#### Registration

Clause 4 is a housekeeping amendment, which removes a reference from Section 10 to an obsolete section in the Act.

#### Powers of Inspection

Clause 5 increases the powers of inspectors under section 18H to enter premises to investigate any alleged breaches of the Act. Previously inspectors could only legitimately enter premises to investigate breaches of Section 18A, which stipulates the maximum number of dogs that can be kept on residential premises as three.

**Dogs Attacking or Worrying Person or Animal**

Clause 6 amends Section 25 (4) of the Principal Act to change the emphasis of court rulings in the event that a keeper of a dog is found guilty of an offence under this section. The court, upon commencement of this clause, will order the destruction of dogs which have been found to have acted as described in section 25 (1), unless there are extenuating circumstances.

**Seizure**

Clause 7 enlarges the powers of Dog Control Unit inspectors under section 28 of the principal Act, allowing them to enter premises with the intention of seizing a dog which is believed to have attacked a person or animal. Previously inspectors could only enter premises which were not those of the keeper of the dog suspected of an attack upon the invitation of the occupant.

**Detention of Dogs that have Attacked or Worried Persons or Animals**

Clause 8 amends Section 31 by removing from subsection (1) the discretion of the Registrar as to the keeping of dogs who are suspected of an offence against Section 25. Upon commencement all dogs seized because they are suspected of an attack will be kept in a pound under government control.

Section 31 (1) (a) and (b) are also amended to allow the Registrar of Dogs more time to prepare cases against the keepers of dogs which are seized in accordance with Section 28 (2).

Section 31 (2) will be amended to make the cost of impounding the dog a cost on the keeper, rather than the Territory in cases where dogs are convicted.

Section 31 (3) is amended to allow for the cost of impounding dogs to be borne by the Territory should the prosecution of the dog fail for any reason.