

Domestic Animals (Dog Control Areas) Declaration 2005 (No 1)

Disallowable instrument DI2005 – 198

made under the

***Domestic Animals Act 2005*, section 40 Declaration – exercise areas and section 41 Prohibited areas.**

EXPLANATORY STATEMENT

The *Domestic Animals Act 2000* provides the legislative framework for controlling and the keeping of dogs in the ACT.

Sections 40-45 of the Act provide for the control of dogs on public and private premises in the Territory. The three dog control categories are: Dog Prohibited Area, Dog Exercise Area (off-leash) and Dog On-Leash Areas.

Section 40 of the Act provides the Minister with the power to declare specified areas as Dog Exercise Areas. Such areas may be on water or land and must be declared by a disallowable instrument.

In 2003, Canberra Urban Parks and Places (CUPP) took over the responsibility for domestic animals policy from Environment ACT. This included designating and mapping off-leash dog exercise areas and dogs prohibited areas in the Territory. Previously, areas in which dogs were prohibited were not indicated on the dog exercise area maps available to the public.

The revision of the Dog Exercise Areas was made due to an increase in the number of households with dogs and the need to update existing maps and information, including Dog Prohibited Areas.

Following extensive public and inter-agency consultation and re-designation of the corresponding maps have been finalised.

The present declaration revokes and replaces previous declarations concerning dog exercise areas for Gungahlin and Dunlop in 2000 and for Canberra generally in 1992.

The proposed Dog Exercise Areas are consistent with government policy that dog exercise is a legitimate use of ACT open space, and is of benefit to dogs and their owners alike.

Section 41 gives the Minister the power to define Dog Prohibited Areas by sign or signs.

Section 42 of the Act defines Prohibited Places where a person must not take a dog. These prohibited places are:

1. grounds of a child care centre, pre-school or primary school;
2. grounds of a high school or college during school hours or when sporting activities are in progress; and
3. a playing field or playing area where sport is being played or training for sport is being conducted.
4. within 10m of :
 - anything designed for play by children in the public place if children are playing on it;
 - a fire place or heating appliance in the public place designed for cooking food; and
 - a swimming area as defined by a sign erected, placed or displayed under the *Lakes Act 1976*, section 15 (a)(iiia).

Dog Prohibited Areas do not require a disallowable instrument for declaration.