



Australian Capital Territory

Domestic Animals Act 2000

A2000-86

Republication No 10

Effective: 11 January 2006 – 10 May 2006

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Last amendment made by A2005-62

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Domestic Animals Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 11 January 2006. It also includes any amendment, repeal or expiry affecting the republished law to 11 January 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Domestic Animals Act 2000

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Australian Capital Territory

Domestic Animals Act 2000

An Act to provide for the identification and registration of certain animals and the duties of owners, carers and keepers, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Domestic Animals Act 2000*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition '*permit*, for part 3 (Dogs and Cats)—see section 73 (Meaning of *de-sex* and *permit* for pt 3).' means the expression 'permit' is defined in section 73 and applies to part 3.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

U 4A Offences against Act—application of Criminal Code etc

Part 2 **Dogs**

Division 2.1 **Registration of dogs**

5 **Register**

- (1) The registrar must set up and keep a register for this Act.
- (2) The registrar may keep the register in a form the registrar considers suitable.

6 **Registration—applications**

- (1) An individual who is a keeper of a dog may apply to the registrar for registration of the dog.
- (2) If the applicant is less than 16 years old and resides with a parent or guardian, a written consent to the registration by the applicant's parent or guardian must accompany the application.

U **7** **Registration—approval or refusal**

If an application for registration has been made in accordance with section 6, the registrar must, by written notice to the applicant—

- (a) register the dog; or
- (b) refuse to register the dog if the applicant is disqualified from keeping the dog, any dog, a dog of that kind or any animal.

Note Section 72 deals with the disqualification of a person from keeping an animal.

8 **Registration—records**

If the registrar registers a dog, the registrar must record in the register the information prescribed by regulation.

9 Registration—duration

The registration of a dog remains in force for 1 year unless it is sooner surrendered or cancelled.

10 Registration—renewals

- (1) The keeper of a registered dog may apply to the registrar for renewal of the registration.
- (2) If the keeper of a dog applies for renewal of the registration, the registrar must renew the registration of a dog.

11 Registration numbers, certificates and tags

- (1) If the registrar registers or renews the registration of a dog, the registrar must—
 - (a) allot a registration number to the dog; and
 - (b) give to the keeper of the dog a registration certificate and registration tag for the dog.
- (2) A registration certificate for a dog must state the information prescribed by regulation.
- (3) A registration tag for a dog must show the registration number given to the dog.
- (4) If the registrar is satisfied that a registration certificate or tag for a dog has been stolen, lost, damaged or destroyed, the registrar may issue a new registration certificate or tag to the keeper of the dog.
- (5) If the keeper of a dog asks the registrar for a certified copy of the dog's registration certificate, the registrar must give the keeper a copy of the certificate that is certified by the registrar to be a true copy.

12 Change of keeper

- (1) If ownership of a dog is transferred, a person who was a keeper of the dog before the transfer must tell the registrar in writing of the name and address of the new owner of the dog within 14 days beginning the day after the transfer.

Maximum penalty: 5 penalty units.

Note For how documents may be given, see the Legislation Act, pt 19.5.

- (2) If a person becomes a keeper of a dog (the *new keeper*) for a period likely to be longer than 28 days, the person must tell the registrar in writing that the person is the keeper of the dog within 14 days beginning the day after becoming the keeper.

Maximum penalty: 5 penalty units.

- (3) If the new keeper tells the registrar under subsection (2) about a registered dog, the registrar must—

- (a) change the entry in the register relating to the dog by substituting, for the name and address of the person stated as the keeper of the dog, the name and address of the new keeper; and
- (b) issue a registration certificate for the dog to the new keeper.

U 13 Registration—cancellation

- (1) If the keeper of a dog tells the registrar in writing that he or she is no longer the keeper of the dog, the registrar must cancel the registration of the dog.

Note For how documents may be given, see the Legislation Act, pt 19.5.

- (2) If the registered keeper of a dog is disqualified from keeping the dog, any dog, a dog of that kind or any animal, the registrar must cancel the registration of the dog.

Note Section 72 deals with the disqualification of a person from keeping an animal.

14 Unregistered dogs

- (1) A person must not keep—
- (a) an unregistered dog; or
 - (b) a registered dog of which the person is not the registered keeper.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) (a) does not apply if—
- (a) the dog is under 56 days old; or
 - (b) the dog has been kept by the person for less than 28 days; or
 - (c) the person has been resident in the ACT for less than 28 days.
- (3) Subsection (1) (b) does not apply if the registered keeper is unable to care for the dog and the person is caring for the dog on a temporary basis.

15 Registration tag offences

- (1) The keeper of a dog or carer of a dog must not, without reasonable excuse—
- (a) be on private premises (other than the keeper's address) with the dog, unless the dog is wearing its registration tag; or
 - (b) be in a public place with the dog, unless the dog is wearing its registration tag.

Maximum penalty: 3 penalty units.

- (2) The keeper of a dog commits an offence if—
- (a) the dog is in a public place or on private premises (other than the keeper's address); and
 - (b) the dog is not with a carer; and

(c) the dog is not wearing its registration tag.

Maximum penalty: 3 penalty units.

- (3) A person other than a keeper of a dog must not, without reasonable excuse, take a registration tag off a dog without the permission of a keeper of the dog.

Maximum penalty: 5 penalty units.

- (4) A keeper of a dog must not, without reasonable excuse, allow the dog to wear a registration tag unless the registration tag was issued for the dog.

Maximum penalty: 5 penalty units.

16 Change of address

- (1) If the address of a registered keeper changes, the keeper must tell the registrar, in writing, of the new address within 14 days beginning the day after the change.

Maximum penalty: 5 penalty units.

- (2) If the address where a registered dog is kept changes, the registered keeper must give the registrar a written notice stating the new address within 14 days beginning the day after the change.

Maximum penalty: 5 penalty units.

17 Evidence of registration or non-registration

- (1) A registration certificate or a certified copy of a registration certificate issued under section 11 (Registration numbers, certificates and tags) is evidence that the dog described in it is, or was, registered for the period mentioned in the certificate or copy.

- (2) If the registrar certifies in writing that on a day, or during a time, stated in the certificate, a person mentioned in the certificate—

- (a) was the registered keeper of a dog mentioned in the certificate;
or
- (b) was not the registered keeper of—
 - (i) a dog mentioned in the certificate; or
 - (ii) a dog;

the certificate is evidence of the fact.

- (3) A document that purports to be—
 - (a) a registration certificate; or
 - (b) a certified copy of a registration certificate issued under section 11; or
 - (c) a certificate mentioned in subsection (2);

is, unless the contrary is proved, to be taken to be a certificate or a certified copy of a certificate and to have been properly given or issued.

Division 2.2 Keeping 4 or more dogs

18 Requirement to be licensed

- (1) A person must not, other than in accordance with a multiple dog licence, keep 4 or more dogs on 1 residential premises.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to—
 - (a) a dog under 84 days old; or
 - (b) a dog kept by the person for less than 28 days; or
 - (c) a person resident in the ACT for less than 28 days; or
 - (d) a dog that is an assistance animal; or

- (e) a dog kept on land that is under a lease granted for agricultural or grazing purposes; or
- (f) a dog kept on land that is under a lease that allows for an animal care facility.

19 Multiple dog licences—applications

A person may apply to the registrar for a licence to keep 4 or more dogs on 1 residential premises (a *multiple dog licence*).

20 Multiple dog licences—approval or refusal

- (1) If an application for a multiple dog licence is made under section 18 (Requirement to be licensed), the registrar must—
 - (a) approve the issue of a licence; or
 - (b) refuse to approve the issue of a licence.
- (2) The registrar must refuse to issue a multiple dog licence unless satisfied that—
 - (a) the yard and associated facilities are adequately ventilated and constructed in a way to allow them to be kept in a sanitary condition; and
 - (b) appropriate arrangements exist for the sanitary disposal of waste; and
 - (c) the applicant can otherwise comply with the requirements of the *Animal Welfare Act 1992* and any approved code of practice under that Act.
- (3) In making a decision under this section, the registrar must consider the following:
 - (a) the number and kind of dogs to which the application relates;
 - (b) the size and nature of the premises where the dogs are proposed to be kept;

- (c) the security of the premises;
 - (d) the suitability of facilities for keeping the dogs on the premises;
 - (e) the potential impact on the occupiers of neighbouring premises;
 - (f) any conviction or finding of guilty of the applicant within the last 10 years against a law of a Territory or State for an offence relating to the welfare, keeping or control of an animal.
- (4) Subsection (3) does not limit the matters the registrar may consider.

21 Multiple dog licences—conditions

- (1) The registrar may issue a multiple dog licence on conditions stated in the licence.
- (2) In making a decision whether or not to impose a condition on a multiple dog licence, the registrar must consider the following:
 - (a) the number and kind of dogs to which the application relates;
 - (b) the size and nature of the premises where it is proposed to keep the dogs;
 - (c) the potential impact on the occupiers of neighbouring premises.
- (3) The conditions may include the following:
 - (a) the confining of each dog in a yard that will allow the dog adequate freedom of movement;
 - (b) no part of the yard being closer than 2m from a boundary fence;
 - (c) there being sufficient shelter for each dog.
- (4) Subsection (2) does not limit the matters the registrar may consider.

Division 2.3 Dangerous dogs

22 Declarations—dangerous dogs

- (1) The registrar must declare a dog to be a dangerous dog if—
 - (a) the dog has been trained as a guard dog, or is kept as a guard dog for guarding premises other than residential premises; or
 - (b) a decision has been made under a law of a State in relation to the dog, the effect of which is comparable to a declaration under this section.
- (2) The registrar may declare a dog to be a dangerous dog if the dog has attacked or harassed a person or animal.
- (3) In making a decision under subsection (2), the registrar must consider the circumstances surrounding the attack or harassment.
- (4) Subsection (3) does not limit the matters the registrar may consider.
- (5) If the registrar makes a declaration under this section, the registrar must give written notice to a keeper of the dog.

Note For how documents may be given, see the Legislation Act, pt 19.5.

- (6) The notice must—
 - (a) contain a statement to the effect that the registrar has declared the dog to be a dangerous dog; and
 - (b) describe the obligations of a keeper of a dangerous dog under this Act; and
 - (c) if the declaration is made while the dog is impounded—contain a statement to the effect that the dog may be sold or destroyed after 7 days beginning on the day after the keeper is given the notice unless, within that 7 days, an application is made for a dangerous dog licence.

23 Licensing of keepers of dangerous dogs

- (1) A person must not, without reasonable excuse, keep a dangerous dog except in accordance with a dangerous dog licence.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to a dangerous dog that is temporarily kept by a veterinary surgeon or at an animal boarding facility.

24 Dangerous dog licences—applications

- (1) A person may apply to the registrar for a licence to keep a dangerous dog.

- (2) An application must state—

- (a) the registration number of the dog; and
(b) the premises where the applicant intends to keep the dog.

25 Dangerous dog licences—approval or refusal

- (1) If an application for a dangerous dog licence is made under section 24, the registrar must, by written notice to the applicant—

- (a) approve the issue of a licence; or
(b) refuse to approve the issue of a licence.

- (2) In making a decision under this section, the registrar must consider the following:

- (a) the size and nature of the premises where the applicant intends to keep the dog;
(b) the security of the premises;
(c) the suitability of facilities for keeping the dog on the premises;
(d) the potential impact on the occupiers of neighbouring premises;

- (e) any conviction or finding of guilty of the applicant within the last 10 years for an offence against a law of a Territory or State relating to the welfare, keeping or control of an animal;
 - (f) the likelihood of harm being caused to any member of the public or an animal.
- (3) However, if the application is made after the dog was seized under division 2.7 (Seizing dogs and dealing with them) and the dog is declared to be a dangerous dog after it was seized, the registrar may approve the application only if section 62 (3), section 63 (3) or section 64 (3) applies to the offence for which the dog was seized.
- (4) Subsection (2) does not limit the matters the registrar may consider.

26 Dangerous dogs licences—conditions

- (1) The registrar may issue a dangerous dog licence on conditions stated in the licence.
- (2) The conditions may include the following:
- (a) the confining of the dog to the premises where the dog is kept under the licence;
 - (b) the dog leaving the premises;
 - (c) requiring the keeper and dog to complete an approved course in behavioural or socialisation training for the dog.

27 Dangerous dogs in public places

- (1) A carer must not, without reasonable excuse, be in a public place with a dangerous dog unless it is wearing a muzzle.

Maximum penalty: 10 penalty units.

- (2) A keeper of a dangerous dog must not, without reasonable excuse, allow the dog to be in a public place without the keeper or someone else who is in charge of the dog.

Maximum penalty: 10 penalty units.

28 Signs on premises about dangerous dogs

- (1) The registrar may issue a warning sign to a keeper of a dangerous dog.
- (2) If the registrar issues a warning sign, the keeper of the dog must ensure that the warning sign is displayed at the premises where the dog is kept so that it can be readily seen by a person about to enter the premises through a gate or door.

Maximum penalty: 5 penalty units.

- (3) In this section:

door does not include a door that is used for access to a building ordinarily used as a residence.

Division 2.4 General provisions about multiple dog and dangerous dog licences

29 Meaning of *special licence* for div 2.4

In this division:

special licence means a multiple dog licence or a dangerous dog licence.

30 Form of special licences

A special licence must state—

- (a) the name of the licensee; and
- (b) the registration number of each dog to which the licence relates; and

- (c) the address of the premises to which the licence relates; and
- (d) any conditions of the licence.

31 Special licences—duration

- (1) A multiple dog licence remains in force for 1 year unless sooner surrendered or cancelled.
- (2) A dangerous dog licence remains in force for a period not longer than 12 months stated in the licence unless sooner surrendered or cancelled.

32 Special licences—renewals

- (1) The holder of a special licence may apply to the registrar for renewal of the licence.
- (2) If the holder of a special licence applies for renewal of the licence, the registrar must renew the licence.

33 Variation of special licences

- (1) On application by the holder of a special licence, the registrar may vary the licence.
- (2) The registrar may vary a special licence on the registrar's own initiative if the registrar is satisfied that it is in the public interest to do so.
- (3) Before varying a special licence on the registrar's own initiative, the registrar must give the licensee a written notice—
 - (a) stating how the registrar proposes to vary the licence; and
 - (b) stating the reasons why the registrar proposes to vary the licence; and

- (c) telling the licensee that the licensee may give a written response to the registrar about the matters stated in the notice within 14 days beginning the day after receiving the notice.

Note For how documents may be given, see the Legislation Act, pt 19.5.

- (4) In making a decision under subsection (1) or (2), the registrar must consider—
 - (a) for a multiple dog licence—the matters mentioned in section 20 (4) (Multiple dogs licences—approval or refusal); and
 - (b) for a dangerous dog licence—the matters mentioned in section 25 (4) (Dangerous dogs licences—approval or refusal); and
 - (c) any breach of the conditions of the licence.
- (5) In making a decision whether to vary the special licence on the registrar’s own initiative, the registrar must consider any response given to the registrar in accordance with subsection (3) (c).
- (6) Subsections (4) and (5) do not limit the matters the registrar may consider.
- (7) The registrar must refuse to vary a multiple dog licence if the registrar would be obliged under section 20 (3) (Multiple dogs licences—approval or refusal) to refuse to issue the licence as varied.
- (8) The registrar must give the licensee written notice of the registrar’s decision.
- (9) A variation of a special licence takes effect on the day notice of the variation is given to the licensee or, if the notice provides for a later day of effect, that day.

(10) In this section:

vary, for a multiple dog licence, includes substituting a dog for another dog.

34 Endorsement of variations

(1) The holder of a varied special licence must not, without reasonable excuse, fail to return the licence to the registrar within 7 days beginning the day after the variation takes effect.

Maximum penalty: 5 penalty units.

(2) The registrar must endorse the variation on the licence, and return it to the licensee, as soon as possible after the return of the special licence.

35 Surrender of special licences

(1) The holder of a special licence may surrender the licence by filling in the appropriate endorsement on the licence and giving it to the registrar.

(2) The surrender of a special licence takes effect from the day when the endorsed licence is given to the registrar or, if a later day is stated in the endorsement, the later day.

36 Cancellation of special licences

(1) The registrar may cancel a special licence if—

(a) the registrar becomes aware of circumstances that, if the registrar had been aware of them at the time of the application for the licence, would have resulted in the application being refused; or

(b) the licensee contravenes a condition of the licence; or

(c) the licence was obtained by a false or misleading statement.

- (2) Before cancelling a special licence, the registrar must give the licensee a written notice—
 - (a) stating the grounds on which the registrar proposes to cancel the licence; and
 - (b) stating the facts that, in the registrar’s opinion, establish the grounds; and
 - (c) telling the licensee that the licensee may give a written response to the registrar about the matters in the notice, within 14 days beginning the day after receiving the notice.
- (3) In deciding whether to cancel the licence, the registrar must consider any response given to the registrar in accordance with subsection (2) (c).
- (4) The registrar must give the licensee written notice of the registrar’s decision.
- (5) Cancellation of a special licence takes effect on the day notice of the cancellation is given to the licensee or, if the notice provides for a later day of effect, that day.

37 Return of special licences

If a person whose special licence has been cancelled is asked by the registrar, by written notice, to return the licence, the person must not, without reasonable excuse, fail to return the licence to the registrar within 7 days beginning the day after the notice is given to the person.

Maximum penalty: 10 penalty units.

38 Cancellation or disqualification from holding a special licence

- (1) If a person is convicted or found guilty of an animal welfare offence or an offence against this Act (other than an excluded offence), the court may cancel a special licence held by the person or disqualify the person from holding a special licence for a period decided by the court.
- (2) In making a decision under subsection (1), the court must consider—
 - (a) the acts or omissions of the person constituting the offence; and
 - (b) any conviction or finding of guilty of the applicant within the last 10 years for an offence against a law of a Territory or State relating to the welfare, keeping or control of an animal.
- (3) Subsection (2) does not limit the matters that the court may consider.
- (4) If the court cancels or disqualifies a person from holding a special licence, the court must give particulars of the cancellation or disqualification to the registrar.

39 Applying for special licences if disqualified

A person must not apply for a special licence if the person is disqualified from holding a special licence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Division 2.5 Control of dogs

40 Declaration—exercise areas

- (1) The Minister may, in writing, declare an area of land or water to be an exercise area under this Act.
- (2) A declaration may provide that an area is an exercise area for all or stated animals.
- (3) A declaration under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

41 Prohibited areas

- (1) The Minister may, by a sign or signs, define an area where dogs are prohibited.
- (2) An area defined under subsection (1) may include all or part of an exercise area for stated animals.
- (3) The Minister may, at any time, change or remove a sign.
- (4) A person must not take a dog into a prohibited area.

Maximum penalty: 5 penalty units.

- (5) In a proceeding for an offence against subsection (4), a sign is taken to have been erected with the Minister's authority unless the contrary is proved.

42 Prohibited places

- (1) A person must not take a dog into the grounds of a child-care centre, preschool or primary school unless—
 - (a) a keeper of the dog resides in the grounds; or

- (b) the dog is taken into the grounds with the permission of the principal or person in charge of the child-care centre, preschool or primary school.

Maximum penalty: 5 penalty units.

- (2) A person must not take a dog into the grounds of a high school or secondary college during school hours or when school sport, including sport training, is being conducted unless—
 - (a) a keeper of the dog resides in the grounds; or
 - (b) the dog is taken into the grounds with the permission of the principal or person in charge of the high school or secondary college.

Maximum penalty: 5 penalty units.

- (3) A person must not take a dog onto a field or playing area where sport is being played or training for sport is being conducted.

Maximum penalty: 5 penalty units.

- (4) A person must not take a dog into a public place that is within 10m of—
 - (a) anything designed for play by children in the public place if children are playing on it; or
 - (b) a fireplace or heating appliance in the public place designed for cooking food; or
 - (c) a swimming area as defined by a sign erected, placed or displayed under the *Lakes Act 1976*, section 15 (a) (v).

Maximum penalty: 5 penalty units.

- (5) In this section:

dog does not include an assistance animal that is with a person with a disability.

public place means any unleased territory land that the public is entitled to use or that is open to, or used by, the public, and includes any street, road, lane, thoroughfare, footpath, or place that is territory land open to, or used by, the public.

43 Prohibited areas—permits

- (1) The registrar may permit a person mentioned in the permit to take a particular dog into a particular prohibited area at the times stated in the permit.
- (2) In making a decision under subsection (1), the registrar must consider the opinion of the conservator of flora and fauna about the impact on the environment if the permit were issued.
- (3) Subsection (2) does not limit the matters that the registrar may consider.
- (4) A permit may be issued on conditions.
- (5) A permit—
 - (a) takes effect on the day stated in the permit; and
 - (b) unless sooner revoked, remains in force for the period of not longer than 1 year stated in the permit.

44 Dogs in public places to be restrained

- (1) A carer must not be in a public place with a dog that is not restrained by a leash, unless the person is in an area designated as an area where dogs are not required to be restrained by a leash.

Maximum penalty: 5 penalty units.

- (2) A keeper must not be in a public place with a dog that is not restrained by a leash, unless the person is in an area designated as an area where dogs are not required to be restrained by a leash.

Maximum penalty: 5 penalty units.

- (3) The keeper of a dog commits an offence if the dog—
- (a) is in a public place; and
 - (b) is not with a carer.
- Maximum penalty: 5 penalty units.
- (4) Subsections (1) and (2) do not apply to a dog that is under the control of a person and is—
- (a) in an exercise area declared under section 40 (Declaration—exercise areas); or
 - (b) a working dog working livestock; or
 - (c) taking part in—
 - (i) a dog show, field trial or obedience trial; or
 - (ii) a dramatic performance or other entertainment.
- (5) In a prosecution for an offence against subsection (3), it is a defence if the defendant proves that the defendant took reasonable steps to prevent a contravention of the subsection.

45 Dogs on private premises to be restrained

- (1) A carer must not be on private premises with a dog that is not restrained by a leash unless the person has the consent of the occupier of the premises.
- Maximum penalty: 5 penalty units.
- (2) Subsection (1) does not apply if the carer is on premises occupied by the keeper of the dog.
- (3) The keeper of a dog must not be on private premises with a dog that is not restrained by a leash unless the keeper has the consent of the occupier of the premises.
- Maximum penalty: 5 penalty units.

(4) Subsection (3) does not apply if the keeper is on premises occupied by a carer of the dog.

(5) The keeper of a dog commits an offence if the dog is on private premises and is not with a carer, unless the keeper has the consent of the occupier of the premises.

Maximum penalty: 5 penalty units.

(6) In a prosecution for an offence against subsection (1), (3) or (5), it is evidence that the occupier of premises did not consent if an authorised officer gives evidence that, at the time of the offence, the occupier told the authorised officer that the occupier did not consent.

(7) In a prosecution for an offence against subsection (1), (3) or (5), it is a defence if the defendant proves that the defendant took reasonable steps to prevent a contravention of the subsection.

46 Removal of faeces

(1) The carer of a dog must hygienically dispose of any faeces dropped by the dog in a public place or in a stormwater drain or channel (whether on public or private land).

Maximum penalty: 5 penalty units.

(2) The carer of a dog must not take the dog into a public place or a stormwater drain or channel (whether on public or private land) unless the carer carries equipment suitable for the hygienic disposal of faeces dropped by the dog.

Maximum penalty: 1 penalty unit.

47 Female dogs on heat

- (1) A keeper or carer of a female dog must not, without reasonable excuse, allow the dog to enter or remain in a public place if the dog is on heat.

Maximum penalty: 5 penalty units.

- (2) This section does not apply if the dog is—
- (a) confined in a motor vehicle in a public place; or
 - (b) under the control of the keeper or carer and taking part in—
 - (i) a dog show, field trial or obedience trial; or
 - (ii) a dramatic performance or other entertainment.
- (3) In a prosecution for an offence against this section, it is not a defence that the dog was under the control of a competent person.

48 Greyhounds

- (1) A carer must not be in a public place with a greyhound that is not wearing a muzzle.

Maximum penalty: 5 penalty units.

- (2) A keeper of a greyhound must not allow the greyhound to be in a public place unless it is wearing a muzzle and is with a carer.

Maximum penalty: 5 penalty units.

- (3) A carer must not be in a public place holding 4 or more greyhound dogs by way of a leash or leashes.

Maximum penalty: 5 penalty units.

- (4) If a carer contravenes subsection (3), the keeper of each of the dogs commits an offence.

Maximum penalty: 5 penalty units.

- (5) In a prosecution for an offence against subsection (1) or (2), it is a defence if the defendant proves that the defendant took reasonable steps to prevent a contravention of the subsection.

Division 2.6 Attacking or harassing dogs

49 Harassment of people and animals by dogs

- (1) A dog is taken to *harass* a person if, because of its behaviour, the person reasonably fears that the dog is about to attack the person without provocation.
- (2) A dog is taken to *harass* an animal if the dog hunts or torments the animal.

50 Offences of attacking or harassing

- (1) A carer with a dog must not, without reasonable excuse, allow the dog to attack or harass a person or animal.
- Maximum penalty: 50 penalty units.
- (2) The keeper of a dog commits an offence if the dog attacks or harasses a person or animal when it is not with a carer.
- Maximum penalty: 50 penalty units.
- (3) In a prosecution for an offence against subsection (2), it is a defence if—
- (a) the defendant establishes that the person or animal provoked the dog; or
 - (b) the person was attacked or harassed because the dog came to the aid of its keeper, or another person or animal that the dog could reasonably be expected to protect; or
 - (c) if the attack or harassment was on premises occupied by the defendant, the defendant establishes that—

- (i) the person was on the premises without reasonable excuse; or
 - (ii) the person failed to take reasonable care for the person's own safety.
- (4) If the keeper or a carer of a dog is convicted, or found guilty, of an offence against this section—
- (a) the court must order that the dog be destroyed, unless satisfied there are special circumstances that justify not doing so; or
 - (b) if the court is satisfied that there are special circumstances—
 - (i) declare the dog to be a dangerous dog; and
 - (ii) order the dog and its keeper complete an approved course in behavioural or socialisation training for the dog.

51 Encouraging dogs to attack or harass

- (1) A person must not, without reasonable excuse, knowingly encourage a dog to attack or harass someone else or an animal.
- Maximum penalty: 50 penalty units.
- (2) This section does not apply if—
- (a) the defendant reasonably believed the animal to be vermin; and
 - (b) the defendant was on the land with the lessee's consent.

52 Costs of impounding dogs

- (1) This section applies in relation to a prosecution of a person for an offence against section 50 (1) or (2) or section 51 in relation to a dog.
- (2) If the court convicts the person, or finds the person guilty, of the offence, the costs of impounding the dog are payable to the Territory by the keeper of the dog.

- (3) If the court finds the complaint to be frivolous or vexatious, the costs of impounding the dog are payable to the Territory by the complainant.

53 Destruction of attacking dogs

- (1) A person may destroy a dog that attacks the person if the destruction of the dog is necessary to bring the attack to an end.
- (2) A person may destroy a dog found attacking someone else or an animal if the destruction of the dog is necessary to bring the attack to an end.
- (3) A person may destroy a dog found in an enclosed field if the person reasonably believes that an animal confined in the field has just been killed, injured or attacked by the dog.
- (4) Subsection (3) does not apply if the dog cannot move freely about the field because of a leash or other form of restraint.
- (5) In this section:
field includes a paddock, yard or other place.

54 Inspection of attacking or harassing dogs

- (1) An authorised officer or police officer may ask a keeper or carer of a dog to produce the dog for inspection if the officer reasonably believes that the dog has attacked or harassed a person or animal.
- (2) A keeper or carer of a dog must not, without reasonable excuse, fail to comply with the request.

Maximum penalty: 50 penalty units.

55 Compensation for injuries etc caused by dogs

- (1) This section applies if—
 - (a) a dog attacks or harasses a person and the person suffers personal injury or property damage because of the attack or harassment; or
 - (b) a dog attacks or harasses an animal and the animal dies or is injured because of the attack or harassment.
- (2) The keeper of the dog is liable to pay to the person, or the owner of the animal, compensation for any loss or expense because of the attack or harassment.
- (3) Compensation may be recovered—
 - (a) whether or not a prosecution for an offence against this Act has been brought against the keeper of the dog in relation to the attack or harassment; and
 - (b) if a prosecution for an offence against this Act has been brought against the keeper—even if the keeper has been acquitted of the offence.
- (4) In a proceeding for compensation under this section for loss or expense by a person (the *plaintiff*) for personal injury or property damage, it is a defence for the defendant to prove that—
 - (a) the attack or harassment happened to the plaintiff while the plaintiff was, without reasonable excuse, on premises occupied by the defendant; or
 - (b) the plaintiff failed to take reasonable care for his or her own safety; or
 - (c) the plaintiff provoked the dog.

- (5) In a proceeding for compensation under this section for the death or injury of an animal, it is a defence for the defendant to prove that the attack or harassment happened to the animal while it was on premises occupied by the defendant or that the animal had provoked the dog.
- (6) This section does not affect any right that a person has to recover damages or compensation apart from this section.

Division 2.7 Seizing dogs and dealing with them

56 Seizure of dogs—general

An authorised officer may seize a dog if—

- (a) the dog is in a prohibited area in contravention of section 41 (Prohibited areas); or
- (b) the dog is not restrained in contravention of section 44 (1), (2) or (3) (Dogs in public places to be restrained) or section 45 (1) or (3) (Dogs on private premises to be restrained); or
- (c) the dog is a greyhound in a public place in contravention of section 48 (Greyhounds); or
- (d) the dog is on premises occupied by a person other than the keeper of the dog and the occupier asks an authorised officer to seize the dog; or
- (e) the keeper has contravened a condition under section 70 (4) (Returning seized dog to its keeper).

57 Seizure—dangerous dogs

An authorised officer may seize a dangerous dog—

- (a) if—
 - (i) the keeper of the dog has contravened a condition of a dangerous dog licence in force for the dog; and

- (ii) the authorised officer reasonably believes, having regard to the safety of the public, that the contravention justifies the seizure; or
- (b) if a dangerous dog licence is not in force for the dog; or
- (c) if the dangerous dog licence in force for the dog is cancelled.

58 Seizure—contravention of multiple dog licence

An authorised officer may seize a dog that is being kept with 3 or more other dogs in contravention of section 18 (Requirement to be licensed).

59 Seizure—attacking and harassing dogs

An authorised officer may seize a dog if the officer suspects on reasonable grounds that the dog has attacked or harassed a person or an animal.

60 Impounding of dogs seized

- (1) The registrar must—
 - (a) impound a seized dog; and
 - (b) make reasonable inquiries to find out who is the keeper of the dog; and
 - (c) if the registrar can find out who is the dog's keeper—give oral or written notice to the keeper, in accordance with section 61, about the dog's seizure.
- (2) The registrar may give the notice by telephone.

61 Information to be given in notice of dog's seizure

If a dog is seized under this part, the notice of seizure under section 60 (1) (c) must give information about the following:

- (a) when and where the dog was seized;
- (b) the reason the dog was seized;
- (c) where the dog may be claimed;
- (d) if the dog is not registered—registration of the dog, including the cost of registration;
- (e) if the keeper does not hold a dangerous dog licence or multiple dog licence for the dog and the licence is required for the dog—the relevant licence, including the cost of the licence;
- (f) if the dog's keeper holds a dangerous dog licence for the dog—the conditions of the licence and that the conditions may be varied or cancelled;
- (g) the fee payable for the release of the dog;
- (h) that the dog may be sold or destroyed if it is not claimed;
- (i) the period in which the dog may be claimed before it may be sold or destroyed;
- (j) that the keeper may relinquish ownership of the dog.

62 Releasing dogs seized under general seizure power

- (1) This section applies to a dog seized under section 56 (Seizure of dogs—general) unless the dog is declared to be a dangerous dog after it was seized.

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

- (2) The registrar must release the dog to a person claiming its release if, but only if, the registrar is satisfied—
- (a) the person claiming its release is the dog's keeper; and
 - (b) the dog is registered; and
 - (c) if the dog was seized under section 56 (a), (b) or (c) because of an offence against this Act—subsection (3) applies to the offence; and
 - (d) the dog's keeper has not relinquished ownership under section 69; and
 - (e) any fee payable under section 144 for the release of the dog has been paid.
- (3) This subsection applies to an offence if—
- (a) 28 days have elapsed since the day the offence was committed and—
 - (i) a prosecution has not been started for the offence; and
 - (ii) an infringement notice has not been served for the offence; or
 - (b) an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or
 - (c) a prosecution for the offence was started not later than 28 days after the day the offence was committed and—
 - (i) the prosecution has been discontinued; or
 - (ii) the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the dog.

63 Releasing dogs seized under power relating to dangerous dogs or multiple dogs

- (1) This section applies to—
- (a) a dog seized under section 57 (Seizure—dangerous dogs); or
 - (b) a dog seized under section 58 (Seizure—contravention of multiple dog licence) unless the dog is declared to be a dangerous dog after it was seized.

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

- (2) The registrar must release the dog to a person claiming its release if, but only if, the registrar is satisfied—
- (a) the person claiming its release is the dog's keeper; and
 - (b) the dog is registered; and
 - (c) if the dog was seized under section 57 (b) or (c)—a dangerous dog licence is in force for the dog; and
 - (d) if the dog was seized under section 58—the keeper has any multiple dog licence needed to keep the dog; and
 - (e) if the dog was seized because of an offence against this Act—subsection (3) applies to the offence; and
 - (f) the dog's keeper has not relinquished ownership under section 69; and
 - (g) any fee payable under section 144 for the release of the dog has been paid.

Note As a condition of the issue of a dangerous dogs licence, the registrar can require the dog's keeper and the dog to complete an approved course in behavioural or socialisation training for the dog.

- (3) This subsection applies to an offence if—
- (a) 28 days have elapsed since the day the offence was committed and—
 - (i) a prosecution has not been started for the offence; and
 - (ii) an infringement notice has not been served for the offence; or
 - (b) an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or
 - (c) a prosecution for the offence was started not later than 28 days after the day the offence was committed and—
 - (i) the prosecution has been discontinued; or
 - (ii) the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the dog.

64 Releasing dogs seized under attacking and harassing power

- (1) This section applies to a dog seized under section 59 (Seizure—attacking and harassing dogs) unless the dog is declared to be a dangerous dog after it was seized.

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

- (2) The registrar must release the dog to a person claiming its release if, but only if, the registrar is satisfied—
- (a) the person claiming its release is the dog's keeper; and
 - (b) the dog is registered; and
 - (c) the court has not ordered the destruction of the dog under section 50 (4) (Offences of attacking or harassing); and

- (d) if the dog was seized under section 59 because of an offence against this Act—subsection (3) applies to the offence; and
 - (e) the dog’s keeper has not relinquished ownership under section 69; and
 - (f) any fee payable under section 144 for the release of the dog has been paid.
- (3) This subsection applies to an offence if—
- (a) 28 days have elapsed since the day the offence was committed and—
 - (i) a prosecution has not been started for the offence; and
 - (ii) an infringement notice has not been served for the offence; or
 - (b) an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or
 - (c) a prosecution for the offence was started not later than 28 days after the day the offence was committed and—
 - (i) the prosecution has been discontinued; or
 - (ii) the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the dog.

65 Releasing dogs declared dangerous after seizure for offence

If a dog is seized under section 56 (Seizure of dogs—general) or 59 (Seizure—attacking and harassing dogs) and, after the seizure, the dog is declared to be a dangerous dog, the registrar must release the dog to a person claiming its release if satisfied that the person is its keeper and a dangerous dog licence is in force for the dog.

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

Note 2 The registrar is not obliged to release a dog if its keeper has relinquished ownership (see s 69).

Note 3 As a condition of the issue of a dangerous dogs licence, the registrar can require the keeper of the dog and the dog complete an approved course in behavioural or socialisation training for the dog.

66 Selling or destroying dogs (other than dangerous dogs) seized under general or attacking and harassing power

- (1) This section applies to a dog seized under section 56 (Seizure of dogs—general) or section 59 (Seizure—attacking and harassing dogs) unless the dog is a dangerous dog.

Note Section 68 deals with the selling and destruction of dangerous dogs.

- (2) The registrar may sell or destroy the dog if—
- (a) not later than 7 days after the day of the seizure, the registrar cannot find out who is the dog's keeper after making reasonable inquiries; or
 - (b) the dog's keeper relinquishes ownership of the dog under section 69; or
 - (c) not later than 7 days after the day notice under section 60 (1) (c) was given to the dog's keeper, the keeper does not tell the registrar, in writing, that the keeper wishes to claim the dog and, if the dog is not registered, apply to the registrar to register the dog.

67 Selling or destroying dogs (other than dangerous dogs) seized under multiple dog licence power

- (1) This section applies to a dog seized under section 58 (Seizure—contravention of multiple dog licence) unless the dog is a dangerous dog.

Note Section 68 deals with the selling and destruction of dangerous dogs.

- (2) The registrar may sell or destroy the dog if—
- (a) not later than 7 days after the day of the seizure, the registrar cannot find out who is the dog’s keeper after making reasonable inquiries; or
 - (b) the dog’s keeper relinquishes ownership of the dog under section 69; or
 - (c) not later than 7 days after the day notice under section 60 (1) (c) was given to the dog’s keeper, the keeper does not tell the registrar, in writing, that the keeper wishes to claim the dog and—
 - (i) if a multiple dog licence is required for the dog and a multiple dog licence is not in force for the dog—apply to the registrar for a multiple dog licence; and
 - (ii) if the dog is not registered—apply to the registrar to register the dog.
- (3) The registrar may sell or destroy a dog mentioned in subsection (2) (c) (i) if—
- (a) the dog’s keeper applies for a multiple dog licence for the dog; and
 - (b) the registrar refuses to issue the licence; and
 - (c) the keeper receives notice of the registrar’s decision to refuse to issue the licence; and

- (d) either—
- (i) the keeper does not, not later than 7 days after the day the keeper receives the notice (the *application period*), make an application under section 119 for review of the decision; or
 - (ii) the keeper makes an application under section 119 for review of the decision not later than the application period and the registrar's decision to refuse to issue the licence is confirmed.

68 Selling or destroying dangerous dogs generally

- (1) This section applies to a dog seized under this division that is a dangerous dog, whether the dog was declared to be a dangerous dog before or after it was seized.
- (2) The registrar may sell or destroy the dog if—
 - (a) not later than 7 days after the day of the seizure, the registrar cannot find out who is the dog's keeper after making reasonable inquiries; or
 - (b) the dog's keeper relinquishes ownership of the dog under section 69; or
 - (c) not later than 28 days after the day notice under section 60 (1) (c) was given to the dog's keeper, the keeper does not tell the registrar, in writing, that the keeper wishes to claim the dog and—
 - (i) if a dangerous dog licence is not in force for the dog—apply to the registrar for a dangerous dog licence; and
 - (ii) if the dog is not registered—apply to the registrar to register the dog.

- (3) The registrar may sell or destroy a dog mentioned in subsection (2) (c) (i) if—
- (a) the dog's keeper applies for a dangerous dog licence for the dog; and
 - (b) the registrar refuses to issue the licence; and
 - (c) the keeper receives notice of the registrar's decision to refuse to issue the licence; and
 - (d) either—
 - (i) the keeper does not, not later than 7 days after the day the keeper receives the notice (the *application period*), make an application under section 119 for review of the decision; or
 - (ii) the keeper makes an application under section 119 for review of the decision not later than the application period and the registrar's decision to refuse to issue the licence is confirmed.

69 Relinquishing ownership of dogs

- (1) This section applies to a dog seized under this division.
- (2) The dog's keeper may relinquish ownership of the dog by signed writing given to the registrar.
- (3) An instrument relinquishing ownership of the dog—
 - (a) takes effect at the end of 3 days beginning on the day the signed instrument is given to the registrar; and
 - (b) must contain a statement to the effect of paragraph (a).

- (4) After an instrument relinquishing ownership of the dog takes effect, the registrar—
 - (a) is not obliged to return the dog to its keeper; and
 - (b) may sell or destroy the dog.
- (5) To remove any doubt, the registrar must not sell or destroy the dog under this section until the instrument relinquishing ownership of the dog takes effect.

Division 2.8 Miscellaneous

70 Returning seized dog to its keeper

- (1) The registrar may return a dog seized under this part to its keeper under this section if satisfied that it would be in the public interest to return the dog.
- (2) In making a decision under subsection (1), the registrar must consider—
 - (a) the safety of the public; and
 - (b) the cost of keeping the dog impounded; and
 - (c) whether financial or other hardship would be caused to the keeper if the dog were to remain impounded.
- (3) Subsection (2) does not limit the matters the registrar may consider.
- (4) The registrar may return the dog to its keeper on conditions.
- (5) If the registrar returns the dog to its keeper under this part, the registrar may waive all or part of any fee payable by the dog's keeper under this part if satisfied that not to waive the fee would cause the keeper financial hardship.

71 Guidelines about returning impounded dogs

- (1) The Minister may issue guidelines about the exercise of the registrar's functions under section 70.
- (2) The registrar must comply with any guidelines under this section.
- (3) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

U 72 Disqualification from keeping animals

- (1) If a person is convicted, or found guilty, of an animal welfare offence or an offence against this Act (other than an excluded offence), the court may disqualify the person from keeping an animal for a period decided by the court.
- (2) A disqualification may disqualify a person from keeping a particular animal, a particular kind of animal or any animal.
- (3) In deciding whether to disqualify a person, the court must consider the following matters:
 - (a) the acts or omissions of the person constituting the offence;
 - (b) any conviction or finding of guilty of the applicant within the last 10 years for an offence against a law of a Territory or State relating to the welfare, keeping or control of an animal.
- (4) Subsection (3) does not limit the matters the court may consider.
- (5) If a court disqualifies a person from keeping an animal, the court must give particulars of the disqualification to the registrar.
- (6) A person who is disqualified from keeping an animal must not keep an animal in contravention of the disqualification.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (7) If the keeper of an animal is convicted, or found guilty, of an offence against subsection (6), the court may order the registrar to return the animal to its keeper, or to destroy the animal or sell or otherwise dispose of the animal to a person other than—
- (a) the keeper; or
 - (b) a person who lives with the keeper.
- (8) The court may order the keeper of an animal sold, destroyed or otherwise disposed of under subsection (7) to pay the costs or expenses of the sale, destruction or disposal.

Part 3 Dogs and cats

73 Meaning of *de-sex* and *permit* for pt 3

In this part:

de-sex, in relation to a dog or cat, includes perform a vasectomy or tubal ligation on the dog or cat.

permit means a permit issued under this part.

74 Dogs and cats to be de-sexed

- (1) A person must not, without reasonable excuse, keep a cat that has not been de-sexed unless the person is the holder of a permit for the cat.

Maximum penalty: 50 penalty units.

- (2) A person must not, without reasonable excuse, keep a dog that has not been de-sexed unless the person is the holder of a permit for the dog.

Maximum penalty: 50 penalty units.

- (3) Subsections (1) and (2) do not apply to a dog or cat—

- (a) under 6 months old; or
- (b) bought by, or in the possession of, its owner for less than 28 days; or
- (c) born before the commencement of this section.

75 Permits for dogs and cats not de-sexed

An individual may apply to the registrar for a permit to keep a dog or cat that is not de-sexed.

76 Approval or refusal of applications

- (1) If an application for a permit has been made under section 75, the registrar must, by written notice to the applicant—
 - (a) issue a permit; or
 - (b) refuse to issue a permit.
- (2) The registrar must issue a permit for an animal if satisfied that—
 - (a) it is kept for breeding or used, bred or bought for show; or
 - (b) it would be detrimental to the health of the animal if it were to be de-sexed; or
 - (c) it is a racing greyhound.

77 Revocation of permits

The registrar may revoke a permit if satisfied that a dog or cat is no longer a dog or cat to which section 76 (2) (Approval or refusal of applications) applies.

78 Term of permits

A permit continues in force until revoked.

79 Production of permits

- (1) If an authorised officer asks the keeper or owner of a dog or cat to produce a permit for the dog or cat, the keeper or owner of a dog or cat must not, without reasonable excuse, fail to produce a permit for inspection by the authorised officer.

Maximum penalty: 5 penalty units.

- (2) A person is not required to comply with a requirement under this section if, when asked by the person, the authorised officer does not produce his or her identity card.

80 Earmarkings

- (1) A veterinary surgeon must not, without reasonable excuse, de-sex a dog or cat unless the veterinary surgeon marks an ear of the dog or cat with a tattoo.

Maximum penalty: 5 penalty units.

- (2) A certificate signed by a veterinary surgeon stating that a dog or cat has been de-sexed is evidence that the dog or cat has been de-sexed unless the contrary is proved.

81 Declaration of cat curfew

- (1) If the Minister is satisfied that cats in an area are a serious threat to native flora or fauna in the area, the Minister may declare the area to be an area where cats must be confined to their keeper's or carer's premises at all times or during stated times.

- (2) A declaration under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (3) Unless a declaration is disallowed by the Legislative Assembly, the declaration commences—

- (a) on the day after the last day when it could have been disallowed; or
(b) if the declaration provides for a later date or time of commencement—on that date or at that time.

- (4) The Minister must notify the making of a declaration under this section in a daily newspaper published and circulating in the ACT.

U 82 Offence—cats in declared areas

- (1) The keeper or carer of a cat must not, without reasonable excuse, allow the cat to be in a declared area in contravention of a declaration under section 81.

Maximum penalty: 10 penalty units.

- (2) In this section:

declared area means an area for which a declaration under section 81 is in force.

U 83 Identification

- (1) A person must not, without reasonable excuse, keep a dog or cat unless it has a form of identification (if any) prescribed by regulation.

Maximum penalty: 5 penalty units.

- (2) A regulation may make provision in relation to the compulsory identification of dogs and cats.

- (3) In particular, a regulation may provide for—

- (a) how dogs and cats are to be identified; and
- (b) the procedures to be followed for the compulsory identification of dogs and cats; and
- (c) the people by whom compulsory identification may be carried out and the duties of the people; and
- (d) the particulars making up that identification.

- (4) A form of identification may be a microchip.

U 84 Identification of dogs and cats—requirement

U **Part 4** **Seizing cats and dealing with them**

- U** **85** **Approved providers**
- U** **86** **Seizure of cats**
- U** **87** **Temporary care of seized cats**
- U** **88** **Information to be given in notice of cat's seizure**
- U** **89** **Releasing seized cats**
- U** **90** **Selling or destroying seized cats**
- U** **91** **Relinquishing ownership of seized cats**
- U** **92** **Returning seized cat to its keeper**
- U** **93** **Guidelines about returning seized cats**

Part 5 Assistance animals

104 Rights of persons accompanied by assistance animals

- (1) Despite any other territory law (other than the *Discrimination Act 1991*), a person with a disability accompanied by an assistance animal has the same right of access to, and the same right to the use of, a public place as a person who is not accompanied by an assistance animal.
- (2) Without limiting subsection (1), a person with a disability does not commit an offence merely by taking an assistance animal onto or into, or allowing the animal to enter, a public place.

105 Exclusion of assistance animal from public place

- (1) A person must not, without reasonable excuse, deny a person with a disability accompanied by an assistance animal access to, or the use of, a public place.

Maximum penalty: 10 penalty units.

- (2) A person must not, without reasonable excuse, exclude or remove from a public place—
 - (a) a person with a disability accompanied by an assistance animal; or
 - (b) an assistance animal that is with a person with a disability.

Maximum penalty: 10 penalty units.

106 Imposition of excess charges for assistance animal

- (1) A person must not impose a charge of the following kind on a person with a disability accompanied by an assistance animal, unless the charge would be imposed on a person who is not accompanied by an assistance animal:
- (a) accommodation, goods or services provided or supplied to or for the person with a disability;
 - (b) access to, or the use of, a public place by the person with a disability.

Maximum penalty: 10 penalty units.

- (2) A person does not contravene subsection (1) by imposing a charge for the following on a person with a disability accompanied by an assistance animal if the charge was reasonable in the circumstances:
- (a) accommodation, goods or services provided or supplied for the assistance animal;
 - (b) expenses reasonably incurred by the first person because of the presence of the assistance animal.
- (3) If a person with a disability has paid a charge imposed in contravention of subsection (1), the person may recover from the person to whom it was paid the amount by which that charge is more than the charge that could have been imposed without contravening the subsection.

Part 6 Animal nuisance

107 **Meaning of *animal nuisance* and *nuisance notice* for pt 6**

In this part:

animal nuisance—see section 109.

nuisance notice means a notice under section 112 (Issue of nuisance notices).

108 **Pt 6 does not apply to keeping animals on certain land**

This part does not apply in relation to an animal kept on land that is under a lease—

- (a) granted for agricultural or grazing purposes; or
- (b) that allows for an animal care facility.

109 **When animal nuisance exists**

For this part, *animal nuisance* exists if the keeping or behaviour of an animal causes a condition, state or activity that constitutes—

- (a) damage to property owned by a person other than the keeper;
or
- (b) excessive disturbance to a person other than the keeper because of noise; or
- (c) danger to the health of an animal or a person other than the keeper.

110 Offence of animal nuisance

- (1) A person must not allow an animal nuisance.
Maximum penalty: 10 penalty units.
- (2) If the keeper of an animal is convicted or found guilty of an offence against this section, the court may order the registrar to return the animal to its keeper, or to destroy or sell the animal or otherwise dispose of it to a person other than its keeper or a person who lives with its keeper.
- (3) The court may order the keeper of an animal sold, destroyed or otherwise disposed of to pay the costs or expenses of the sale, destruction or disposal.

111 Complaints about animal nuisance

- (1) A person affected by an animal nuisance may complain in writing to the registrar about the nuisance.
Note For how documents may be given, see the Legislation Act, pt 19.5.
- (2) The registrar must investigate the complaint unless satisfied that the complaint is frivolous or vexatious.
- (3) If, after investigation, the registrar decides not to issue a nuisance notice, the registrar must—
 - (a) give written notice of the decision to the complainant; and
 - (b) advise the complainant about any methods available for settling the issue privately.

112 Issue of nuisance notices

- (1) If the registrar reasonably believes that an animal nuisance exists, the registrar may issue a written notice to—
 - (a) the keeper of the animal believed to be causing the nuisance; or

- (b) if the keeper cannot be identified or is not the occupier of the premises—a person who occupies the place where the nuisance exists, or from which it emanates.
- (2) In deciding whether to issue a notice, the registrar must consider the following:
- (a) the number of people affected, or potentially affected, by the nuisance;
 - (b) the damage, disturbance or danger resulting, or likely to result, from the nuisance;
 - (c) any reasonable precautions that a person whose animal is causing the nuisance has or has not taken to avoid or minimise the adverse effects, or the potential adverse effects, of the nuisance;
 - (d) any reasonable precautions that a person adversely affected, or potentially adversely affected, by the nuisance has or has not taken to avoid or minimise the effects, or likely effects, of the nuisance.
- (3) Subsection (2) does not limit the matters that the registrar may consider.
- (4) A nuisance notice—
- (a) must—
 - (i) state the animal nuisance that must be reduced or stopped; and
 - (ii) state the place where the nuisance exists or from which it emanates; and
 - (iii) indicate that, unless the animal nuisance is reduced or stopped, proceedings may be instituted for contravention of the notice or an offence against section 110 (1) (Offence of animal nuisance); and

(b) may mention steps to be taken to prevent the recurrence of the animal nuisance.

- (5) A copy of a nuisance notice must be given to the person because of whose complaint the nuisance notice was issued.
- (6) A nuisance notice continues in force until revoked under section 113.
- (7) A person must not contravene a nuisance notice.
- Maximum penalty (subsection (7)): 5 penalty units.

113 Revocation of nuisance notices

- (1) The registrar must revoke a nuisance notice if satisfied, after carrying out an inspection, that—
- (a) the notice has been complied with; and
- (b) adequate steps have been taken to reduce the nuisance or stop the nuisance from happening again.
- (2) A revocation must be in writing given to the person to whom the notice was issued.
- (3) A copy of a revocation notice must be given to the person because of whose complaint the nuisance notice was issued.

114 Seizure, impounding and return of animals

- (1) If proceedings are instituted for an offence against section 110 (1), an authorised officer may seize an animal an authorised officer reasonably believes to be contributing to the animal nuisance, after considering the following:
- (a) the extent of the animal nuisance;
- (b) the likelihood of the keeper of the animal reducing or stopping the nuisance or complying with steps mentioned in a nuisance notice to prevent its recurrence;

- (c) the cost of, or practicability of making arrangements for, alternative accommodation for the animal.
- (2) For subsection (1), the authorised officer may only enter premises under section 114A.
- (3) If an animal is seized under subsection (1), the registrar must impound the animal until, in accordance with this part, it is returned to its keeper, or sold, destroyed or otherwise disposed of.
- (4) If an animal is seized under subsection (1) and the registrar is satisfied that the animal nuisance is not likely to happen again if the animal is returned to the keeper, the registrar must return the animal to the keeper.
- (5) If an animal is seized under subsection (1) and the proceeding under section 110 (1) (Offence of animal nuisance) for the animal nuisance is discontinued or withdrawn, the registrar must return the animal to the keeper.
- (6) Any costs or expenses incurred by the Territory in seizing or impounding an animal seized under subsection (1) are a debt payable to the Territory by the keeper of the animal.

114A Entry to premises for nuisance animal

- (1) This section applies if a proceeding is begun for an offence under section 110 (1) (Offence of animal nuisance).
- (2) An authorised officer may enter premises where the animal nuisance exists without a warrant at any reasonable time, or if the occupier consents to the entry.
- (3) An authorised officer may enter premises under subsection (2) with necessary and reasonable assistance and force.
- (4) An authorised officer may, without the occupier's consent, enter the premises where the animal nuisance exists to ask for consent to enter the premises.

- (5) A police officer may help an authorised officer in exercising the authorised officer's powers under this section if asked by the authorised officer to do so.

Note Consent to entry to premises for the Act is dealt with by s 132.

114B Powers on entry

An authorised officer who enters premises under section 114A (2) may seize the animal causing the animal nuisance.

Note The power of entry is not to be exercised unless the authorised officer first shows the officer's identity card (see s 125).

Part 7 Destruction of animals

115 Destruction of animals on registrar's authority

A police officer or veterinary surgeon who reasonably believes that the registrar has asked for the destruction of an animal may destroy the animal.

116 Destruction of vicious animals

- (1) If, because of the viciousness of the animal, an authorised officer or police officer cannot seize an animal under this Act, the officer may destroy the animal.
- (2) In deciding whether to take action under subsection (1), the authorised officer or police officer must consider the safety of members of the public and other animals.

117 Destruction of diseased or injured animals

- (1) An authorised officer or police officer may destroy an injured or diseased animal if the officer is satisfied that the animal is likely to harm other animals or people.
- (2) An authorised officer or police officer may destroy an injured or diseased animal if the officer is satisfied that destruction is the most humane course of action in the circumstances.
- (3) The registrar must tell the keeper of an animal of its destruction if—
 - (a) the animal is destroyed under subsection (1) or (2); and
 - (b) the name and address of the keeper is known to the registrar or may reasonably be found out by the registrar.
- (4) The registrar may tell the keeper by telephone.

Part 8 Review of decisions

U 118 **Meaning of *reviewable decision* for pt 8**

In this part:

reviewable decision means a decision—

- (a) refusing to register a dog (section 7 (b) (Registration—approval or refusal)); or
- (b) issuing a multiple dog licence on conditions (section 20 (2) (Multiple dog licences—approval or refusal)); or
- (c) refusing to issue a multiple dog licence (section 20 (1) (b) (Multiple dog licences—approval or refusal)); or
- (d) declaring a dog to be a dangerous dog (section 22 (1) or (2) (Declarations—dangerous dogs)); or
- (e) refusing to issue a dangerous dog licence (section 22 (1) (b) (Declarations—dangerous dogs)); or
- (f) issuing a dangerous dog licence on conditions (section 25 (2) (Dangerous dogs licences—approval or refusal)); or
- (g) varying or refusing to vary a multiple dog licence or dangerous dog licence (section 33 (Variation of special licences)); or
- (h) cancelling a multiple dog licence or dangerous dog licence (section 36 (1) (Cancellation of special licences)); or
- (i) refusing to issue a permit to take a dog into a prohibited area (section 43 (Prohibited areas—permits)); or
- (j) issuing a permit to take a dog into a prohibited area on conditions (section 43 (Prohibited areas—permits)); or
- (k) imposing a condition on the return of a dog (section 70 (4) (Returning seized dog to its keeper)); or

- (l) refusing to issue a permit to keep a cat or dog that is not desexed (section 76 (1) (Approval or refusal of applications)); or
- (m) issuing of a nuisance notice (section 112 (Issue of nuisance notices)); or
- (n) revoking a nuisance notice (section 113 (Revocation of nuisance notices)); or
- (o) seizing an animal (section 114 (Seizure, impounding and return of animals)); or
- (p) refusing to return an animal (section 114 (Seizure, impounding and return of animals)).

U 119 Review of decisions

Application may be made to the administrative appeals tribunal for a review of a reviewable decision of the registrar.

U 120 Notification of decisions

- (1) If the registrar makes a decision mentioned in section 118 (Meaning of *reviewable decision* for pt 8) in relation to a person, the registrar must give a written notice of the decision to the person.
- (2) A notice under subsection (1) must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

Part 9 Administration

Division 9.1 Officers

121 Registrar

The chief executive must appoint a public servant as the registrar.

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

122 Deputy registrars

- (1) The chief executive may appoint a public servant as a deputy registrar.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) A deputy registrar may exercise a function of the registrar, subject to any direction of the registrar.

123 Authorised officers

- (1) The chief executive may appoint a person as an authorised officer for this Act.
- (2) An authorised officer may exercise the functions that the registrar directs or that are prescribed by regulation.

124 Identity cards

- (1) The chief executive must issue an authorised officer with an identity card that states the person is an authorised officer for this Act, or stated provisions of this Act, and shows—
 - (a) a recent photograph of the person; and
 - (b) the name of the person; and
 - (c) the date of issue of the card; and
 - (d) a date of expiry for the card; and
 - (e) anything else prescribed by regulation.
- (2) A person who ceases to be an authorised officer must return his or her identity card to the chief executive as soon as practicable, but no later than 7 days after ceasing to occupy or act in that office.

Maximum penalty (subsection (2)): 1 penalty unit.

125 Power not to be exercised before identity card shown

An authorised officer may exercise a power under this Act in relation to a person only if the authorised officer first shows the person his or her identity card.

Division 9.2 Powers of authorised officers

126 Definitions for div 9.2

In this division:

connected—a thing is *connected* with an offence if—

- (a) the offence has been committed in relation to it; or
- (b) it will provide evidence of the commission of the offence; or
- (c) it was used, is being used, or is intended to be used, to commit the offence.

enter includes board.

offence includes an offence that there are reasonable grounds for believing has been, is being, or will be committed.

residential premises means premises used exclusively or mainly for residential purposes, and includes a private room in, but not any other part of, a motel, hotel, hostel or guesthouse.

128 Entry of premises—routine inspections

- (1) For deciding whether this Act is being complied with, an authorised officer may enter any premises with the consent (obtained under section 132 (Consent to entry)) of the occupier.
- (2) An authorised officer may enter premises under subsection (1) with necessary and reasonable assistance.

129 Entry of premises—search warrants

- (1) If an authorised officer has reasonable grounds for suspecting that there may be on any premises a thing of a particular kind connected with a particular offence against this Act, the authorised officer may enter premises under a search warrant under section 133 (Search warrants).
- (2) An authorised officer may enter premises under subsection (1) with necessary and reasonable assistance and force.
- (3) A police officer may help the authorised officer in the execution of a search warrant if asked to do so.

130 Entry and exercise of powers in emergency situations

- (1) This section applies if an authorised officer—
 - (a) reasonably believes that an offence under section 50 (Offences of attacking or harassing) or section 51 (Encouraging dogs to attack or harass) has been, is being, or will be committed; and

- (b) reasonably believes that it is necessary to take action as quickly as possible—
 - (i) to prevent, minimise or stop an offence; or
 - (ii) to give assistance to any animal on the premises; or
 - (iii) to seize a dog.
- (2) An authorised officer may enter any premises (other than a building used as a dwelling) at any time of the day or night—
 - (a) without a warrant; and
 - (b) with necessary and reasonable assistance and force.

131 Inspection of premises

An authorised officer who enters premises under section 128 (1) (Entry of premises—routine inspections) or section 129 (2) (Entry of premises—search warrants) may do any of the following on the premises or in relation to the premises:

- (a) inspect or examine;
- (b) take measurements;
- (c) take photographs, films, or audio, video or other recordings;
- (d) seize an animal or thing.

132 Consent to entry

- (1) This section applies if an authorised officer intends to ask the occupier of premises to consent to the authorised officer entering the premises under section 114A (2) (Entry to premises for nuisance animal) or section 128 (1) (Entry of premises—routine inspections).
- (2) Before asking for the consent, the authorised officer must tell the occupier—
 - (a) the reason for the entry; and

- (b) that the occupier is not required to consent.
- (3) If the consent is given, the authorised officer may ask the occupier to sign a written acknowledgment of the consent.
- (4) The acknowledgment must state—
 - (a) that the occupier was told—
 - (i) the reason for the entry; and
 - (ii) the occupier is not required to consent; and
 - (b) that the occupier gives the authorised officer consent to enter the premises and exercise powers under section 114A (2) or section 128 (1); and
 - (c) the time and date the consent was given.
- (5) A court may presume the occupier did not consent if—
 - (a) a question arises, in a proceeding in the court, whether the occupier consented to the authorised officer entering the premises under section 114A (2) or section 128 (1); and
 - (b) an acknowledgment under this section for the entry is not produced in evidence; and
 - (c) it is not proved that the occupier consented to the entry.

133 Search warrants

- (1) This section applies if—
 - (a) an information is laid before a magistrate alleging that an authorised officer has reasonable grounds for suspecting that there may be on any premises an animal or a thing of a particular kind connected with a particular offence against this Act; and
 - (b) the information sets out those grounds.

- (2) A magistrate may issue a search warrant authorising the authorised officer named in the warrant, with necessary and reasonable assistance and force—
- (a) to enter the premises described in the warrant; and
 - (b) to search the premises for the animal or thing of the kind mentioned in subsection (1) (a); and
 - (c) to exercise any of the powers listed in section 131 (Inspection of premises) in relation to the animal or thing.
- (3) A magistrate may issue a warrant only if—
- (a) the informant or someone else has given the magistrate, either orally on oath or by affidavit, additional information that the magistrate requires about the grounds on which the issue of the warrant is being sought; and
 - (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.
- (4) A warrant must—
- (a) state the purpose for which it is issued, including a reference to the nature of the offence in relation to which the entry and search is authorised; and
 - (b) state that the entry is authorised at any time of the day or night, or state the hours during which the entry is authorised; and
 - (c) include a description of the kind of animal or things in relation to which the powers mentioned in section 131 may be exercised; and
 - (d) state a date, not later than 1 month after the date when the warrant is issued, when the warrant ceases to have effect.

- (5) An authorised officer may exercise a power under a warrant in relation to a related thing if, when searching under the warrant for a thing of a particular kind connected with a particular offence, the officer finds the related thing.
- (6) In subsection (5):
- related thing* means—
- (a) a thing the authorised officer reasonably believes to be connected with—
 - (i) the offence, although not a thing of the kind stated in the warrant; or
 - (ii) another offence against this Act; and
 - (b) a thing in relation to which the authorised officer is satisfied it is necessary to exercise any of the powers mentioned in section 130 (Entry and exercise of powers in emergency situations) to prevent the committing, continuing or repeating of the offence or the other offence.

134 Power to require name and address

- (1) An authorised officer or a police officer may require a person to state the person's name and address if the officer—
- (a) finds a person committing an offence against this Act; or
 - (b) reasonably believes that a person has just committed an offence against this Act.
- (2) If an authorised officer makes a requirement under subsection (1), the authorised officer must—
- (a) tell the person of the reasons for the requirement; and
 - (b) as soon as possible, record those reasons.

- (3) A person must not, without reasonable excuse, contravene a requirement under subsection (1).

Maximum penalty: 5 penalty units.

- (4) A person is not required to comply with a requirement under subsection (1) if, when asked by the person, the authorised officer does not produce his or her identity card.

Part 10 Miscellaneous

135 Applications—additional information

The registrar may, by written notice, require an applicant under this Act to give additional information to the registrar about the application either orally or in writing.

136 Owner aged under 16

If a person under 16 years old who lives with a parent or guardian is an owner of an animal, the parent or guardian is taken to be the owner of the animal.

138 Sale or destruction of animals

If this Act requires the sale or destruction of an animal, the requirement is taken to authorise the registrar to sell the animal or to destroy the animal in a humane way.

139 Registration renewals

- (1) The registration of a dog is not invalid only because of the registrar issuing a renewal of the registration after the registration has expired.
- (2) A licence under this Act is not invalid only because of the registrar issuing a renewal of the licence after the licence has expired.

140 Giving notice if more than 1 keeper

If a notice is required or permitted to be given under this Act to the keeper of a dog and there is more than 1 keeper, the notice is taken to have been given to each of the keepers if it is given to 1 of them.

142 Dishonoured cheques and credit transactions

If the registrar tells a person in writing that a cheque given, or a credit transaction made, by the person in purported payment of a fee was dishonoured, the person must not, without reasonable excuse, fail to surrender to the registrar, any certificate, tag or licence issued to the person because of the purported payment, within 7 days beginning on the day after receiving the notice.

Maximum penalty: 5 penalty units.

144 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

147 Approved forms

- (1) The registrar may approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see the Legislation Act, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

148 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (2) A regulation may prescribe offences for contraventions of a regulation and prescribe maximum penalties of not more than 10 penalty units for offences against a regulation.

Part 11 Transitional provisions

157 Renewal of keeper's licence—old yards

The registrar must not refuse to renew a multiple dog licence under section 20 (1) (b) (Multiple dog licences—approval or refusal) because a part of the yard is less than 2m from a boundary fence if—

- (a) the yard was built on premises before 24 June 1992; and
- (b) an application for a keeper's licence for the premises was made under the *Dog Control Act 1975* before 1 October 1992; and
- (c) the premises have been continuously licensed ever since.

U Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- chief executive (see s 163)
- contravene
- found guilty
- function
- person
- police officer
- the Territory.

animal boarding facility means a kennel, cattery, stable or other premises where animals are kept temporarily by a person other than a keeper of the animal.

animal nuisance, for part 6 (Animal nuisance)—see section 107.

animal welfare offence means an offence against a provision of any of the following sections of the *Animal Welfare Act 1992*:

- (a) section 7 (Cruelty);
- (b) section 8 (Pain);
- (c) section 9 (Confined animals);
- (d) section 10 (Alleviation of pain);
- (e) section 11 (Release);
- (f) section 12 (Administering poison);
- (g) section 12A (Laying poison);
- (h) section 13 (Electrical devices);
- (i) section 14 (Spurs);

- (j) section 15 (Conveyance and containment);
- (k) section 15A (Carriage of dogs);
- (l) section 16 (Working, riding and driving unfit animals);
- (m) section 17 (Matches, competitions and baiting);
- (n) section 19 (Medical and surgical procedures—people other than veterinary surgeons).

assistance animal means an animal trained to help a person with a disability to alleviate the effect of the disability.

authorised officer means an authorised officer under section 123, and includes the registrar and a deputy registrar.

carer, for an animal at a particular time, means an individual over 14 years old who is in charge of the animal at that time.

connected with an offence, for division 9.2 (Powers of authorised officers)—see section 126.

dangerous dog means a dog that is declared to be a dangerous dog under section 22 (1) or (2) (Declarations—dangerous dogs) or section 50 (Offences of attacking or harassing).

dangerous dog licence means a licence under section 25 (1) (Dangerous dog licences—approval or refusal).

deputy registrar means a deputy registrar under section 122.

de-sex, for part 3 (Dogs and cats)—see section 73.

disability, for a person, means—

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of disease or organisms causing illness; or

- (d) the presence in the body of organisms that can cause disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that—

- (h) currently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future; or
- (k) is imputed to a person.

enter, for division 9.2 (Powers of authorised officers)—see section 126.

excluded offence means—

- (a) a minor offence; or
- (b) an offence against any of the following sections:
 - (i) section 37 (Return of special licences);
 - (ii) section 82 (Offence—cats in declared areas);
 - (iii) section 105 (Exclusion of assistance animal from public place);
 - (iv) section 106 (Imposition of excess charges for assistance animal);

- (v) section 142 (Dishonoured cheques and credit transactions).

harass—

- (a) a person—see section 49 (1) (Harassment of people and animals by dogs); and
- (b) an animal—see section 49 (2).

infringement notice penalty, for an infringement notice offence under the *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005*—see the *Magistrates Court Act 1930*, section 117.

keeper means—

- (a) for a registered dog—the registered keeper of the dog; or
- (b) for another animal—the owner of the animal.

minor offence means an offence against this Act punishable by a maximum penalty of 5 penalty units or less.

multiple dog licence means a licence under section 20 (1) (Multiple dog licences—approval or refusal).

muzzle means a device that, if worn by a dog, prevents the dog from biting a person or animal.

nuisance notice, for part 6 (Animal nuisance)—see section 107.

occupier, of premises, includes a person who is, or is reasonably believed to be, in charge of the premises.

offence, for division 9.2 (Powers of authorised officers)—see section 126.

permit, for part 3 (Dogs and cats)—see section 73.

premises includes land (whether vacant or occupied), an aircraft, a vessel and a vehicle.

prohibited area means an area declared by the Minister under section 41 (1).

public place—

- (a) see the *Roads and Public Places Act 1937*, dictionary; and
- (b) includes a public passenger vehicle under the *Road Transport (Public Passenger Services) Act 2001*.

Note A public passenger vehicle is a public bus, taxi or hire car.

reasonably believes means has reasonable grounds for believing.

register means the register kept by the registrar under section 5.

registered keeper, of a dog, means the person stated in the register as a keeper of the dog.

registrar means the registrar under section 121.

registration certificate means a registration certificate issued under section 11 (1) or (4).

registration tag means a registration tag issued under section 11 (1) or (4).

release a dog to a person includes permit the dog to be collected by the person.

residential premises, for division 9.2 (Powers of authorised officers)—see section 126.

special licence, for division 2.4 (General provisions about multiple dog and dangerous dog licences)—see section 29.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Domestic Animals Act 2000 No 86

notified 21 December 2000 (Gaz 2000 No S69)
s 1, s 2 commenced 21 December 2000 (IA s 10B)
remainder commenced 21 June 2001 (IA s 10E)

as amended by

Legislation (Consequential Amendments) Act 2001 No 44 pt 107

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 107 commenced 12 September 2001 (s 2 and see Gaz 2001
No S65)

Statute Law Amendment Act 2001 No 56 pt 3.16

notified 5 September 2001 (Gaz 2001 No S65)
s 1, s 2 commenced 5 September 2001 (IA s 10B)
amdt 3.250 commenced 12 September 2001 (amdt 3.250)
pt 3.16 remainder commenced 5 September 2001 (s 2)

Statute Law Amendment Act 2002 No 30 pt 3.18

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.18 commenced 17 September 2002 (s 2 (1))

Domestic Animals Amendment Act 2002 No 44 pt 2

notified LR 2 December 2002
s 1, s 2 commenced 2 December 2002 (LA s 75)
pt 2 commenced 3 December 2002 (s 2)

Statute Law Amendment Act 2002 (No 2) No 49 pt 3.6

notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
pt 3.6 commenced 17 January 2003 (s 2 (1))

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.27

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.27 commenced 9 April 2004 (s 2 (1))

Road Transport (Public Passenger Services) (Hire Cars) Amendment Act 2004 A2004-69 pt 3

notified LR 9 September 2004
 s 1, s 2 commenced 9 September 2004 (LA s 75 (1))
 pt 3 commenced 9 March 2005 (s 2 and LA s 79)

Statute Law Amendment Act 2005 A2005-20 sch 1 pt 1.2, sch 3 pt 3.16

notified LR 12 May 2005
 s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
 sch 1 pt 1.2 commenced 2 June 2005 (s 2 (1))
 sch 3 pt 3.16 commenced 12 November 2005 (s 2 (2) and LA s 79)

Domestic Animals (Cat Containment) Amendment Act 2005 A2005-57 pt 2

notified LR 23 November 2005
 s 1, s 2 commenced 23 November 2005 (LA s 75 (1))
pt 2 awaiting commencement (s 2)
Note default commencement under LA s 79: 23 May 2006

Statute Law Amendment Act 2005 (No 2) A2005-62 sch 3 pt 3.5

notified LR 21 December 2005
 s 1, s 2 commenced 21 December 2005 (LA s 75 (1))
 sch 3 pt 3.5 commenced 11 January 2006 (s 2 (1))

4 Amendment history**Commencement**

s 2 om R1 (LA s 89 (4))

Dictionary

s 3 am A2004-69 s 24

Offences against Act—application of Criminal Code etc

s 4A ins A2005-57 s 4

Registration—approval or refusal

s 7 am A2005-57 s 5

Change of keeper

s 12 am 2002 No 30 amdt 3.240

Registration—cancellation

s 13 am 2002 No 30 amdt 3.240; A2005-57 s 6

Registration tag offences

s 15 am 2002 No 44 s 4; ss renum R4 LA (see 2002 No 44 s 5)

Endnotes

4 Amendment history

Declarations—dangerous dogs

s 22 am 2002 No 30 amdt 3.240

Dangerous dog licences—approval or refusal

s 25 am 2002 No 44 s 6; ss renum R4 LA (see 2002 No 44 s 7)

Meaning of *special licence* for div 2.4

s 29 hdg sub 2002 No 30 amdt 3.216

Variation of special licences

s 33 am 2002 No 30 amdt 3.240

Applying for special licences if disqualified

s 39 am 2002 No 30 amdt 3.217

Declaration—exercise areas

s 40 am 2001 No 44 amdt 1.1149, amdt 1.1150

Prohibited areas—permits

s 43 am 2001 No 56 amdt 3.249

Dogs on private premises to be restrained

s 45 am 2002 No 44 s 8, s 9; ss renum R4 LA (see 2002 No 44 s 10)

Offences of attacking or harassing

s 50 am 2002 No 44 ss 11-13

Costs of impounding dogs

s 52 sub 2002 No 30 amdt 3.218

Seizure of dogs—general

s 56 hdg sub A2005-62 amdt 3.100

s 56 am 2002 No 30 amdt 3.219, amdt 3.220; A2005-62 amdt 3.101

Seizure—dangerous dogs

s 57 am 2002 No 30 amdt 3.221

Impounding of dogs seized

s 60 am 2002 No 30 amdt 3.222; A2005-62 amdt 3.102

Information to be given in notice of dog's seizure

s 61 sub A2005-62 amdt 3.103

Releasing dogs seized under general seizure power

s 62 am 2001 No 44 amdt 1.1151

sub 2002 No 44 s 14; A2005-62 amdt 3.103

Releasing dogs seized under power relating to dangerous dogs or multiple dogs

s 63 am 2001 No 44 amdt 1.1151

sub 2002 No 44 s 14; A2005-62 amdt 3.103

Releasing dogs seized under attacking and harassing power

s 64 am 2001 No 44 amdt 1.1151
sub 2002 No 44 s 14; A2005-62 amdt 3.103

Releasing dogs declared dangerous after seizure for offence

s 65 am 2001 No 44 amdt 1.1151; A2005-62 amdt 3.104

Selling or destroying dogs (other than dangerous dogs) seized under general or attacking and harassing power

s 66 sub A2005-62 amdt 3.105

Selling or destroying dogs (other than dangerous dogs) seized under multiple dog licence power

s 67 sub A2005-62 amdt 3.105

Selling or destroying dangerous dogs generally

s 68 sub A2005-62 amdt 3.105

Relinquishing ownership of dogs

s 69 am 2002 No 44 s 15; ss renum R4 LA (see 2002 No 44 s 16)
sub A2005-62 amdt 3.105

Miscellaneous

div 2.8 hdg sub A2005-62 amdt 3.105

Returning seized dog to its keeper

s 70 sub A2005-62 amdt 3.105

Guidelines about returning impounded dogs

s 71 am 2001 No 44 amdt 1.1152
sub A2005-62 amdt 3.105

Disqualification from keeping animals

s 72 renum and reloc as s 138A

Production of permits

s 79 am 2002 No 30 amdt 3.223

Declaration of cat curfew

s 81 am 2001 No 44 amdt 1.1153, amdt 1.1154; A2005-20
amdt 1.10

Cats in breach of cat curfew

s 82 sub A2005-57 s 8

Identification of dogs and cats—regulations

s 83 sub A2005-57 s 9

Endnotes

4 Amendment history

Identification of dogs and cats—requirement

- s 84 om A2005-20 amdt 3.136
ins A2005-57 s 9
def **administering authority** om A2005-20 amdt 3.136
def **authorised person** om A2005-20 amdt 3.136
def **date of service** om A2005-20 amdt 3.136
def **infringement notice** om A2005-20 amdt 3.136
def **infringement notice offence** om A2005-20 amdt 3.136
def **infringement notice penalty** om A2005-20 amdt 3.136
def **reminder notice** om A2005-20 amdt 3.136

Seizing cats and dealing with them

- pt 4 hdg om A2005-20 amdt 3.136
ins A2005-57 s 10

Interpretation

- div 4.1 hdg om A2005-20 amdt 3.136

Service of documents generally

- div 4.2 hdg om 2001 No 56 amdt 3.250

Approved providers

- s 85 om 2001 No 56 amdt 3.250
ins A2005-57 s 10

Infringement and reminder notices

- div 4.3 hdg om A2005-20 amdt 3.136

Seizure of cats

- s 86 om A2005-20 amdt 3.136
ins A2005-57 s 10

Temporary care of seized cats

- s 87 om A2005-20 amdt 3.136
ins A2005-57 s 10

Information to be given in notice of cat's seizure

- s 88 om A2005-20 amdt 3.136
ins A2005-57 s 10

Releasing seized cats

- s 89 om A2005-20 amdt 3.136
ins A2005-57 s 10

Selling or destroying seized cats

- s 90 om A2005-20 amdt 3.136
ins A2005-57 s 10

Relinquishing ownership of seized cats

- s 91 om A2005-20 amdt 3.136
ins A2005-57 s 10

Returning seized cat to its keeper

s 92 om A2005-20 amdt 3.136
ins A2005-57 s 10

Guidelines about returning seized cats

s 93 om A2005-20 amdt 3.136
ins A2005-57 s 10

Withdrawal of infringement notice

s 94 om A2005-20 amdt 3.136

Guidelines about withdrawal of infringement notices

s 95 am 2001 No 44 amdt 1.1155
om A2005-20 amdt 3.136

Reminder notices

s 96 om A2005-20 amdt 3.136

Contents of reminder notices

s 97 om A2005-20 amdt 3.136

Additional information in reminder notices

s 98 om A2005-20 amdt 3.136

Disputing liability

div 4.4 hdg om A2005-20 amdt 3.136

Disputing liability for an infringement notice offence

s 99 om A2005-20 amdt 3.136

Extension of time to dispute liability

s 100 om A2005-20 amdt 3.136

Procedure if liability disputed

s 101 om A2005-20 amdt 3.136

Miscellaneous

div 4.5 hdg om A2005-20 amdt 3.136

Delegation

s 102 sub 2002 No 30 amdt 3.224
om A2005-20 amdt 3.136

Evidentiary certificates

s 103 om A2005-20 amdt 3.136

Complaints about animal nuisance

s 111 am 2002 No 30 amdt 3.240

Issue of nuisance notices

s 112 am 2002 No 30 amdt 3.225; 2002 No 44 s 17

Seizure, impounding and return of animals

s 114 am 2002 No 44 s 18, s 19

Endnotes

4 Amendment history

Entry to premises for nuisance animal

s 114A ins 2002 No 44 s 20

Powers on entry

s 114B ins 2002 No 44 s 20

Destruction of animals on registrar's authority

s 115 hdg sub 2002 No 30 amdt 3.226

Meaning of *reviewable decision* for pt 8

s 118 am A2005-62 amdt 3.106; A2005-57 s 11; pars renum A2005-57 s 12

Review of decisions

s 119 sub A2005-57 s 13

Notification of decisions

s 120 am A2005-57 s 14

Registrar

s 121 sub 2002 No 30 amdt 3.227

Deputy registrars

s 122 sub 2002 No 30 amdt 3.227

Authorised officers

s 123 sub 2002 No 30 amdt 3.227

Power not to be exercised before identity card shown

s 125 am 2002 No 30 amdt 3.228

Definitions for div 9.2

s 126 sub 2002 No 30 amdt 3.229

Things connected with an offence

s 127 om 2002 No 30 amdt 3.229

Consent to entry

s 132 sub 2002 No 44 s 21

Release of dogs

s 137 om 2002 No 30 amdt 3.230

Disqualification from keeping animals

s 138A (prev s 72) renum and reloc A2005-57 s 7

False or misleading statements

s 141 am 2002 No 30 amdt 3.231
om A2004-15 amdt 2.58

Obstruction etc of authorised officers

s 143 om A2004-15 amdt 2.58

Determination of fees

s 144 sub 2001 No 44 amdt 1.1156

Fees payable to Territory in accordance with determinations etc

s 145 om 2001 No 44 amdt 1.1157

Regulations may make provision about fees

s 146 om 2001 No 44 amdt 1.1157

Approved forms

s 147 am 2001 No 44 amdt 1.1158; 2002 No 30 amdt 3.232

Regulation-making power

s 148 sub 2001 No 44 amdt 1.1159

Repeal of Acts

s 149 om R1 (LA s 89 (3))

Repeal of regulations

s 150 om R1 (LA s 89 (3))

Definitions for pt 11

s 151 exp 21 June 2002 (s 159)

Existing applications for registration or licences

s 152 exp 21 June 2002 (s 159)

Existing registrations

s 153 exp 21 June 2002 (s 159)

Existing licences

s 154 exp 21 June 2002 (s 159)

Existing dangerous dog declarations

s 155 exp 21 June 2002 (s 159)

Existing declared exercise areas

s 156 exp 21 June 2002 (s 159)

Consequential amendment of Lakes Act

s 158 om R1 (LA s 89 (3))

Expiry of certain provisions of pt

s 159 exp 21 June 2002 (s 159)

Dictionary

dict am 2002 No 30 amdt 3.233
 def **administering authority** om A2005-20 amdt 3.137
 def **animal welfare offence** am 2002 No 30 amdt 3.234
 sub 2002 No 49 amdt 3.53
 def **approved provider** ins A2005-57 s 15
 def **authorised officer** sub 2002 No 30 amdt 3.235
 def **authorised person** om A2005-20 amdt 3.137
 def **connected** ins 2002 No 30 amdt 3.236

Endnotes

5 Earlier replications

def **date of service** om A2005-20 amdt 3.137
def **excluded offence** am A2004-15 amdt 2.59; A2005-57
s 16
def **function** om 2002 No 30 amdt 3.237
def **infringement notice** om A2005-20 amdt 3.137
def **infringement notice offence** om A2005-20 amdt 3.137
def **infringement notice penalty** sub A2005-20 amdt 3.138
def **licence** om 2002 No 30 amdt 3.238
def **offence** ins 2002 No 30 amdt 3.239
def **public place** sub A2004-69 s 25
def **public vehicle** om A2004-69 s 26
def **release** ins 2002 No 30 amdt 3.239
def **reminder notice** om A2005-20 amdt 3.139
def **special licence** ins 2002 No 30 amdt 3.239
def **this Act** om 2001 No 44 amdt 1.1160

5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 2001 No 56	12 September 2001
2	Act 2001 No 56	6 September 2002
3	Act 2002 No 30	17 September 2002
4	Act 2002 No 44	3 December 2002
5	A2002-49	17 January 2003
6	A2004-15	9 April 2004
7	A2004-69	9 March 2005
8*	<u>A2005-20</u>	2 June 2005
9	A2005-20	12 November 2005

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Domestic Animals (Cat Containment) Amendment Act 2005 A2005-57 pt 2
--

Part 2 Domestic Animals Act 2000

3 Legislation amended—pt 2

This part amends the *Domestic Animals Act 2000*.

4 New section 4A

in part 1, insert

4A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 82 (Cats in breach of cat curfew)
- s 84 (Identification of dogs and cats—requirement).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Endnotes

6 Uncommenced amendments

5 Registration—approval or refusal Section 7, note

substitute

Note Section 138A deals with the disqualification of a person from keeping an animal.

6 Registration—cancellation Section 13 (2), note

substitute

Note Section 138A deals with the disqualification of a person from keeping an animal.

7 Disqualification from keeping animals Section 72

relocate as section 138A

8 Section 82

substitute

82 Cats in breach of cat curfew

- (1) A cat's keeper or carer commits an offence if—
 - (a) the cat is in an area for which a declaration under section 81 is in force; and
 - (b) the cat is not confined to the premises of a keeper or carer during a time that the declaration is in force.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply if the keeper or carer has a reasonable excuse.

(4) In this section:

premises means a completely or partly enclosed space from which a cat cannot escape, and includes the following:

- (a) a building or part of a building;
- (b) a vehicle;
- (c) a cat cage.

9 Section 83

substitute

83 Identification of dogs and cats—regulations

- (1) A regulation may make provision in relation to the compulsory identification of dogs and cats.
- (2) In particular, a regulation may provide for—
 - (a) how dogs and cats are to be identified; and
 - (b) the procedures to be followed for the compulsory identification of dogs and cats; and
 - (c) the people by whom compulsory identification may be carried out and their duties; and
 - (d) the particulars to be contained in the compulsory identification.

Example of how dogs may be required to be identified

by a registration tag

Example of how cats may be required to be identified

by an implanted microchip

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

84 Identification of dogs and cats—requirement

- (1) A person commits an offence if—
 - (a) the person keeps a dog or cat; and
 - (b) the dog or cat is required to be identified by a regulation made for section 83; and
 - (c) the dog or cat is not identified as required by the regulation.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if—
 - (a) the person sells a cat; and
 - (b) the cat, after the sale, is required to be identified by a regulation made for section 83; and
 - (c) the cat is not identified as required by the regulation.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

10 New part 4

insert

Part 4 Seizing cats and dealing with them

85 Approved providers

- (1) For this part, an *approved provider* is—
 - (a) the Royal Society for the Prevention of Cruelty to Animals; or
 - (b) an entity approved under subsection (2).

(2) The registrar may approve an entity to provide temporary care for cats seized under this part.

(3) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

86 Seizure of cats

(1) An authorised officer may seize a cat if—

(a) the cat is in an area for which a declaration under section 81 is in force; and

(b) the cat is not confined to the premises of a keeper or carer during a time that the declaration is in force.

(2) An authorised officer may also seize a cat if the officer reasonably believes that—

(a) the cat is required to be identified by a regulation made for section 83; and

(b) the cat is not identified as required by the regulation.

(3) In this section:

premises—see section 82.

87 Temporary care of seized cats

(1) An authorised officer must—

(a) arrange for a cat seized under this part to be temporarily cared for by an approved provider; and

(b) make reasonable inquiries to find out who is the keeper of the cat; and

(c) if the authorised officer can find out who is the keeper of the cat—give oral or written notice to the keeper, in accordance with section 88, about the cat's seizure.

Endnotes

6 Uncommenced amendments

- (2) The authorised officer may give the notice by telephone.

Note A fee may be determined under s 144 for this provision.

88 Information to be given in notice of cat's seizure

If a cat is seized under this part, the notice of seizure under section 87 (1) (c) must give information about the following:

- (a) when and where the cat was seized;
- (b) the reason the cat was seized;
- (c) where the cat may be claimed;
- (d) if the cat is not identified by a microchip—the implanting of a microchip in the cat for its identification, including the cost of implanting a microchip;
- (e) that the cat may be sold or destroyed if it is not claimed;
- (f) the period in which the cat may be claimed before it may be sold or destroyed;
- (g) that the keeper may relinquish ownership of the cat.

89 Releasing seized cats

- (1) An authorised officer or approved provider who has the care of a cat seized under this part must release the cat to a person claiming its release if, but only if, the officer or provider is satisfied—
- (a) the person claiming its release is the keeper of the cat; and
 - (b) if the cat is required to be identified by a regulation made for section 83—the cat is identified as required by the regulation; and
 - (c) if the cat was seized because of an offence against this Act—subsection (2) applies to the offence; and
 - (d) the keeper of the cat has not relinquished ownership under section 91; and

- (e) any fee payable under section 144 for the release of the cat has been paid.
- (2) This subsection applies to an offence if—
- (a) 28 days have passed since the day the offence was committed and—
 - (i) a prosecution has not been started for the offence; and
 - (ii) an infringement notice has not been served for the offence; or
 - (b) an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or
 - (c) a prosecution for the offence was started within 28 days after the day the offence was committed and—
 - (i) the prosecution has been discontinued; or
 - (ii) the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the cat.

90 Selling or destroying seized cats

An authorised officer or approved provider may sell or destroy a cat seized under this part if—

- (a) within 7 days after the day of the seizure, the officer or provider cannot find out who is the keeper of the cat after making reasonable inquiries; or
- (b) the keeper of the cat relinquishes ownership of the cat under section 91; or
- (c) within 7 days after the day notice under section 88 about the seizure was given to the keeper of the cat, the keeper does not

Endnotes

6 Uncommenced amendments

tell the officer or provider, in writing, that the keeper wishes to claim the cat.

91 Relinquishing ownership of seized cats

- (1) This section applies to a cat seized under this part.
- (2) The keeper of the cat may relinquish ownership of the cat by signed writing given to an authorised officer or approved provider.
- (3) An instrument relinquishing ownership of the cat—
 - (a) takes effect at the end of 3 days beginning on the day the signed instrument is given to the authorised officer or approved provider; and
 - (b) must contain a statement to the effect of paragraph (a).
- (4) After an instrument relinquishing ownership of the cat takes effect, an authorised officer or approved provider—
 - (a) is not obliged to return the cat to its keeper; and
 - (b) may sell or destroy the cat.
- (5) To remove any doubt, an authorised officer or approved provider must not sell or destroy the cat under this section until the instrument relinquishing ownership of the cat takes effect.

92 Returning seized cat to its keeper

- (1) An authorised officer may return a cat seized under this part to its keeper under this section if satisfied that it would be in the public interest to return the cat.
- (2) In making a decision under subsection (1), the authorised officer must consider—
 - (a) the safety of the public; and
 - (b) the cost of keeping the cat temporarily cared for by an approved provider; and

- (c) whether financial or other hardship would be caused to the keeper if the cat were to remain temporarily cared for by an approved provider.
- (3) Subsection (2) does not limit the matters the authorised officer may consider.
- (4) The authorised officer may return the cat to its keeper on conditions.
- (5) If the authorised officer returns the cat to its keeper, the officer may waive all or part of any fee payable by the keeper of the cat under this part if satisfied that not to waive the fee would cause the keeper financial hardship.

93 Guidelines about returning seized cats

- (1) The Minister may issue guidelines about the exercise of an authorised officer's functions under section 92.
- (2) An authorised officer must comply with any guidelines under this section.
- (3) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

11 Meaning of *reviewable decision* for pt 8 Section 118, definition of *reviewable decision*, new paragraph (m)

insert

- (m) imposing a condition on the return of a seized cat (section 92 (4)); or

12 Section 118, definition of *reviewable decision*, paragraphs (m) to (p)

renumber as paragraphs (n) to (q)

Endnotes

6 Uncommenced amendments

13 Section 119

substitute

119 Review of decisions

Application may be made to the administrative appeals tribunal for a review of a reviewable decision of the registrar or an authorised officer.

14 Notification of decisions Section 120 (1)

substitute

- (1) If the registrar or an authorised officer makes a reviewable decision in relation to a person, the registrar or authorised officer must give written notice of the decision to the person.

15 Dictionary, new definition of *approved provider*

insert

approved provider, for part 4 (Seizing cats and dealing with them)—see section 85.

16 Dictionary, definition of *excluded offence*, paragraph (b) (ii)

substitute

- (ii) section 82 (Cats in breach of cat curfew);

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