



Australian Capital Territory

Domestic Animals Legislation Amendment Act 2022

A2022-6

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Australian Capital Territory

Domestic Animals Legislation Amendment Act 2022

A2022-6

An Act to amend legislation about domestic animals

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

J2021-1138

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Domestic Animals Legislation Amendment Act 2022*.

2 Commencement

This Act commences on 1 July 2022.

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

3 Legislation amended

This Act amends the following legislation:

- [Domestic Animals Act 2000](#)
- [Domestic Animals Regulation 2001](#)
- [Magistrates Court \(Domestic Animals Infringement Notices\) Regulation 2005](#).

Part 2 Domestic Animals Act 2000

4 Sections 81 and 82

omit

5 New divisions 4.1A and 4.1B

before division 4.1, insert

Division 4.1A Registration of cats

84AA Cat registration—applications

- (1) An individual who is an owner of a cat may apply to the registrar for registration of the cat.

Note If the person who owns the cat is under 16 years old, the parent or guardian living with the person is taken to be the cat's owner (see s 136).

- (2) An application must include the information prescribed by regulation.

84AB Cat registration—approval or refusal

- (1) If an application for registration has been made in accordance with section 84AA, the registrar must, by written notice to the applicant—

- (a) register the cat; or
- (b) refuse to register the cat.

- (2) For subsection (1) (b), the registrar—

- (a) must refuse to register the cat if the applicant is disqualified from keeping a cat or any other animal; or

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

- (b) may refuse to register the cat if—
 - (i) the cat is not implanted with an identifying microchip as required under this Act; or
 - (ii) the cat is not de-sexed as required under this Act; or
 - (iii) the registrar reasonably believes that the applicant has failed, or is unable, to exercise responsible cat management, care or control.

84AC Cat registration—records

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

84AD Cat registration—duration

The registration of a cat remains in force for 12 months unless it is sooner surrendered, cancelled or renewed.

84AE Cat registration—renewal reminder notice

- (1) The registrar must give the registered keeper of a cat a written notice (a *reminder notice*) at least 14 days before the day the cat's registration ends.
- (2) The reminder notice must state—
 - (a) the date on which the cat's registration ends; and
 - (b) that the registered keeper is required to confirm or update information about the cat's registration that is recorded, or that is required to be recorded, on the register; and
 - (c) either—
 - (i) the information about the cat's registration required to be confirmed or updated; or
 - (ii) how the keeper of the cat may electronically access information on the register about the cat's registration; and

- (d) how the keeper may comply with the notice; and
- (e) that it is an offence for the keeper to fail to comply with the notice before the cat's registration ends; and
- (f) any other information prescribed by regulation.

84AF Cat registration—compliance with renewal reminder notice

- (1) A registered keeper of a cat commits an offence if the keeper—
 - (a) is given a reminder notice in accordance with section 84AE; and
 - (b) fails to comply with the reminder notice.

Maximum penalty: 10 penalty units.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

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

84AG Cat registration—automatic renewal

The registration of a cat is renewed if the registered keeper of the cat—

- (a) is given a reminder notice under section 84AE; and
- (b) complies with the reminder notice.

84AH Cat registration numbers and certificates

- (1) If the registrar registers a cat, the registrar must give—
 - (a) a registration number to the cat; and
 - (b) a registration certificate for the cat to the cat's registered keeper.
- (2) If the registration of a cat is renewed, the registrar must give a registration certificate for the cat to the cat's registered keeper.

- (3) A registration certificate for a cat must state the information prescribed by regulation.
- (4) If the registrar is satisfied that a registration certificate for a cat has been stolen, lost, damaged or destroyed, the registrar may give a new registration certificate to the cat's registered keeper.
- (5) If the registered keeper of a cat asks the registrar for a certified copy of the cat's registration certificate, the registrar must give the registered keeper a copy of the certificate that is certified by the registrar to be a true copy.

84AI Cat registration—change of owner

- (1) This section applies if the registered keeper of a cat transfers ownership of the cat to another person (the *new owner*).
- (2) The registered keeper of the cat must give the following information about the new owner to the registrar within 14 days after the day ownership of the cat is transferred:
 - (a) name;
 - (b) address;
 - (c) if known—
 - (i) email address; and
 - (ii) other contact information.

Maximum penalty: 10 penalty units.

- (3) The new owner of the cat must apply to the registrar to be recorded as the registered keeper of the cat within 14 days after the day ownership of the cat is transferred.

Maximum penalty: 10 penalty units.

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

- (5) An application under subsection (3) is taken to be an application to register the cat under section 84AA.
- (6) If the application under subsection (3) is refused, the cat's registration is cancelled.

Note As an application under this section is taken to be an application under s 8AA, the application may be refused on the grounds mentioned in s 84AB (2).

84AJ Cat registration—cancellation

- (1) The registrar must cancel the registration of a cat if—
 - (a) the registrar is told in writing or becomes aware that the cat has died; or
 - (b) the cat is destroyed under this Act; or
 - (c) the registered keeper of the cat is disqualified from keeping a cat or any other animal.

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

- (2) The registrar may cancel the registration of a cat if—
 - (a) the registered keeper of the cat tells the registrar in writing that the person is no longer the owner of the cat; or
 - (b) the registrar reasonably believes that the cat's keeper has failed, or is unable, to exercise responsible cat management, care or control; or
 - (c) the cat is not implanted with an identifying microchip as required under this Act; or
 - (d) the cat is not de-sexed as required under this Act; or

- (e) the keeper fails to comply with a notice given in accordance with section 135A.

Note A cat's registration is also cancelled if an application to be recorded as the registered keeper of the cat is refused (see s 84AI (6)).

84AK Offence—keeping unregistered cats etc

- (1) A person commits an offence if the person keeps an unregistered cat.
Maximum penalty: 15 penalty units.
- (2) A person commits an offence if the person—
 - (a) keeps a registered cat; and
 - (b) is not the cat's registered keeper.Maximum penalty: 15 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) Subsection (1) does not apply if—
 - (a) the cat is under 56 days old; or
 - (b) the cat 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.
- (5) Subsection (2) does not apply if—
 - (a) the registered keeper is unable to care for the cat; and
 - (b) the person is caring for the cat on a temporary basis.
- (6) Also, subsection (1) or (2) does not apply to an entity exempted under section 84AP.

Note The defendant has an evidential burden in relation to the matters mentioned in ss (4), (5) and (6) (see [Criminal Code](#), s 58).

84AL Cat registration—change of registration details

- (1) If any of the registration details of a cat change, the cat's registered keeper must tell the registrar, in writing, the new details within 14 days beginning the day after the change.

Maximum penalty: 5 penalty units.

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

registration details, of a cat, means the information given to the registrar by the cat's registered keeper under section 84AA or section 84AE.

84AM Cat registration—evidence of registration

- (1) A registration certificate or a certified copy of a registration certificate given under section 84AH is evidence that the cat described in it is, or was, registered for the period mentioned in the certificate or copy.
- (2) A certificate issued by the registrar stating that a stated person was, or was not, the registered keeper of a stated cat for a stated period is evidence of that matter.
- (3) A document that appears to be a certificate or certified copy of the certificate given under subsection (2) or section 84AH is taken to be the certificate or a certified copy of the certificate, unless the contrary is proved.

Division 4.1B Cat containment**84AN Declaration of cat containment**

- (1) The Minister may declare an 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 if the Minister is satisfied that—
 - (a) cats are a threat to native flora or fauna in the area; or

- (b) for the welfare of cats in the area, it is appropriate to do so.
- (2) A declaration is a disallowable instrument.
- (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 give additional public notice of the making of a declaration under this section.

Note The requirement in s (4) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

- (5) A declaration under the repealed provision in force immediately before the day the *Domestic Animals Legislation Amendment Act 2022*, section 3 commences is taken to have been made under subsection (1).
- (6) Subsections (3) and (4) do not apply to a declaration mentioned in subsection (5).
- (7) In this section:

repealed provision means section 81 as in force immediately before the day the *Domestic Animals Legislation Amendment Act 2022*, section 3 commences.

84AO Breach of cat containment requirements

- (1) A cat's keeper or carer commits an offence if—
- (a) the cat is in an area for which a declaration under section 84AN (a ***declared containment area***) is in force; and
- (b) the cat is not confined to the premises of the keeper or carer.

Maximum penalty: 10 penalty units.

- (2) A cat's keeper or carer commits an offence if—
- (a) the cat is in an area other than a declared containment area; and
 - (b) the cat is not confined to the premises of the keeper or carer.

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (1) or (2) is a strict liability offence.
- (4) Subsections (1) and (2) do not apply—
- (a) if the keeper or carer has a reasonable excuse; or
 - (b) if the cat is effectively controlled by the keeper or carer using a leash and harness.
- (5) Also, subsection (2) does not apply—
- (a) if the cat is registered under this division before 1 July 2022; or
 - (b) if a document shows that the cat was born before 1 July 2022; or
 - (c) to an entity exempted under section 84AP; or
 - (d) if another exception prescribed by regulation applies.

Examples—par (b)

- 1 veterinary record
- 2 written opinion from a veterinary practitioner about the cat's age
- 3 document about the purchase or transfer of the cat
- 4 record about the cat's microchipping

Note The defendant has an evidential burden in relation to the matters mentioned in ss (4) and (5) (see [Criminal Code](#), s 58).

- (6) 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;
- (d) a backyard or courtyard.

84AP Registrar may exempt entities from certain provisions

- (1) The registrar may, in writing, exempt an entity from any of the following provisions if the registrar is satisfied that the entity carries out activities for the reasonable care and management of stray cats:
 - (a) section 84AK (1);
 - (b) section 84AK (2);
 - (c) section 84AO (2);
 - (d) section 84A (1).
- (2) The registrar may make the exemption subject to a condition.
- (3) The Minister may give directions to the registrar about making exemptions under this section.
- (4) A direction is a notifiable instrument.
- (5) The registrar must comply with a direction.

**6 Multiple cat licences—requirement to be licensed
New section 84A (2) (f)**

insert

- (f) an entity exempted under section 84AP.

7 **Seizure of cats**
Section 86

substitute

86 **Seizure of cats**

- (1) An authorised person may seize a cat if—
- (a) the cat is not registered under section 84AB; or
 - (b) the cat is not implanted with an identifying microchip as required under this Act; or
 - (c) the cat is not confined to the premises of its keeper or carer in contravention of section 84AO; or
 - (d) the cat is on premises occupied by a person other than the keeper or carer of the cat, and the occupier asks an authorised person to seize the cat; or
 - (e) if an authorised person requires, in accordance with section 134, the keeper or carer to give the authorised person the keeper's or carer's name and address—the keeper or carer fails to give an authorised person the name and address.
- (2) Also, an authorised person may seize a cat if—
- (a) the registrar refuses to register the cat under section 84AB (1) (b); or
 - (b) the cat's registration is cancelled under section 84AJ (1) (c) or (2) (b); or
 - (c) the keeper or carer breeds a litter from the cat without a breeding licence; or
 - (d) the cat is at least 3 months old and not de-sexed, and the keeper does not hold a permit under part 3 for the cat; or

- (e) the authorised person reasonably believes that the keeper or carer of the cat is not demonstrating responsible cat management, care or control in relation to the cat.
- (3) If subsection (2) (c) applies, the authorised person may seize the parent cats and kittens.

8 New section 135A

insert

135A Registrar may request information from keeper of dog or cat

- (1) The registrar may, by written notice to the registered keeper of a dog or cat, require the keeper to give the registrar information that is reasonably necessary for carrying out a function under this Act.
- (2) The written notice must state—
 - (a) the information required to be given; and
 - (b) how the registered keeper may give the information; and
 - (c) the period, of not less than 28 days after the notice is given, in which the notice must be complied with; and
 - (d) that the registration of the dog or cat may be cancelled if the keeper fails to comply with the notice.

Note 1 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 2 The [Legislation Act](#), s 170 deals with the application of the privilege against self-incrimination.

9 New part 14*insert***Part 14 Transitional—Domestic Animals
Legislation Amendment Act 2022****166 Registrar may accept early applications for cat
registration**

- (1) The following provisions are taken to be in force on and after 1 April 2022:
 - (a) section 84AA (Cat registration—applications);
 - (b) section 84AB (Cat registration—approval or refusal);
 - (c) section 84AC (Cat registration—records);
 - (d) section 84AD (Cat registration—duration);
 - (e) section 84AH (Cat registration numbers and certificates);
 - (f) section 84AM (Cat registration—evidence of registration).
- (2) Also, the following provisions of the *Domestic Animals Regulation 2001* are taken to be in force on and after 1 April 2022:
 - (a) section 9AA (Information included in application to register cat—s 84AA);
 - (b) section 9AB (Cat registration information—Act, s 84AC);
 - (c) section 9AC (Information on cat registration—Act, s 84AH (3));
 - (d) schedule 1, items 31A and 31B.
- (3) A reference to a provision in this section is a reference to the provision as in force on the day the *Domestic Animals Legislation Amendment Act 2022*, section 3 commences.

167 Expiry—pt 14

This part expires 12 months after the day the *Domestic Animals Legislation Amendment Act 2022*, section 3 commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

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

substitute

- (ii) s 84AO (Breach of cat containment requirements);

11 Dictionary, definition of *keeper*, paragraph (b)

substitute

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

12 Dictionary, definition of *registered keeper*

substitute

registered keeper—

- (a) of a dog—means the person stated in the register as the keeper of the dog; or
(b) of a cat—means the person stated in the register as the keeper of the cat.

Part 3 Domestic Animals Regulation 2001

13 New sections 9AA to 9AC

before section 9A, insert

9AA Information included in application to register cat—Act, s 84AA

An application to register a cat must include the following information:

- (a) the applicant's name, address, email address or other contact information;
- (b) any conviction or finding of guilt of the applicant within the last 10 years against an animal welfare offence or an offence against the Act (other than an excluded offence);
- (c) if the cat is kept at another address—the address;
- (d) the cat's name;
- (e) if the cat is a recognisable breed—the breed;
- (f) the colour of the cat;
- (g) the unique identification number for any microchip implanted in the cat;
- (h) if the cat has been de-sexed—a statement to that effect.

9AB Cat registration information—Act, s 84AC

If the registrar registers a cat, the registrar must record the following information in the register:

- (a) the information given by the registered keeper under section 9AA;

- (b) the registration number given to the cat;
- (c) if ownership of the cat has changed—the name, address, email address or other contact information of the former owner;
- (d) if the registrar is told in writing or becomes aware that the cat has died—a statement that the cat is deceased;
- (e) if the registration of the cat is renewed—the date of the renewal;
- (f) if the registrar is satisfied that the cat is born before 1 July 2022—a statement to that effect.

9AC Information on cat registration certificate—Act, s 84AH (3)

A registration certificate for a cat must state the following information:

- (a) the registration number given to the cat;
- (b) the unique identification number for the microchip implanted in the cat;
- (c) if the cat is a recognisable breed—the breed;
- (d) the colour of the cat;
- (e) the name and address of the registered keeper of the cat;
- (f) if the registrar registers a cat—the date of registration, and the date the registration ends;
- (g) if the registration of a cat is renewed—the date of renewal of registration, and the date the registration ends;
- (h) if the registrar is satisfied that the cat is born before 1 July 2022—a statement to that effect.

**14 Reviewable decisions
Schedule 1, new items 31A to 31C***insert*

31A	Act, 84AB (1) (b)	refuse to register cat	applicant for registration
31B	Act, 84AI	refuse to record cat's new owner as registered keeper under s 84AB (1) (b)	applicant for registration
31C	Act, 84AJ (2)	cancel registration of cat	keeper of cat

51H	84AO (2)	breach of cat containment—area other than declared containment area	10	300
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Schedule 1 Other amendments

Part 1.1 Domestic Animals Act 2000

[1.1] Section 4A, note 1

omit

- s 10A (Keeper must comply with reminder notice)
- s 12 (Change of keeper)
- s 14 (Unregistered dogs)
- s 16 (Change of address)
- s 82 (Cats in breach of cat containment)

[1.2] Section 4A, note 1

insert

- s 10A (Dog registration—compliance with renewal reminder notice)
- s 12 (Dog registration—change of owner)
- s 14 (Offence—keeping unregistered dogs etc)
- s 16 (Dog registration—change of registration details)
- s 84AF (Cat registration—compliance with renewal reminder notice)
- s 84AI (Cat registration—change of owner)
- s 84AK (Offence—keeping unregistered cats etc)
- s 84AL (Cat registration—change of registration details)
- s 84AO (Breach of cat containment requirements)

[1.3] Section 5

relocate to part 1

[1.4] Section 6

substitute

6 Dog registration—applications

- (1) An individual who is an owner of a dog may apply to the registrar for registration of the dog.

Note 1 If the person who owns the dog is under 16 years old, the parent or guardian living with the person is taken to be the dog's owner (see s 136).

Note 2 A racing greyhound must also be registered as a racing greyhound under div 2.4A.

- (2) An application must include the information prescribed by regulation.

[1.5] Sections 7 to 10 headings

substitute

7 Dog registration—approval or refusal

8 Dog registration—records

9 Dog registration—duration

10 Dog registration—renewal reminder notice

[1.6] Section 10 (2) (b)

omit

keeper

substitute

registered keeper

[1.7] Section 10 (2) (d)

omit

[1.8] Sections 10A and 10B headings

substitute

10A Dog registration—compliance with renewal reminder notice

10B Dog registration—automatic renewal

[1.9] Sections 11 and 12

substitute

11 Dog registration numbers and certificates

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

12 Dog registration—change of owner

- (1) This section applies if the registered keeper of a dog transfers ownership of the dog to another person (the *new owner*).
- (2) The registered keeper of the dog must give the following information about the new owner to the registrar within 14 days after the day ownership of the dog is transferred:
 - (a) name;
 - (b) address;
 - (c) if known—
 - (i) email address; and
 - (ii) other contact information.

Maximum penalty: 10 penalty units.

- (3) The new owner of the dog must apply to the registrar to be recorded as the registered keeper of the dog within 14 days after the day ownership of the dog is transferred.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) An application under subsection (3) is taken to be an application to register the dog under section 6.
- (6) If the application under subsection (3) is refused, the dog's registration is cancelled.

Note As an application under this section is taken to be an application under s 6, the application may be refused on the grounds mentioned in s 7 (2).

[1.10] Section 13 heading

substitute

13 Dog registration—cancellation

[1.11] Section 13

omit

keeper

substitute

registered keeper

[1.12] Section 13 (2) (e)

omit

section 12A

substitute

section 135A

[1.13] Section 13, new note

insert

Note A dog's registration is also cancelled if an application to be recorded as the registered keeper of the dog is refused (see s 12 (6)).

[1.14] Section 14 heading

substitute

14 Offence—keeping unregistered dogs etc

[1.15] Sections 16 and 17

substitute

16 Dog registration—change of registration details

- (1) If any of the registration details of a dog change, the dog's registered keeper must tell the registrar, in writing, the new details within 14 days beginning the day after the change.

Maximum penalty: 5 penalty units.

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

registration details, of a dog, means the information given to the registrar by the dog's registered keeper under section 6 or section 10.

17 Dog registration—evidence of registration

- (1) A registration certificate or a certified copy of a registration certificate given under section 11 is evidence that the dog described in it is, or was, registered for the period stated in the certificate or copy.
- (2) A certificate issued by the registrar stating that a stated person was, or was not, the registered keeper of a stated dog for a stated period is evidence of that matter.
- (3) A document that appears to be a certificate or certified copy of the certificate given under subsection (2) or section 11 is taken to be the certificate or a certified copy of the certificate, unless the contrary is proved.

[1.16] Division 2.4 heading

substitute

Division 2.4 Special dog licences

[1.17] Section 39E

substitute

39E Racing greyhounds—registration number etc

Section 11 and section 17 apply to the registration of a racing greyhound.

[1.18] Section 39F (1) (c)

omit

(Registration—cancellation)

[1.19] Section 56 (1) (b)

omit

identified by implanted microchip

substitute

implanted with an identifying microchip

[1.20] Dictionary, definition of *special licence*

omit

(General provisions about special licences)

substitute

(Special dog licences)

Part 1.2

Domestic Animals Regulation 2001

[1.21] Section 5

substitute

4A Information included in application to register dog—Act, s 6

An application to register a dog must include the following information:

- (a) the applicant's name, address, email address or other contact information;
- (b) any conviction or finding of guilt of the applicant within the last 10 years against an animal welfare offence or an offence against the Act (other than an excluded offence);
- (c) if the dog is kept at another address—the address;
- (d) the dog's name;
- (e) if the dog is a recognisable breed—the breed;
- (f) the colour of the dog;
- (g) the unique identification number for any microchip implanted in the dog;
- (h) a statement as to whether or not the dog is an assistance animal, dangerous dog, racing greyhound or registered racing greyhound;
- (i) if the dog has been de-sexed—a statement to that effect.

5 **Dog registration information—Act, s 8**

If the registrar registers a dog, the registrar must record the following information in the register:

- (a) the information given by the registered keeper under section 4A;
- (b) the registration number given to the dog;
- (c) if the ownership of the dog has changed—the name, address, email address or other contact information of the former owner;
- (d) if the registrar is told in writing or becomes aware that the dog has died—a statement that the dog is deceased;
- (e) if the registration of the dog is renewed—the date of the renewal.

[1.22] Section 6 (a)

omit

allotted

substitute

given

[1.23] Section 6C (a) and (b)

omit

allotted

substitute

given

Schedule 1 Other amendments
Part 1.3 Magistrates Court (Domestic Animals Infringement Notices) Regulation
2005

Amendment [1.27]

[1.27] Schedule 1, part 1.1, item 7

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 February 2022.

2 Notification

Notified under the [Legislation Act](#) on 13 April 2022.

3 Republications of amended laws

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

I certify that the above is a true copy of the Domestic Animals Legislation Amendment Bill 2022, which was passed by the Legislative Assembly on 6 April 2022.

Acting Clerk of the Legislative Assembly

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