

2018

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Nicole Lawder)

## **Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2018**

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# **Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2018**

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## **A Bill for**

An Act to amend legislation about dangerous dogs

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Domestic Animals (Dangerous Dogs) Legislation*  
4 *Amendment Act 2018*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Domestic Animals Act 2000](#)
- 12 • [Domestic Animals Regulation 2001](#)
- 13 • [Magistrates Court \(Domestic Animals Infringement Notices\)](#)  
14 [Regulation 2005](#).

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## Part 2 Domestic Animals Act 2000

### 4 Offences against Act—application of Criminal Code etc Section 4A, note 1

*omit*

- s 56A (6) (Seizure of dogs—investigation of complaints about attacking, harassing or menacing dogs)

### 5 Declarations—dangerous dogs Section 22 (1) (b)

*substitute*

- (b) the dog has attacked a person; or
- (ba) the dog has attacked and caused the death of or serious injury to a domestic animal; or

### 6 Section 22 (2) (a)

*substitute*

- (a) the dog has harassed a person or domestic animal; or

### 7 Sections 53A to 53C

*substitute*

### 53A Investigation of attacking, harassing or menacing dogs

- (1) The registrar must investigate—
- (a) an attack by a dog that caused the death of or serious injury to a person or domestic animal; and
- (b) a written complaint about a menacing, aggressive or harassing dog, unless satisfied the complaint is frivolous or vexatious.

*Note* The dog must be seized and impounded until the investigation is completed (see s 56A).

- 1 (2) Subsection (1) (a) applies regardless of how the registrar becomes  
2 aware of the attack.
- 3 (3) The registrar must, within 14 days of completing an investigation,  
4 give written notice to the following people of the outcome of the  
5 investigation:
- 6 (a) the keeper and any carer of the dog;  
7 (b) if a complaint was made—the complainant;  
8 (c) people occupying property adjacent or nearby to premises where  
9 the dog is kept;  
10 (d) the Minister.
- 11 (4) The registrar must—
- 12 (a) keep a record of investigations conducted under this section; and  
13 (b) at the end of each month, give a copy of the record to the  
14 Minister.
- 15 (5) The registrar may make guidelines about how the registrar  
16 investigates complaints.
- 17 (6) A guideline is a notifiable instrument.

18 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

19 **53B Dealing with attacking dogs—death or serious injury to**  
20 **person or death of domestic animal**

- 21 (1) This section applies if the registrar is reasonably satisfied that—
- 22 (a) a dog attacked a person or domestic animal; and  
23 (b) the attack caused—  
24 (i) the death of the person; or  
25 (ii) serious injury to the person; or

- 1 (iii) the death of the domestic animal.
- 2 (2) The registrar must destroy the dog unless the registrar is reasonably  
3 satisfied that—
- 4 (a) 1 or more of the following applies:
- 5 (i) the person or domestic animal involved in the attack  
6 provoked the dog;
- 7 (ii) the person or animal was attacked because the dog came  
8 to the aid of a person or animal the dog could be expected  
9 to protect;
- 10 (iii) if the attack was on premises occupied by the keeper of the  
11 dog—the person or animal was on the premises without  
12 lawful excuse; and
- 13 (b) the dog is not likely to be a danger to the public or another  
14 animal.
- 15 (3) If the dog is not destroyed, the registrar must issue a control order for  
16 the dog to the dog's keeper or carer.
- 17 *Note* The registrar must also declare the dog to be a dangerous dog (see s 22).
- 18 (4) If the registrar issues a control order to a carer of the dog, the registrar  
19 must give a copy of the order to the dog's keeper.

20 **53BA Dealing with attacking, harassing or menacing dogs**  
21 **generally**

- 22 (1) This section applies if the registrar is reasonably satisfied a dog—
- 23 (a) attacked a person or domestic animal and the attack caused—
- 24 (i) injury to the person; or
- 25 (ii) serious injury to the animal; or
- 26 (b) harassed a person or domestic animal; or

- 1 (c) is aggressive or menacing.
- 2 (2) The registrar may destroy the dog.
- 3 (3) In making a decision under subsection (2), the registrar—
- 4 (a) must consider if the dog is likely to be a danger to the public or
- 5 another animal; and
- 6 (b) may consider any other relevant matter.
- 7 (4) If the registrar decides not to destroy the dog, the registrar must issue
- 8 a control order for the dog to the dog's keeper or carer.
- 9 *Note* The registrar must also declare the dog to be a dangerous dog if the dog
- 10 attacked a person or domestic animal and may, in any other case, declare
- 11 the dog to be a dangerous dog (see s 22).
- 12 (5) If the registrar issues a control order to a carer of the dog, the registrar
- 13 must give a copy of the order to the dog's keeper.

14 **53C Notice of destruction of dog**

- 15 (1) The registrar may only destroy a dog under section 53B or
- 16 section 53BA if—
- 17 (a) the registrar gives the dog's keeper written notice of the decision
- 18 to destroy the dog; and
- 19 (b) the dog's keeper—
- 20 (i) does not, within 7 days after the day the notice is given
- 21 (the *application period*), apply to the ACAT under
- 22 section 120 for review of the decision; or
- 23 (ii) applies to the ACAT under section 120 for review of the
- 24 decision within the application period and the registrar's
- 25 decision to destroy the dog is confirmed.

- 1 (2) However, subsection (1) does not apply if the registrar is reasonably  
2 satisfied that, because of the viciousness of the dog, the dog must be  
3 destroyed immediately.

4 *Note* Section 116 provides that if an animal is so vicious it cannot be  
5 impounded or seized it may be destroyed without notifying the keeper.

6 **8 Section 56A**

7 *substitute*

8 **56A Seizure of dogs—attacking, harassing or menacing dogs**

- 9 (1) An authorised person must seize a dog if—  
10 (a) reasonably satisfied the dog—  
11 (i) attacked a person or domestic animal and the attack  
12 caused—  
13 (A) the death of or injury to the person; or  
14 (B) the death of or serious injury to the animal; or  
15 (ii) harassed a person or domestic animal; or  
16 (iii) is aggressive or menacing; or  
17 (b) a matter involving the dog is investigated under section 53A.  
18 (2) If an authorised person seizes a dog under this section, the authorised  
19 person must impound the dog until an investigation under  
20 section 53A is completed.

21 **9 Sections 59 and 64**

22 *omit*

1 **10 Section 65A**

2 *substitute*

3 **65A Releasing dogs seized because of investigation of**  
4 **attacking, harassing or menacing dog**

- 5 (1) This section applies if a dog is seized under section 56A (Seizure of  
6 dogs—attacking, harassing or menacing dogs).
- 7 (2) The registrar must not release the dog to a person claiming its release  
8 unless—
- 9 (a) the investigation under section 53A is completed; and
- 10 (b) the registrar is reasonably satisfied of the matters mentioned in  
11 section 62 (2) (excluding paragraph (d)).

12 **11 Selling or destroying dogs (other than dangerous dogs)**  
13 **generally**  
14 **Section 66 (1) (b)**

15 *substitute*

- 16 (b) section 56A (Seizure of dogs—attacking, harassing or menacing  
17 dogs); or

18 **12 Dictionary, new definition of *domestic animal***

19 *insert*

20 ***domestic animal*** means—

- 21 (a) a dog or cat; or
- 22 (b) any other animal kept on premises by a person.

1 **Part 3** **Domestic Animals**  
 2 **Regulation 2001**

3 **13 Section 6E heading**

4 *substitute*

5 **6E Home impoundment prescribed conditions—Act,**  
 6 **s 60 (4) (a)**

7 **14 Reviewable decisions**  
 8 **Schedule 1, items 17 to 19**

9 *substitute*

17	<a href="#">Act, 53B (3)</a>	issue control order	keeper of dog
18	<a href="#">Act, 53BA (2)</a>	destroy dog	keeper of dog
19	<a href="#">Act, 53BA (4)</a>	issue control order	keeper of dog

1 **Part 4** **Magistrates Court (Domestic**  
2 **Animals Infringement Notices)**  
3 **Regulation 2005**

4 **15** **Domestic animals legislation infringement notice**  
5 **offences and penalties**  
6 **Schedule 1, part 1.1, item 36**

7 *omit*

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### Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 24 October 2018.

**2 Notification**

Notified under the [Legislation Act](#) on 2018.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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