

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**DOMESTIC ANIMALS BILL 2000  
(Government Amendments)**

**EXPLANATORY MEMORANDUM**

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### Outline

These amendments cover minor issues that the Government has identified with the drafting of the Bill as well as addressing issues raised by the Scrutiny of Bills Committee.

**Clause 7** enables the registration approval or refusal process. This amendment makes it clear that the only reason the registrar may refuse to register a dog is that the proposed keeper has been disqualified by a court order from keeping a dog. A note has also been inserted to point to the section about how a person can be disqualified from keeping an animal.

**Clause 13** allows for the cancellation of registration. This clause has been amended to include that registration can be cancelled if the registered keeper of a dog is disqualified from keeping the dog. This change brings the provision in line with the amendment to Clause 7.

**Clause 14** provides an offence for keeping unregistered dogs and sets out exceptions to this provision. This amendment corrects a typographical error in the Bill as presented.

**Clause 21** empowers the Registrar to impose conditions on a multiple dog licence. This provision is amended to ensure that the Registrar is not limited to the matters contained in sub-clause (2) when deciding whether to impose conditions on a multiple dog licence.

**Clause 22** allows for a dangerous dog to be declared by the Registrar. This provision has been amended to ensure that the Registrar is not limited to the matters contained in sub-clause (3) when deciding whether to declare a dog to be dangerous.

**Clause 33** empowers the Registrar to vary a dangerous dog or multiple dog licence. This provision has been amended to ensure that the Registrar is not limited to the matters contained in sub-clauses (4) & (5) when making a decision as to whether to vary a such a licence.

**Clauses 45 and 48** are offence provisions about restraining dogs in various circumstances. The amendment brings these two offence provisions in line with clause 44, which provides that a person will have a defence to such a prosecution if they can show they took reasonable steps to prevent the dog getting loose.

**Clauses 62, 63 and 64** provide for the release of dogs that have been seized under the various seizure powers in the Bill. Subclause 4 of each clause is about return of

dogs when there has been an offence committed. The change to subclause 4 in each of these clauses ensures that dogs must be released to their owners when issues relating to the offence have been resolved.

The Government amendments make further changes to **clauses 63, 68 and 69** (at items 12, 13, 18, 19 and 20 of the amendments). These changes arise because there is no need to distinguish between the procedure to be followed when a dangerous dog is seized when it's licence has been cancelled and when there never was a licence in force for the dog. Clause 68 now the sale and destruction of all dangerous dogs seized without a licence, and there is no need for clause 69.

The notes in **Clauses 66 and 67** have been amended as a consequence to omitting clause 69. They now refers to clause 68.

**Clause 71A** is a new provision to the Bill. This clause allows the Minister to issue guidelines concerning the exercise of the Registrar's functions under the provision dealing with the general power to return impounded dogs (clause 71).

**Clause 74** provides an offence for not having a dog or cat desexed unless the owner has obtained a permit for keeping the animal sexually entire. This provision has been amended to ensure dogs and cats that born before the commencement of this provision are exempt from the requirements of having their animal compulsorily desexed. The existing paragraph (c) was intended to ensure that owners would not be committing an offence if it would have been detrimental to the health of the animal to have it desexed. This intent is better implemented by making this a reason for the registrar to issue a permit to keep the animal entire. This is the reason for the change to **Clause 76**.

**Clause 79** required a minor drafting amendment to ensure that the same terminology is used throughout the Bill in respect of "authorised officers".

**Clause 102** outlines the power of delegation of the administering authority. This provision has been amended to remove an extraneous sub-clause.

**Clause 111** provides the avenue for people to complain to the Registrar concerning an animal nuisance. This provision has been amended to ensure that only people affected by the nuisance may complain and that the Registrar need not investigate if satisfied that the complaint is frivolous or vexatious.

**Clause 140A** is a new provision that makes it an offence to provide a false or misleading statement that purports compliance with this Bill.

**Clause 147** provides the Regulation-making power of the Bill. This provision has been amended to ensure that the regulations may create offences for contravention of the regulations and prescribe penalties of not more than 10 penalty units, which brings the power in line with general regulation making powers in other Territory laws.