

**2016**

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

**TRANSPORT CANBERRA AND CITY SERVICES  
LEGISLATION AMENDMENT BILL 2016 (No 1)**

**EXPLANATORY STATEMENT**

**Presented by  
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# TRANSPORT CANBERRA AND CITY SERVICES LEGISLATION AMENDMENT BILL 2016 (No 1)

## INTRODUCTION

This explanatory statement relates to the Transport Canberra and City Services Legislation Amendment Bill 2016 (No 1) (the Bill), as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the bill and help inform debate on it. It does not form part of the bill and has not been endorsed by the Assembly.

This statement must be read in conjunction with the bill. It is not, and is not intended to be, a comprehensive description of the bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

## OVERVIEW

The Bill makes minor and technical amendments to a number of laws administered by the Transport Canberra and City Services Directorate.

The laws amended by the Bill are:

### ***Domestic Animals Act 2000***

The Bill clarifies the Registrar's ability to issue a dangerous dog licence in a situation where the dog was declared dangerous after it was seized.

### ***Domestic Animals Regulation 2001***

The Bill corrects minor drafting errors and amends the Regulation to make it clear that a person who, or whose animal, has been attacked or harassed by a dog is able to seek review of the Registrar's decision to issue a dangerous dog licence.

### ***Public Unleased Land Act 2013***

The Bill corrects an administrative oversight and amends the legislation to enable authorised persons to take a movable sign on public unleased land that does not comply with the moveable signs code of practice, to a retention area.

## OUTLINE OF PROVISIONS

### **Part 1 Preliminary**

#### **Clause 1 Name of Act**

This clause provides that the name of the Act is the *Transport Canberra and City Services Legislation Amendment Act 2016*.

#### **Clause 2 Commencement**

This clause provides for the commencement of the Act. The Act will commence on the day after its notification day.

#### **Clause 3 Legislation amended**

This clause provides that the Act amends the:

- *Domestic Animals Act 2000*
- *Domestic Animals Regulation 2001*
- *Public Unleased Land Act 2013*.

### **Part 2 Domestic Animals Act 2000**

#### **Clause 4 Dangerous dog licences-approval or refusal Section 25 (4)**

This clause substitutes section 24 (4) with a new section 24 (4).

The inclusion of the new section 24 (4) clarifies the Registrar's ability to issue a dangerous dog licence in a situation where the dog was declared dangerous after it was seized.

This clause applies the circumstances set out in subsection 62 (3), subsection 63 (3) and subsection 64 (3), without specifically excluding dogs declared to be dangerous dogs after they are seized.

## **Part 3 Domestic Animals Regulation 2001**

### **Clause 5 Schedule 1, new item 4A**

This clause inserts a new item 4A into Schedule 1. This makes it clear that a person who has been attacked or harassed by a dog, or a person whose animal has been attacked or harassed by a dog is able to seek review of the Registrar's decision to issue a dangerous dog licence.

### **Clause 6 Schedule 1, item 6, column 2**

This clause substitutes an incorrect reference to section 25 (2) with the correct reference to section 26 (1).

## **Part 4 Public Unleased Land Act 2013**

### **Clause 7 New section 28A**

This clause inserts a new section 28A, to enable an authorised person or police officer to take a movable sign on public unleased land that does not comply with the moveable signs code of practice, to a retention area.

This amendment may be seen as limiting the right to freedom of expression and limiting the right to participate in the electoral process. However it is considered that the aim of the removing electoral signs that do not comply with the code of practice is important to ensure that the amenity and natural value of public places are preserved.