Australian Capital Territory

Domestic Animals (Dog Control Areas) Declaration 2026

Disallowable instrument DI2026–238

made under the

Domestic Animals Act 2000, s 40 (Declaration–exercise areas) and s 41 (Prohibited areas)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Domestic Animals (Dog Control Areas) Declaration 2026* (the ***instrument***) as made by the Minister for City and Government Services and presented to the Legislative Assembly (the ***Assembly***). It has been prepared to assist the reader of the instrument and to help inform debate on it. It does not form part of the instrument and has not been endorsed by the Assembly.

Background

The *Domestic Animals Act 2000* (the ***Act***) provides the legislative framework for the keeping of dogs and the control of dogs in the ACT. Division 2.5 of the Act provides for the control of dogs in public places and on private premises in the ACT.

Public areas outside of exercise areas and prohibited areas are default dog on-leash areas under the Act.

Overview

This instrument is made under sections 40 and 41 of the Act. Section 40 of the Act provides the Minister with the power to declare specified areas of land or water as dog exercise areas. Section 41 of the Act permits the Minister to declare an area of land or water to be an area where dogs are prohibited. A declaration under section 40 or 41 of the Act is a disallowable instrument.

The instrument amends the previous instrument by adding Woods Campground as a prohibited area, which is no longer suitable for dogs.

This instrument declares the locations marked on the dog exercise areas map at schedule 1 of the instrument as:

- Areas marked in green are declared off-leash exercise areas. In these areas the keeper or carer of a dog may exercise the dog without it being restrained by a

leash, a situation that would normally be an offence under section 44 (1) of the Act.

- Areas marked in red are declared dog prohibited areas. Under section 41 (5) of the Act, it is an offence to take a dog into a prohibited area.
- Areas marked in orange are declared dog prohibited places. Under section 42 of the Act, it is an offence to take a dog into a prohibited place unless otherwise specified in the Act.

The schedule 1 map can also be found on the domestic animals overlay map on the ACTmapi website located at www.actmapi.act.gov.au. The web version of this map allows interaction, for example, rescaling of the map should this be required for easier community use and accessibility.

This instrument commences on the day after its notification day.

This instrument revokes the *Domestic Animals (Dog Control Areas) Declaration 2025* (DI2025–317).

Consistency with Human Rights

The Standing Committee on Legal Affairs (Legislative Scrutiny Role) (the ***Scrutiny Committee***) terms of reference require consideration of human rights impacts of subordinate legislation, among other matters, to be assessed for its compatibility with the *Human Rights Act 2004* (the ***HRA***).

This instrument engages the following rights under the HRA:

- Section 13 – Freedom of movement
- Section 27C – Right to a healthy environment

Freedom of movement

Section 13 of the HRA entitles everyone to move freely within the ACT. This right requires that procedural barriers should not be imposed arbitrarily on the free movement of people to and from public spaces or within those spaces.

Dog exercise areas allow individuals to exercise their dogs off-leash within certain areas of the ACT which promotes those individuals right to move freely within the ACT.

Prohibited areas for dogs could be seen as restricting the free movement of dog keeper and carers while they have control of the dog. However, the restriction applies to the animal and not the individual. Any perceived restriction is reasonably limited to preserve the environmental value of an area.

Right to a healthy environment

Section 27C of the HRA recognises a clean, healthy and sustainable environment as a human right that everyone is entitled to enjoy without discrimination.

Prohibiting dogs' access to certain areas, in particular prohibiting access to nature reserves, promotes the right to a healthy environment. Dog prohibited areas prevent dogs from harassing native species that may be present in the area and thus promote biodiversity within the area.

Climate Impact

This instrument has no material impact on climate change adaptation, greenhouse gas emissions production or abatement in the ACT.

Regulatory Impact Statement (RIS)

Section 34 of *Legislation Act 2001* (the ***Legislation Act***) provides that if a proposed subordinate law or disallowable instrument (the ***proposed law***) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law must arrange for a RIS to be prepared for the proposed law.

As this instrument is not likely to impose appreciable costs on the community, or part of the community, a RIS is not required under section 34 (1) of the Legislation Act.

Scrutiny Committee Principles

This instrument has been developed in accordance with the Scrutiny Committee terms of reference, principles and technical and stylistic standards expected by the Assembly.