



Australian Capital Territory

# Domestic Animals Act 2000

A2000-86

**Republication No 37**

**Effective: 24 May 2018**

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## About this republication

### The republished law

This is a republication of the *Domestic Animals Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 24 May 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 24 May 2018.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

## **Domestic Animals Act 2000**

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An Act to provide for the identification and registration of certain animals and the duties of owners, carers and keepers, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Domestic Animals Act 2000*.

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition '*permit*, for part 3 (Dogs and Cats)—see section 73.' means the expression 'permit' is defined in section 73 and applies to part 3.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

### 4A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The [Criminal Code](#), ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 12 (Change of keeper)
- s 14 (Unregistered dogs)
- s 16 (Change of address)
- s 18 (Requirement to be licensed if multiple dogs)
- s 21 (5) (Multiple dog licences—conditions)

- s 23 (Licensing of keepers of dangerous dogs)
- s 27 (Dangerous dogs in public places)
- s 28 (Signs on premises about dangerous dogs)
- s 39D (Offence—unregistered racing greyhound)
- s 39G (Day-to-day control of racing greyhounds—requirement to be licensed)
- s 41 (Prohibited areas)
- s 42 (Prohibited places)
- s 44 (Dogs in public places must be controlled)
- s 45 (Dogs on private premises to be restrained)
- s 46 (Disposal of faeces)
- s 47 (Female dogs on heat)
- s 49A (Dog attacks or harasses person or animal)
- s 50 (Dog attacks person or animal causing serious injury)
- s 50A (Dangerous dog attacks or harasses person or animal)
- s 50B (Obligations of keeper or carer if dog attacks)
- s 51A (Provoking dog to attack)
- s 53CA (Carer must be given copy of control order)
- s 53E (Offence—failure to comply with control order)
- s 56A (6) (Seizure of dogs—investigation of complaints about attacking, harassing or menacing dogs)
- s 60 (6) (Impounding of dogs seized)
- s 72 (Offence—breeding dogs or cats without licence)
- s 72I (Offence—licensee change of address)
- s 72K (Offence—selling and advertising requirements)
- s 72L (Offence—surrender of breeding licence)
- s 72M (Offence—reporting on breeding of greyhounds)
- s 74 (Dogs and cats to be de-sexed if over certain age)
- s 74A (Sale of older dogs and cats not de-sexed)
- s 79 (Production of permits)
- s 82 (Cats in breach of cat containment)
- s 84 (Identification of dogs and cats—requirement)
- s 84A (Multiple cat licences—requirement to be licensed)

- s 112 (7) (Issue of nuisance notices)
- s 134A (2) (Inspection of animals).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

**4B Criteria for considering responsible dog or cat management, care or control**

For this Act, the registrar in considering whether a person has failed, or is unable, to exercise responsible dog or cat management, care or control—

- (a) must consider—
  - (i) any conviction or finding of guilt of the person within the last 10 years against a law of a Territory or State for an offence relating to the welfare, keeping or control of an animal; and
  - (ii) any non-compliance with—
    - (A) a special licence held by the person; or
    - (B) a control order issued to the person; and
- (b) may consider any other relevant matter.

## **Part 2                      Dogs**

### **Division 2.1              Registration of dogs**

#### **5                      Register**

- (1) The registrar must set up and keep a register for this Act.
- (2) The registrar may keep the register in a form the registrar considers suitable.

#### **6                      Registration—applications**

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

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

- (2) If the applicant is less than 16 years old and resides with a parent or guardian, a written consent to the registration by the applicant's parent or guardian must accompany the application.

#### **7                      Registration—approval or refusal**

- (1) If an application for registration has been made in accordance with section 6, the registrar must, by written notice to the applicant—

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

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

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

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

- (b) may refuse to register the dog if—
  - (i) the dog is not implanted with an identifying microchip as required under this Act; or
  - (ii) the dog 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 dog management, care or control.

**8 Registration—records**

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

**9 Registration—duration**

The registration of a dog remains in force for the lifetime of the dog unless it is sooner surrendered or cancelled.

**11 Registration numbers and certificates**

- (1) If the registrar registers a dog, the registrar must—
  - (a) allot a registration number to the dog; and
  - (b) give to the registered keeper of the dog a registration certificate for the dog.
- (2) A registration certificate for a dog must state the information prescribed by regulation.
- (3) If the registrar is satisfied that a registration certificate for a dog has been stolen, lost, damaged or destroyed, the registrar may issue a new registration certificate to the registered keeper of the dog.
- (4) 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 Change of keeper

- (1) If ownership of a dog is transferred, a person who was a keeper of the dog before the transfer must tell the registrar, in writing, of the name and address of the new owner of the dog within 14 days beginning the day after the transfer.

Maximum penalty: 10 penalty units.

- (2) If a person (the *new keeper*) starts keeping a dog for a period that is likely to be longer than 28 days, the new keeper must tell the registrar, in writing, that the dog is now kept by the new keeper within 14 days after the day the new keeper started keeping the dog.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) If the new keeper tells the registrar under subsection (2) about a registered dog, the registrar must—
- (a) change the entry in the register relating to the dog by substituting, for the name and address of the person stated as the keeper of the dog, the name and address of the new keeper; and
  - (b) issue a registration certificate for the dog to the new keeper.

## 13 Registration—cancellation

- (1) The registrar must cancel the registration of a dog if—
- (a) the keeper of the dog tells the registrar in writing that the dog has died; or
  - (b) the dog is destroyed under this Act; or
  - (c) the keeper of the dog is disqualified from keeping a dog 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 dog if—
- (a) the keeper of the dog tells the registrar in writing that the person is no longer the owner of the dog; or
  - (b) the registrar reasonably believes that the dog’s keeper has failed, or is unable, to exercise responsible dog management, care or control.

**14 Unregistered dogs**

- (1) A person must not keep—
- (a) an unregistered dog; or
  - (b) a registered dog if the person is not the dog’s registered keeper.
- Maximum penalty: 15 penalty units.
- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) (a) does not apply if—
- (a) the dog is under 56 days old; or
  - (b) the dog 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.
- (4) Subsection (1) (b) does not apply if—
- (a) the registered keeper is unable to care for the dog and the person is caring for the dog on a temporary basis; or
  - (b) the dog is a racing greyhound being kept by the holder of a racing greyhound controller licence.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (4) (see [Criminal Code](#), s 58).

## **16 Change of address**

- (1) If the address of a registered keeper changes, the keeper must tell the registrar, in writing, of the new address within 14 days beginning the day after the change.

Maximum penalty: 5 penalty units.

- (2) If the address where a registered dog is kept changes, the registered keeper must tell the registrar, in writing, of the new address within 14 days beginning the day after the change.

Maximum penalty: 5 penalty units.

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

## **17 Evidence of registration or non-registration**

- (1) A registration certificate or a certified copy of a registration certificate issued under section 11 (Registration numbers and certificates) is evidence that the dog described in it is, or was, registered for the period mentioned in the certificate or copy.

- (2) If the registrar certifies in writing that on a day, or during a time, stated in the certificate, a person mentioned in the certificate—

(a) was the registered keeper of a dog mentioned in the certificate;  
or

(b) was not the registered keeper of—

(i) a dog mentioned in the certificate; or

(ii) a dog;

the certificate is evidence of the fact.

- (3) A document that purports to be—

(a) a registration certificate; or

(b) a certified copy of a registration certificate issued under section 11; or

(c) a certificate mentioned in subsection (2);

is, unless the contrary is proved, to be taken to be a certificate or a certified copy of a certificate and to have been properly given or issued.

## **Division 2.2 Keeping 4 or more dogs**

### **18 Requirement to be licensed if multiple dogs**

- (1) A person commits an offence if—
- (a) the person keeps a dog on residential premises; and
  - (b) 3 or more other dogs are kept on the premises by the person or another person; and
  - (c) there is no multiple dog licence held by any person to keep the dogs on the premises.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply to—
- (a) a dog under 84 days old if the person holds a breeding licence; or
  - or
  - (b) a dog kept by the person for less than 28 days; or
  - (c) a person resident in the ACT for less than 28 days; or
  - (d) a dog kept on land that is under a lease granted for agricultural or grazing purposes; or
  - (e) a dog kept by the holder of a racing greyhound controller licence; or

- (f) a dog kept on land that is under a lease that allows for an animal care facility.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

**19 Multiple dog licences—applications**

A person may apply to the registrar for a licence to keep 4 or more dogs on 1 residential premises (a *multiple dog licence*).

**20 Multiple dog licences—approval or refusal**

- (1) If an application for a multiple dog licence is made under section 19, the registrar must—
- (a) approve the issue of a licence; or
  - (b) refuse to approve the issue of a licence.
- (2) The registrar must refuse to issue a multiple dog licence unless satisfied that—
- (a) the yard and associated facilities are adequately ventilated and constructed in a way to allow them to be kept in a sanitary condition; and
  - (b) appropriate arrangements exist for the sanitary disposal of waste; and
  - (c) the applicant can otherwise comply with the requirements of the *Animal Welfare Act 1992* and any approved or mandatory code of practice under that Act; and
  - (d) the applicant is able to exercise responsible dog management, care and control.
- (3) In making a decision under this section, the registrar must consider the following:
- (a) the number and kind of dogs to which the application relates;

- (b) the size and nature of the premises where the dogs are proposed to be kept;
  - (c) the security of the premises;
  - (d) the suitability of facilities for keeping the dogs on the premises;
  - (e) the potential impact on the occupiers of neighbouring premises;
  - (f) any conviction or finding of guilty of the applicant within the last 10 years against a law of a Territory or State for an offence relating to the welfare, keeping or control of an animal;
  - (g) the safety of the public and other animals.
- (4) Subsection (3) does not limit the matters the registrar may consider.

## **21 Multiple dog licences—conditions**

- (1) The registrar may issue a multiple dog licence on conditions stated in the licence.
- (2) In making a decision whether or not to impose a condition on a multiple dog licence, the registrar must consider the following:
- (a) the number and kind of dogs to which the application relates;
  - (b) the size and nature of the premises where it is proposed to keep the dogs;
  - (c) the potential impact on the occupiers of neighbouring premises;
  - (d) the safety of the public and other animals.
- (3) Subsection (2) does not limit the matters the registrar may consider.
- (4) The conditions may include—
- (a) a condition prescribed by regulation; and

- (b) any other condition the registrar considers appropriate.
- (5) A person commits an offence if the person fails to comply with a condition of a multiple dog licence.  
Maximum penalty: 50 penalty units.
- (6) An offence against this section is a strict liability offence.

## **Division 2.3                      Dangerous dogs**

### **22                      Declarations—dangerous dogs**

- (1) The registrar must declare a dog to be a dangerous dog if—
  - (a) the dog has been trained as a guard dog, or is kept as a guard dog for guarding premises; or
  - (b) the dog has attacked and caused the death of or serious injury to a person; or
  - (c) a decision has been made under a law of a State in relation to the dog, the effect of which is comparable to a declaration under this section.
- (2) The registrar may declare a dog to be a dangerous dog if—
  - (a) the dog has attacked or harassed a person or animal; or
  - (b) the registrar reasonably believes the dog—
    - (i) is aggressive or menacing; and
    - (ii) without being kept in accordance with a dangerous dog licence, would be an unacceptable risk to the safety of the public or other animals.
- (3) In making a decision under subsection (2), the registrar must consider the circumstances surrounding the attack or harassment.
- (4) Subsection (3) does not limit the matters the registrar may consider.

- (5) If the registrar makes a declaration under this section, the registrar must give written notice to a keeper of the dog.

*Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (6) The notice must—
- (a) contain a statement to the effect that the registrar has declared the dog to be a dangerous dog; and
  - (b) describe the obligations of a keeper of a dangerous dog under this Act; and
  - (c) if the declaration is made while the dog is impounded—contain a statement to the effect that the dog may be sold or destroyed after 7 days beginning on the day after the keeper is given the notice unless, within that 7 days, an application is made for a dangerous dog licence.

## **23 Licensing of keepers of dangerous dogs**

- (1) A person commits an offence if the person—
- (a) keeps a dangerous dog; and
  - (b) does not—
    - (i) hold a dangerous dog licence for the dog; or
    - (ii) comply with a condition of the dangerous dog licence for the dog.

Maximum penalty: 100 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply to a dangerous dog that is temporarily kept by a veterinary surgeon or at an animal boarding facility.



- (4) In this section:

*animal boarding facility* means a kennel, cattery, stable or other premises where animals are kept temporarily by a person other than a keeper of the animal.

## **24 Dangerous dog licences—applications**

- (1) An adult may apply to the registrar for a licence to keep a dangerous dog.
- (2) An application must state—
- (a) the registration number of the dog; and
  - (b) the premises where the applicant intends to keep the dog.
- (3) The registrar may waive any application fee for a licence to keep a dangerous dog if reasonably satisfied—
- (a) the dog was declared to be a dangerous dog only for the reason mentioned in section 22 (1) (a); and
  - (b) if the dog is kept in accordance with a dangerous dog licence, it will not be an unacceptable risk to the safety of the public and other animals.
- (4) A fee determined under section 144 for an application for a licence to keep a dangerous dog declared under section 22 (1) (b) or (c) or section 22 (2) must be at least 10 times the application fee (if any) for registration of a dog under section 6.

## **25 Dangerous dog licences—approval or refusal**

- (1) If an application for a dangerous dog licence is made under section 24, the registrar must, by written notice to the applicant—
- (a) approve the issue of a licence; or
  - (b) refuse to approve the issue of a licence.

- (2) The registrar—
- (a) must refuse to approve the issue of a licence if—
    - (i) the applicant is disqualified from keeping a dog or any other animal; or
    - (ii) the dog is not implanted with an identifying microchip as required under this Act; or
- Note*      Section 138A deals with the disqualification of a person from keeping an animal.
- (b) may refuse to approve the issue of a licence if the registrar reasonably believes—
    - (i) there would be an unacceptable risk to the safety of the public or other animals if the licence were issued; or
    - (ii) the applicant has failed, or is unable, to exercise responsible dog management, care or control.
- (3) In making a decision under this section, the registrar must consider the following:
- (a) the size and nature of the premises where the applicant intends to keep the dog;
  - (b) the security of the premises;
  - (c) the suitability of facilities for keeping the dog on the premises;
  - (d) the potential impact on the occupiers of neighbouring premises;
  - (e) any conviction or finding of guilty of the applicant within the last 10 years for an offence against a law of a Territory or State relating to the welfare, keeping or control of an animal;
  - (f) the safety of the public and other animals.

- (4) Subsection (5) applies if—
- (a) the application is made after the dog is seized under division 2.7 (Seizing dogs and dealing with them); and
  - (b) the dog was seized because of the contravention of a provision of this Act (the *offence*); and
  - (c) the dog is declared to be a dangerous dog after it is seized.
- (5) The registrar may approve the application only if—
- (a) 28 days have elapsed since the day the dog was seized and—
    - (i) a prosecution has not been started for the offence; and
    - (ii) an infringement notice has not been served for the offence; or
  - (b) an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or
  - (c) a prosecution for the offence was started not later than 28 days after the day the dog was seized and—
    - (i) the prosecution has been discontinued; or
    - (ii) the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the dog.
- (6) Subsection (3) does not limit the matters the registrar may consider.

## **26 Dangerous dog licences—conditions**

- (1) The registrar may issue a dangerous dog licence on conditions stated in the licence.
- (2) In making a decision whether or not to impose a condition on a dangerous dog licence, the registrar must consider the safety of the public and other animals.

- (3) The conditions may include—
- (a) a condition prescribed by regulation; and
  - (b) any other condition the registrar considers appropriate.

**27 Dangerous dogs in public places**

- (1) A person commits an offence if—
- (a) the person is the carer of a dangerous dog; and
  - (b) the person is with the dog in a public place; and
  - (c) the dog is not wearing a muzzle.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
- (a) the person is the keeper of a dangerous dog; and
  - (b) the dog is in a public place without the keeper or a carer.

Maximum penalty: 20 penalty units.

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

**28 Signs on premises about dangerous dogs**

- (1) The keeper of a dangerous dog must ensure that a warning sign is displayed on all gates and doors at the premises where the dog is kept so that it can be readily seen by a person about to enter the premises through any gate or door.

Maximum penalty: 5 penalty units.

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

(3) In this section:

*door*, of a premises, means any door that a visitor to the premises would ordinarily be expected to use to enter the premises.

*warning sign*, for premises, means—

- (a) a sign warning people entering the premises that a dangerous dog is on the premises; or
- (b) if a regulation prescribes requirements for a sign—a sign that is in accordance with the requirements.

## **Division 2.4                    General provisions about special licences**

### **29                    Meaning of *special licence* for div 2.4**

In this division:

*special licence* means—

- (a) a multiple dog licence; or
- (b) a dangerous dog licence; or
- (c) a racing greyhound controller licence.

### **30                    Form of special licences**

A special licence must state—

- (a) the name of the licensee; and
- (b) the registration number of each dog to which the licence relates; and
- (c) the address of the premises to which the licence relates; and
- (d) any conditions of the licence.

**31 Special licences—duration**

- (1) A multiple dog licence and a racing greyhound controller licence remain in force for 1 year unless sooner surrendered or cancelled.
- (2) A dangerous dog licence remains in force for a period not longer than 12 months stated in the licence unless sooner surrendered or cancelled.

**32 Special licences—renewals**

- (1) The holder of a special licence may apply to the registrar for renewal of the licence.
- (2) The registrar—
  - (a) must refuse to renew the licence if the holder is disqualified from keeping a dog or any other animal; or  
*Note* Section 138A deals with the disqualification of a person from keeping an animal.
  - (b) may refuse to renew the licence if the registrar reasonably believes—
    - (i) there would be an unacceptable risk to the safety of the public and other animals if the licence were renewed; or
    - (ii) the holder has failed, or is unable, to exercise responsible dog management, care or control.
- (3) In making a decision under this section, the registrar—
  - (a) must consider any matter the registrar was required to consider when deciding whether or not to issue the original licence; and
  - (b) may consider any other relevant matter.
- (4) The registrar may waive any application fee to renew a dangerous dog licence if reasonably satisfied—
  - (a) the dog was declared to be a dangerous dog only for the reason mentioned in section 22 (1) (a); and

- (b) if the dog is kept in accordance with a dangerous dog licence— it will not be an unacceptable risk to the safety of the public and other animals.
- (5) A fee determined under section 144 for an application to renew a licence to keep a dangerous dog declared under section 22 (1) (b) or (c) or section 22 (2) must be at least 10 times the application fee (if any) for registration of a dog under section 6.

### **33 Variation of special licences**

- (1) On application by the holder of a special licence, the registrar may vary the licence.
  - (2) The registrar may vary a special licence on the registrar's own initiative if the registrar is satisfied that it is in the public interest to do so.
  - (3) Before varying a special licence on the registrar's own initiative, the registrar must give the licensee a written notice—
    - (a) stating how the registrar proposes to vary the licence; and
    - (b) stating the reasons why the registrar proposes to vary the licence; and
    - (c) telling the licensee that the licensee may give a written response to the registrar about the matters stated in the notice within 7 days beginning the day after receiving the notice.
- Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.
- (4) In making a decision under subsection (1) or (2), the registrar must consider—
    - (a) for a multiple dog licence—the matters mentioned in section 20 (3) (Multiple dog licences—approval or refusal); and

- (b) for a dangerous dog licence—the matters mentioned in section 25 (3) (Dangerous dog licences—approval or refusal); and
  - (c) for a racing greyhound controller licence—the matters mentioned in section 39I (3) (Racing greyhound controller licences—approval or refusal); and
  - (d) any breach of the conditions of the licence.
- (5) In making a decision whether to vary the special licence on the registrar’s own initiative, the registrar must consider any response given to the registrar in accordance with subsection (3) (c).
  - (6) Subsections (4) and (5) do not limit the matters the registrar may consider.
  - (7) The registrar must refuse to vary—
    - (a) a multiple dog licence if the registrar would be obliged under section 20 (2) to refuse to issue the licence as varied; or
    - (b) a dangerous dog licence if the registrar would be obliged under section 25 (2) to refuse to issue the licence as varied.
  - (8) The registrar must refuse to vary a racing greyhound controller licence if the registrar would be obliged under section 39I (3) (Racing greyhound controller licences—approval or refusal) to refuse to issue the licence as varied.
  - (9) The registrar must give the licensee written notice of the registrar’s decision.
  - (10) A variation of a special licence takes effect on the day notice of the variation is given to the licensee or, if the notice provides for a later day of effect, that day.



(11) In this section:

*vary* includes—

- (a) for a multiple dog licence—substitute a dog for another dog; and
- (b) for a racing greyhound controller licence—substitute a racing greyhound for another racing greyhound.

### **34 Endorsement of variations**

(1) The holder of a varied special licence must not, without reasonable excuse, fail to return the licence to the registrar within 7 days beginning the day after the variation takes effect.

Maximum penalty: 5 penalty units.

(2) The registrar must endorse the variation on the licence, and return it to the licensee, as soon as possible after the return of the special licence.

### **35 Surrender of special licences**

(1) The holder of a special licence may surrender the licence by filling in the appropriate endorsement on the licence and giving it to the registrar.

(2) The surrender of a special licence takes effect from the day when the endorsed licence is given to the registrar or, if a later day is stated in the endorsement, the later day.

### **36 Cancellation of special licences**

(1) The registrar—

- (a) must cancel a special licence if the licensee is disqualified from keeping a dog or any other animal; or

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

- (b) may cancel a special licence if—
  - (i) the registrar becomes aware of circumstances that, if the registrar had been aware of them at the time of the application for the licence, would have resulted in the application being refused; or
  - (ii) the licensee contravenes a condition of the licence; or
  - (iii) the licence was obtained by a false or misleading statement; or
  - (iv) the registrar reasonably believes there would be an unacceptable risk to the safety of the public or other animals if the licence were not cancelled; or
  - (v) the registrar reasonably believes that the licensee has failed, or is unable, to exercise responsible dog management, care or control.
- (2) Before cancelling a special licence, the registrar must give the licensee a written notice—
  - (a) stating the grounds on which the registrar proposes to cancel the licence; and
  - (b) stating the facts that, in the registrar’s opinion, establish the grounds; and
  - (c) telling the licensee that the licensee may give a written response to the registrar about the matters in the notice, within 7 days beginning the day after receiving the notice.
- (3) In deciding whether to cancel the licence, the registrar must consider any response given to the registrar in accordance with subsection (2) (c).
- (4) The registrar must give the licensee written notice of the registrar’s decision.

- (5) Cancellation of a special licence takes effect on the day notice of the cancellation is given to the licensee or, if the notice provides for a later day of effect, that day.

**37 Return of special licences**

If a person whose special licence has been cancelled is asked by the registrar, by written notice, to return the licence, the person must not, without reasonable excuse, fail to return the licence to the registrar within 7 days beginning the day after the notice is given to the person.

Maximum penalty: 10 penalty units.

**38 Cancellation or disqualification from holding a special licence**

- (1) If a person is convicted or found guilty of an animal welfare offence or an offence against this Act (other than an excluded offence), the court may cancel a special licence held by the person or disqualify the person from holding a special licence for a period decided by the court.
- (2) In making a decision under subsection (1), the court must consider—
- (a) the acts or omissions of the person constituting the offence; and
  - (b) any conviction or finding of guilty of the applicant within the last 10 years for an offence against a law of a Territory or State relating to the welfare, keeping or control of an animal.
- (3) Subsection (2) does not limit the matters that the court may consider.
- (4) If the court cancels or disqualifies a person from holding a special licence, the court must give particulars of the cancellation or disqualification to the registrar.

### 39 Applying for special licences if disqualified

A person must not apply for a special licence if the person is disqualified from holding a special licence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## Division 2.4A Racing greyhounds

### 39A Meaning of *greyhound racing* and *racing greyhound*

In this Act:

*greyhound racing* means 1 or more greyhounds racing in competitive pursuit, and includes—

- (a) a greyhound trial or training race; and
- (b) racing in a test of speed of 1 or more racing greyhounds.

*Note* A person commits an offence if the person conducts or takes part in greyhound racing in the ACT—see the *Animal Welfare Act 1992*, s 18A.

*racing greyhound* means a greyhound that is used or intended to be used for greyhound racing.

### 39B Presumption greyhound is racing greyhound

- (1) This section applies to a greyhound that is 6 months old or older.
- (2) A greyhound is taken to be a racing greyhound unless the owner of the greyhound makes a statement to the registrar, in writing, that the greyhound is not used, and is not intended to be used, for greyhound racing.

*Note 1* If a form is approved under s 147 for this provision, the form must be used.

*Note 2* 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).

### **39C Racing greyhounds—registration**

- (1) The owner of a racing greyhound may apply to the registrar to register the greyhound as a racing greyhound.

*Note 1* If a form is approved under s 147 for this provision, the form must be used.

*Note 2* A fee may be determined under s 144 for this provision.

- (2) If the registrar receives an application under subsection (1), the registrar must—

- (a) register the greyhound as a racing greyhound; or
- (b) refuse to register the greyhound as a racing greyhound.

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

- (a) must refuse to register the greyhound as a racing greyhound if the applicant is—

- (i) disqualified from keeping a dog or any other animal; or

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

- (ii) disqualified or suspended from participation in greyhound racing under a gaming law or a rule of racing or betting (in the ACT or elsewhere); or

- (b) may refuse to register the greyhound as a racing greyhound if—

- (i) the dog is not implanted with an identifying microchip as required under this Act; or

- (ii) the registrar reasonably believes that the applicant has failed, or is unable, to exercise responsible dog management, care or control.

- (4) The registration of a greyhound as a racing greyhound remains in force for 12 months unless sooner surrendered or cancelled.

**39D Offence—unregistered racing greyhound**

- (1) A person must not keep—
- (a) an unregistered racing greyhound; or
  - (b) a registered racing greyhound if the person is not the registered keeper or licensed racing greyhound controller in relation to the greyhound.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the dog is kept by the person for less than 28 days; or
  - (b) the person has been resident in the ACT for less than 28 days.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

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

**39E Racing greyhounds—registration numbers etc**

Section 11 (Registration numbers and certificates) and section 17 (Evidence of registration or non-registration) apply to the registration of a racing greyhound.

**39F Racing greyhounds—cancellation of registration**

- (1) The registrar must cancel the registration of a greyhound as a racing greyhound if—
- (a) the keeper of the racing greyhound tells the registrar, in writing, that the dog—
    - (i) has died; or
    - (ii) is no longer a racing greyhound; or
  - (b) the dog is destroyed under this Act; or

- (c) registration of the dog is cancelled under section 13 (Registration—cancellation); or
- (d) the keeper of the dog is disqualified from keeping a dog or any other animal; or
- (e) the keeper of the dog is disqualified or suspended from participation in greyhound racing under a gaming law or a rule of racing or betting (in the ACT or elsewhere).

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

- (2) The registrar may cancel the registration of a greyhound as a racing greyhound if—
  - (a) the keeper of the dog tells the registrar, in writing, that the person is no longer the owner of the dog; or
  - (b) the registrar reasonably believes that the dog's keeper has failed, or is unable, to exercise responsible dog management, care or control.

**39G Day-to-day control of racing greyhounds—requirement to be licensed**

- (1) A person commits an offence if the person—
  - (a) has the day-to-day control of a racing greyhound; and
  - (b) does not hold a racing greyhound controller licence.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if the person—
  - (a) has the day-to-day control of a racing greyhound; and
  - (b) holds a racing greyhound controller licence; and
  - (c) does not comply with a condition of the licence.

Maximum penalty: 50 penalty units.

- (3) Subsection (1) does not apply to a racing greyhound that is temporarily kept by a veterinary surgeon or at an animal boarding facility.
- (4) An offence against this section is a strict liability offence.
- (5) In this section:
  - animal boarding facility***—
    - (a) means a kennel or other premises where animals are kept temporarily by a person other than the registered keeper or the person who has day-to-day control of the animal; and
    - (b) includes a facility used for the rescue and rehoming of greyhounds.

### **39H Racing greyhound controller licences—applications**

- (1) A person may apply to the registrar for a licence to be a person in day-to-day control of 1 or more racing greyhounds (a ***racing greyhound controller licence***).
- (2) The application must include—
  - (a) the applicant's name and address; and
  - (b) the address of the premises where the greyhound or greyhounds are to be kept; and
  - (c) if the greyhound or greyhounds are registered with a greyhound racing controlling body—the name of the body.
- (3) In this section:

***greyhound racing controlling body*** means a body established under a law of a State to conduct greyhound race meetings and greyhound racing within the State.

*Note* ***State*** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).



**39I Racing greyhound controller licences—approval or refusal**

- (1) If an application for a racing greyhound controller licence is made under section 39H, the registrar must, by written notice to the applicant—
  - (a) approve the issue of the licence; or
  - (b) refuse to approve the issue of the licence.
- (2) The registrar must refuse to issue a racing greyhound controller licence unless satisfied that—
  - (a) the yard in which the racing greyhounds will be kept and associated facilities are adequately ventilated and constructed in a way to allow them to be kept in a sanitary condition; and
  - (b) if the application is in relation to 4 or more racing greyhounds—appropriate arrangements exist for the sanitary disposal of waste; and
  - (c) the applicant can otherwise comply with the requirements of the *Animal Welfare Act 1992* and any approved or mandatory code of practice under that Act; and
  - (d) the applicant is able to exercise responsible dog management, care and control; and
  - (e) any other requirement prescribed by regulation is met.
- (3) In making a decision under this section, the registrar must consider the following:
  - (a) the number of other dogs kept by the applicant;
  - (b) the size and nature of the premises where the dogs are to be kept;
  - (c) the security of the premises;

- (d) the suitability of facilities for keeping racing greyhounds on the premises;
  - (e) the potential impact on the occupiers of neighbouring premises;
  - (f) any conviction or finding of guilt of the applicant within the last 10 years against a law of a Territory or State for an offence relating to greyhound racing or the welfare, keeping or control of an animal;
  - (g) any disciplinary action taken against the applicant under a gaming law or a rule of racing or betting (in the ACT or elsewhere);
  - (h) the safety of the public and other animals.
- (4) Subsection (3) does not limit the matters the registrar may consider.

**39J Racing greyhound controller licences—conditions**

- (1) A racing greyhound controller licence is subject to—
- (a) the condition that the licensee comply with any relevant mandatory code of practice under the *Animal Welfare Act 1992*, section 23 (Mandatory code of practice); and
  - (b) any other condition imposed by the registrar when the licence is issued.
- (2) In making a decision whether or not to impose a condition on a racing greyhound controller licence, the registrar must consider the following:
- (a) the number of other dogs kept by the licensee;
  - (b) the size and nature of the premises where the dogs are to be kept;

- (c) the potential impact on the occupiers of neighbouring premises;
  - (d) the safety of the public and other animals.
- (3) The conditions may include the following:
- (a) the confining of each racing greyhound in a yard that will allow the racing greyhound adequate freedom of movement;
  - (b) no part of the yard being closer than 2m from a boundary fence;
  - (c) there being sufficient shelter for the racing greyhound.
- (4) Subsection (2) does not limit the matters the registrar may consider.

## **Division 2.5                      Control of dogs**

### **40                      Declaration—exercise areas**

- (1) The Minister may declare an area of land or water to be an exercise area under this Act.
- (2) A declaration may provide that an area is an exercise area for all or stated animals.
- (3) A declaration under this section is a disallowable instrument.

*Note*                      A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

### **41                      Prohibited areas**

- (1) The Minister may declare an area of land or water to be an area where dogs are prohibited.
- (2) An area declared under subsection (1) may include all or part of an exercise area for stated animals.

- (3) A declaration is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (4) If the Minister declares a prohibited area, the Minister must erect a sign or signs identifying the area as a prohibited area.
- (5) A person must not take a dog into a prohibited area.  
Maximum penalty: 5 penalty units.
- (6) An offence against this section is a strict liability offence.
- (7) In a proceeding for an offence against subsection (5), a sign is taken to have been erected with the Minister's authority unless the contrary is proved.

## **42 Prohibited places**

- (1) A person commits an offence if the person—
- (a) takes a dog into the grounds of a child-care centre, preschool or primary school; and
  - (b) does not have the permission of the principal or person in charge of the centre or school to take the dog into the grounds; and
  - (c) does not live on the grounds of the centre or school.

Maximum penalty: 15 penalty units.

- (2) A person commits an offence if the person—
- (a) takes a dog into the grounds of a high school or secondary college during school hours or when school sport, including sport training, is being conducted; and
  - (b) does not have the permission of the principal or person in charge of the school or college to take the dog into the grounds; and

(c) does not live on the grounds of the school or college.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person takes a dog onto a field or playing area where authorised sport or training is being played or conducted on the field or area.

Maximum penalty: 10 penalty units.

- (4) A person commits an offence if the person—

(a) takes a dog into a public place; and

(b) the public place is within 10m of—

(i) anything designed for play by children in the public place and that children are playing on; or

(ii) a fixed fireplace or heating appliance in the public place designed for cooking food and that people are using; or

(iii) a swimming area as defined by a sign erected or displayed under the *Lakes Act 1976*, section 15 (a) (iv).

Maximum penalty: 10 penalty units.

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

- (6) In this section:

***authorised sport or training***, in relation to a field or playing area, means a sport or recreational activity, or training for the sport or activity, that has been authorised to be played or conducted on the field or area by the entity responsible for management of the field or area.

***dog*** does not include an assistance animal that is with a person with a disability.

*public place* means any unleased territory land that the public is entitled to use or that is open to, or used by, the public, and includes any street, road, lane, thoroughfare, footpath, or place that is territory land open to, or used by, the public.

#### **43           Prohibited areas—permits**

- (1) The registrar may permit a person mentioned in the permit to take a particular dog into a particular prohibited area at the times stated in the permit.
- (2) In making a decision under subsection (1), the registrar must consider the opinion of the conservator of flora and fauna about the impact on the environment if the permit were issued.
- (3) Subsection (2) does not limit the matters that the registrar may consider.
- (4) A permit may be issued on conditions.
- (5) A permit—
  - (a) takes effect on the day stated in the permit; and
  - (b) unless sooner revoked, remains in force for the period of not longer than 1 year stated in the permit.

#### **44           Dogs in public places must be controlled**

- (1) A person commits an offence if—
  - (a) the person is the keeper or carer of a dog; and
  - (b) the person is with the dog in a public place; and
  - (c) the dog is not restrained by a leash.

Maximum penalty: 15 penalty units.

- (2) A person commits an offence if—
- (a) the person is the keeper or carer of a dog; and
  - (b) the person is with the dog in a public place; and
  - (c) the dog is not under the effective control of the person.
- Maximum penalty: 15 penalty units.
- (3) The keeper of a dog commits an offence if the dog—
- (a) is in a public place; and
  - (b) is not with a carer.
- Maximum penalty: 15 penalty units.
- (4) An offence against this section is a strict liability offence.
- (5) Subsection (1) does not apply to a dog that is under the control of a person and is—
- (a) in an exercise area declared under section 40 (Declaration—exercise areas); or
  - (b) a working dog working livestock; or
  - (c) taking part in—
    - (i) a dog show, field trial or obedience trial; or
    - (ii) a dramatic performance or other entertainment.
- (6) In a prosecution for an offence against subsection (3), it is a defence if the defendant proves that the defendant took reasonable steps to prevent a contravention of the subsection.
- (7) For this Act, a dog is under the *effective control* of a person if the person can prevent the dog from approaching other animals or people by—
- (a) use of a leash; or
  - (b) holding or confining the dog; or

- (c) the dog—
  - (i) being in sight of the person; and
  - (ii) responding to and following the person’s commands.

**Example**

Pete is walking his large dog, Reggie, on a leash. However, Pete is not strong enough to stop Reggie pulling and approaching other dogs. Reggie is not under the effective control of Pete.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**45 Dogs on private premises to be restrained**

- (1) A carer of a dog commits an offence if—
  - (a) the carer is with the dog on private premises; and
  - (b) the dog is not restrained by a leash; and
  - (c) the carer does not have the consent of the occupier of the premises.

Maximum penalty: 10 penalty units.

- (2) Subsection (1) does not apply if the carer is on premises occupied by the keeper of the dog.

- (3) A keeper of a dog commits an offence if—
  - (a) the keeper is with the dog on private premises; and
  - (b) the dog is not restrained by a leash; and
  - (c) the keeper does not have the consent of the occupier of the premises.

Maximum penalty: 10 penalty units.

- (4) Subsection (3) does not apply if the keeper is on premises occupied by a carer of the dog.



- (5) A keeper of a dog commits an offence if—
- (a) the dog is on private premises; and
  - (b) the dog is not with a carer; and
  - (c) the keeper does not have the consent of the occupier of the premises.

Maximum penalty: 15 penalty units.

- (6) An offence against this section is a strict liability offence.
- (7) In a prosecution for an offence against subsection (1), (3) or (5), it is evidence that the occupier of premises did not consent if an authorised person gives evidence that, at the time of the offence, the occupier told the authorised person that the occupier did not consent.
- (8) In a prosecution for an offence against subsection (1), (3) or (5), it is a defence if the defendant proves that the defendant took reasonable steps to prevent a contravention of the subsection.

## **46 Disposal of faeces**

- (1) The carer of a dog must hygienically dispose of any faeces dropped by the dog in a public place or in a stormwater drain or channel (whether on public or private land).

Maximum penalty: 5 penalty units.

### **Example—hygienic disposal**

using a plastic bag or sealable container and placing the bag or container in a garbage bin

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) The carer of a dog commits an offence if the carer—
- (a) takes the dog into a public place or a stormwater drain or channel (whether on public or private land); and
  - (b) is not carrying equipment suitable for the hygienic disposal of faeces dropped by the dog.

Maximum penalty: 5 penalty unit.

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

#### **47 Female dogs on heat**

- (1) A keeper or carer of a female dog must not allow the dog to enter or remain in a public place if the dog is on heat.

Maximum penalty: 15 penalty units.

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

- (3) This section does not apply if the dog is—

- (a) confined in a motor vehicle in a public place; or
- (b) under the control of the keeper or carer and taking part in—
  - (i) a dog show, field trial or obedience trial; or
  - (ii) a dramatic performance or other entertainment.

- (4) In a prosecution for an offence against this section, it is not a defence that the dog was under the control of a competent person.

### **Division 2.6 Attacking, harassing and menacing dogs**

#### **49 Harassment of people and animals by dogs**

- (1) A dog is taken to *harass* a person if, because of its behaviour, the person reasonably fears that the dog is about to attack the person without provocation.

- (2) A dog is taken to *harass* an animal if the dog hunts or torments the animal.

**49A Dog attacks or harasses person or animal**

- (1) A person commits an offence if—
- (a) the person is the carer for a dog; and
  - (b) the dog attacks or harasses another person or animal.
- Maximum penalty: 50 penalty units.
- (2) A person commits an offence if—
- (a) the person is the keeper of a dog; and
  - (b) the dog attacks or harasses another person or animal.
- Maximum penalty: 50 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) It is a defence to a prosecution for an offence against this section if the defendant proves that—
- (a) the person or animal provoked the dog; or
  - (b) the person or animal was attacked or harassed because the dog came to the aid of a person or animal the dog could be expected to protect; or
  - (c) if the attack or harassment was on premises occupied by the defendant—the person or animal was on the premises without lawful excuse.
- (5) Also, it is a defence to a prosecution for an offence against subsection (2) if the defendant proves that—
- (a) the defendant asked or told another person to be the carer for the dog; and

- (b) that person was, at the time of the offence, the carer for the dog; and
- (c) the defendant had taken reasonable measures to ensure that the carer was able to exercise responsible dog management, care and control of the dog.

**Examples—par (c)**

- telling the carer about the dog, including about any control order or nuisance notice
- ensuring the carer was experienced enough and physically able to manage, care and control the dog
- ensuring the carer had a leash and secure premises for the dog

*Note 1* The defendant has a legal burden in relation to the matters mentioned in s (4) and s (5) (see [Criminal Code](#), s 59).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (6) If a person is convicted or found guilty of an offence against this section, the court may—
  - (a) order that the dog be destroyed; or
  - (b) make any other order the court considers necessary to ensure the safety of the public and other animals.

**50 Dog attacks person or animal causing serious injury**

- (1) A person commits an offence if—
  - (a) the person is the carer for a dog; and
  - (b) the person does or omits to do something; and
  - (c) the act or omission results in the dog attacking another person or animal; and
  - (d) the attack causes serious injury to the other person or animal; and

- (e) the person intends the attack to cause, or is reckless or negligent about the attack causing, serious injury to the other person or animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person commits an offence if—
  - (a) the person is the keeper of a dog; and
  - (b) the person does or omits to do something; and
  - (c) the act or omission results in the dog attacking another person or animal; and
  - (d) the attack causes serious injury to the other person or animal; and
  - (e) the person intends the attack to cause, or is reckless or negligent about the attack causing, serious injury to the other person or animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that—
  - (a) the person or animal provoked the dog; or
  - (b) the person or animal was attacked or harassed because the dog came to the aid of a person or animal the dog could be expected to protect; or
  - (c) if the attack or harassment was on premises occupied by the defendant—the person or animal was on the premises without lawful excuse.

- (4) Also, it is a defence to a prosecution for an offence against subsection (2) if the defendant proves that—
- (a) the defendant asked or told another person to be the carer for the dog; and
  - (b) the person was, at the time of the offence, the carer for the dog; and
  - (c) the defendant had taken reasonable measures to ensure that the carer was able to exercise responsible dog management, care and control of the dog.

**Examples—par (c)**

- telling the carer about the dog including about any control order or nuisance notice
- ensuring the carer was experienced enough and physically able to manage, care and control the dog
- ensuring the carer had a leash and secure premises for the dog

*Note 1* The defendant has a legal burden in relation to the matters mentioned in s (3) and s (4) (see [Criminal Code](#), s 59).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (5) If a person is convicted or found guilty of an offence against this section, the court may—
- (a) order that the dog be destroyed; or
  - (b) make any other order the court considers necessary to ensure the safety of the public and other animals.

**50A Dangerous dog attacks or harasses person or animal**

- (1) A person commits an offence if—
- (a) the person is the keeper of a dangerous dog; and
  - (b) the person does or omits to do something; and

- (c) the act or omission results in the dog attacking or harassing another person or animal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person commits an offence if—
  - (a) the person is a keeper of a dangerous dog; and
  - (b) the person does or omits to do something; and
  - (c) the act or omission results in the dog attacking another person or animal; and
  - (d) the attack causes serious injury to the other person or animal; and
  - (e) the person intends the attack to cause, or is reckless or negligent about the attack causing, serious injury to the other person or animal.

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that—
  - (a) the person or animal provoked the dog; or
  - (b) the person or animal was attacked or harassed because the dog came to the aid of a person or animal the dog could be expected to protect; or
  - (c) if the attack or harassment was on premises occupied by the defendant—the person or animal was on the premises without lawful excuse.

*Note* The defendant has a legal burden in relation to the matters mentioned in s (2A) (see [Criminal Code](#), s 59).

- (4) If a person is convicted or found guilty of an offence against this section, the court may—
- (a) order that the dog be destroyed; or
  - (b) make any other order the court considers necessary to ensure the safety of the public.

**50B Obligations of keeper or carer if dog attacks**

- (1) This section applies if—
- (a) a keeper or carer of a dog is with the dog; and
  - (b) the dog attacks a person or a person's animal (the *affected person*).
- (2) The keeper or carer must, if asked by the affected person, give the affected person—
- (a) reasonable assistance as requested; and
  - (b) the keeper or carer's name, address and contact details.

Maximum penalty: 50 penalty units.

- (3) If the attack caused serious injury to a person or animal, the keeper or carer must tell the registrar about the attack within 5 days after the day of the attack.

Maximum penalty: 50 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.

**51 Encouraging dogs to attack or harass**

- (1) A person must not, without reasonable excuse, knowingly encourage a dog to attack or harass someone else or an animal.

Maximum penalty: 50 penalty units.



- (2) This section does not apply if—
- (a) the defendant reasonably believed the animal to be vermin; and
  - (b) the defendant was on the land with the lessee's consent.

**51A Provoking dog to attack**

A person commits an offence if—

- (a) the person provokes a dog; and
- (b) the provocation caused the dog to attack the person, another person or an animal.

Maximum penalty: 50 penalty units.

**52 Costs of impounding dogs**

- (1) This section applies in relation to a prosecution of a person for an offence against section 50 (1) or (2), section 50A or section 51 in relation to a dog.
- (2) If the court convicts the person, or finds the person guilty, of the offence, the costs of impounding the dog are payable to the Territory by the keeper of the dog.

**53 Destruction of attacking dogs**

- (1) A person may destroy a dog that attacks the person if the destruction of the dog is necessary to bring the attack to an end.
- (2) A person may destroy a dog found attacking someone else or an animal if the destruction of the dog is necessary to bring the attack to an end.
- (3) A person may destroy a dog found in an enclosed field if the person reasonably believes that an animal confined in the field has just been killed, injured or attacked by the dog.
- (4) Subsection (3) does not apply if the dog cannot move freely about the field because of a leash or other form of restraint.

- (5) In this section:

*field* includes a paddock, yard or other place.

**53A Complaints about attacking, harassing or menacing dogs**

- (1) A person may complain in writing to the registrar about a dog if the dog—
- (a) attacked or harassed a person or an animal; or
  - (b) is aggressive or menacing.

- (2) The registrar—

- (a) must investigate the complaint if it is about an attack that caused the death of, or serious injury to, a person; and
- (b) in any other case—may investigate the complaint.

*Note* The dog may be seized and impounded by an authorised person until the end of the investigation (see s 56A).

- (3) The registrar must tell the complainant in writing—

- (a) whether or not the registrar investigated the complaint; and
- (b) if an investigation was conducted—the outcome of the investigation.

- (4) The registrar may make guidelines about how the registrar investigates complaints.

- (5) A guideline is a notifiable instrument.

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

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

- (1) This section applies if the registrar is reasonably satisfied, because of a complaint or otherwise, that—
  - (a) a dog attacked a person or an animal; and
  - (b) the attack caused—
    - (i) the death of the person; or
    - (ii) serious injury to the person; or
    - (iii) the death of the animal.
- (2) The registrar must destroy the dog.
- (3) However, subsection (2) does not apply if, and only if, the registrar is reasonably satisfied the dog is not likely to be a danger to the public or another animal.
- (4) For subsection (3), the registrar may consider—
  - (a) the circumstances of the attack including whether—
    - (i) the person or animal provoked the dog; or
    - (ii) the person or animal was attacked because the dog came to the aid of a person or animal the dog could be expected to protect; or
    - (iii) if the attack was on premises occupied by the keeper of the dog—the person or animal was on the premises without lawful excuse; and
  - (b) whether reasonable steps can be taken to reduce the risk of the dog endangering the public and other animals; and
  - (c) any other relevant matter.

- (5) The registrar may destroy the dog if—
- (a) the registrar gives the dog’s keeper written notice of the decision to destroy the dog; and
  - (b) the dog’s keeper—
    - (i) does not, within 7 days after the day the notice is given (the *application period*), apply to the ACAT under section 120 for review of the decision; or
    - (ii) applies to the ACAT under section 120 for review of the decision within the application period and the registrar’s decision to destroy the dog is confirmed.
- (6) If the registrar decides not to destroy the dog, the registrar—
- (a) may issue a control order for the dog to the dog’s keeper or carer; and
  - (b) if the registrar issues a control order to a carer of the dog—  
must give a copy of the order to the dog’s keeper.

*Note 1* The registrar may declare a dog to be a dangerous dog if the dog attacked a person or animal—see s 22 (2).

*Note 2* The registrar must give a reviewable decision notice for s (2) and s (6) to the keeper or carer and must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see s 119 and *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

### **53C Dealing with attacking, harassing or menacing dogs generally**

- (1) This section applies if the registrar is reasonably satisfied, because of a complaint or otherwise, that a dog—
- (a) attacked a person or an animal and the attack caused—
    - (i) an injury (other than a serious injury) to the person; or
    - (ii) serious injury to the animal; or

- (b) harassed a person or an animal; or
  - (c) is aggressive or menacing.
- (2) The registrar may decide to destroy the dog.
- (3) In making a decision under subsection (2), the registrar—
- (a) must consider—
    - (i) the safety of the public and other animals; and
    - (ii) if the dog attacked a person or animal—the circumstances of the attack including whether—
      - (A) the person or animal provoked the dog; or
      - (B) the person or animal was attacked because the dog came to the aid of a person or animal the dog could be expected to protect; or
      - (C) if the attack was on premises occupied by the keeper of the dog—the person or animal was on the premises without lawful excuse; and
  - (b) may consider any other relevant matter.
- (4) If the registrar decides not to destroy the dog, the registrar—
- (a) may issue a control order for the dog to the dog's keeper or carer; and
  - (b) if the registrar issues a control order to a carer of the dog—must give a copy of the order to the dog's keeper.

*Note 1* The registrar may declare a dog to be a dangerous dog if the dog attacked a person or animal—see s 22 (2).

*Note 2* The registrar must give a reviewable decision notice for s (2) and s (4) to the keeper or carer and must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see s 119 and *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

**53CA Meaning of *control order***

For this Act, a *control order*, for a dog, means an order issued by the registrar to the dog's keeper or carer requiring the dog's keeper or carer to do—

- (a) a thing prescribed by regulation; and
- (b) any other thing the registrar considers appropriate.

**53CB Control orders—carers**

- (1) This section applies if a control order is issued to the keeper of a dog.
- (2) The keeper must give a copy of the control order to a carer of the dog.

Maximum penalty: 50 penalty units.

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

**53D Revocation of control order**

- (1) The registrar may revoke a control order if reasonably satisfied, after carrying out an inspection, that—
  - (a) the order has been complied with; and
  - (b) adequate steps have been taken so that there is not an unacceptable risk to the safety of the public from the control order being revoked.
- (2) The registrar must give written notice of the revocation, and a statement of reasons for the revocation, to each person to whom notice of the control order was given.

**53E Offence—failure to comply with control order**

- (1) A person commits an offence if the person—
  - (a) is a keeper or carer of a dog; and
  - (b) is issued with, or given a copy of, a control order for the dog; and
  - (c) does not comply with the control order.

Maximum penalty: 50 penalty units.

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

**55 Compensation for injuries etc caused by dogs**

- (1) This section applies if—
  - (a) a dog attacks or harasses a person and the person suffers personal injury or property damage because of the attack or harassment; or
  - (b) a dog attacks or harasses an animal and the animal dies or is injured because of the attack or harassment.
- (2) The keeper of the dog is liable to pay to the person, or the owner of the animal, compensation for any loss or expense because of the attack or harassment.
- (3) Compensation may be recovered—
  - (a) whether or not a prosecution for an offence against this Act has been brought against the keeper of the dog in relation to the attack or harassment; and
  - (b) if a prosecution for an offence against this Act has been brought against the keeper—even if the keeper has been acquitted of the offence.

- (4) In a proceeding for compensation under this section for loss or expense by a person (the *plaintiff*) for personal injury or property damage, it is a defence for the defendant to prove that—
  - (a) the attack or harassment happened to the plaintiff while the plaintiff was, without reasonable excuse, on premises occupied by the defendant; or
  - (b) the plaintiff failed to take reasonable care for his or her own safety; or
  - (c) the plaintiff provoked the dog.
- (5) In a proceeding for compensation under this section for the death or injury of an animal, it is a defence for the defendant to prove that the attack or harassment happened to the animal while it was on premises occupied by the defendant or that the animal had provoked the dog.
- (6) This section does not affect any right that a person has to recover damages or compensation apart from this section.

**55A Access to information about dog attacks**

- (1) This section applies if—
  - (a) the registrar is satisfied that a person (the *victim*) has suffered injury or other loss because a dog has attacked or harassed the victim or the victim's animal; and
  - (b) the registrar holds information about the attack or harassment; and
  - (c) the information would help the victim identify the owner of the dog.



- (2) If an application is made by a relevant person to the registrar for access to the information, the registrar must give the applicant the information.

*Note* If a form is approved under s 147 for this provision, the form must be used.

- (3) Each of the following is a *relevant person*:
- (a) the victim;
  - (b) the victim's legal representative;
  - (c) if the victim does not have legal capacity—the victim's parent or guardian;
  - (d) anyone the registrar reasonably believes is a person mentioned in paragraph (a), (b) or (c).

### **55B Notice to affected neighbours**

- (1) This section applies if—
- (a) a dog is declared to be a dangerous dog; or
  - (b) a control order is issued to a keeper or carer of a dog; or
  - (c) a nuisance notice is issued to a keeper or carer of a dog.
- (2) The registrar may, if the registrar thinks it is in the interest of the safety of the public and other animals to do so, give notice of the dangerous dog declaration, control order or nuisance notice to people occupying property adjacent or nearby to premises where the dog is kept, or being cared for.

## **Division 2.7 Seizing dogs and dealing with them**

### **56 Seizure of dogs—general**

- (1) An authorised person may seize a dog if—
- (a) the dog is not registered under section 7; or

- (b) the dog is not identified by implanted microchip as required under this Act; or
  - (c) the dog is in a prohibited area in contravention of section 41 (Prohibited areas); or
  - (d) the dog is not restrained in contravention of section 44 (1), (2) or (3) (Dogs in public places must be controlled) or section 45 (1) or (3) (Dogs on private premises to be restrained); or
  - (e) the dog is on premises occupied by a person other than the keeper of the dog and the occupier asks an authorised person to seize the dog; or
  - (f) a court has ordered that the dog be destroyed under section 50 (5) (a) (Dog attacks person or animal causing serious injury); or
  - (g) the court has ordered the dog be destroyed under section 50A (4) (Dangerous dog attacks or harasses person or animal); or
  - (h) the keeper or carer fails to give an authorised person the person's name and address if required by the authorised person under section 134.
- (2) Also, an authorised person may seize a dog if—
- (a) the registrar refuses to register the dog under section 7 (1) (b); or
  - (b) the dog's registration is cancelled under section 13 (1) (c) or (2) (b); or
  - (c) the keeper has not complied with a control order issued to the keeper or carer in relation to the dog; or
  - (d) the keeper breeds a litter from the dog without a breeding licence; or

- (e) the dog is at least 6 months old and not de-sexed and the keeper does not hold a permit under part 3 for the dog; or
  - (f) the authorised person reasonably believes that—
    - (i) the keeper or carer of the dog is not demonstrating responsible dog management, care or control in relation to the dog; or
    - (ii) the safety of the public or other animals are at risk because of the keeper or carer's actions.
- (3) If subsection (2) (d) applies, the authorised person may seize the parent dogs and pups.

**56A Seizure of dogs—investigation of complaints about attacking, harassing or menacing dogs**

- (1) This section applies if the registrar investigates a complaint about a dog under section 53A (Complaints about attacking, harassing or menacing dogs).
- (2) An authorised person—
- (a) must seize the dog if the complaint is that—
    - (i) the dog attacked the complainant or another person; and
    - (ii) the attack caused the death of or serious injury to a person; or
  - (b) in any other case—may seize the dog.
- (3) If an authorised person seizes a dog, the authorised person must—
- (a) impound the dog until the investigation is completed; or
  - (b) if the authorised person is reasonably satisfied that the dog can be kept by the keeper or carer on suitable and secure premises—direct the keeper or carer orally, or in writing, to keep the dog on the premises in accordance with any stated conditions until the investigation is completed.

- (4) The conditions may include—
  - (a) a condition prescribed by regulation; and
  - (b) any other condition the authorised person considers appropriate.
- (5) If the authorised person gives an oral direction under subsection (3) (b), the authorised person must confirm the direction in writing as soon as practicable.
- (6) A person commits an offence if the person fails to comply with a direction under subsection (3) (b).  
Maximum penalty: 50 penalty units.
- (7) An offence against this section is a strict liability offence.

**57 Seizure—dangerous dogs**

An authorised person must seize a dangerous dog—

- (a) if—
  - (i) the keeper of the dog has contravened a condition of a dangerous dog licence in force for the dog; and
  - (ii) the authorised person reasonably believes, having regard to the safety of the public, that the contravention justifies the seizure; or
- (b) if a dangerous dog licence is not in force for the dog; or
- (c) if the dangerous dog licence in force for the dog is cancelled.

**58 Seizure—multiple dog licence**

An authorised person may seize a dog if—

- (a) the dog is being kept in contravention of section 18 (Requirement to be licensed if multiple dogs); or
- (b) the dog's keeper has not complied with a condition of a multiple dog licence held by the keeper in relation to the dog.

**59 Seizure—attacking, harassing or menacing dogs**

An authorised person—

- (a) must seize a dog if the authorised person reasonably suspects—
  - (i) the dog attacked a person; and
  - (ii) the attack caused the death of or serious injury to a person; or
- (b) may seize a dog if the authorised person reasonably suspects the dog—
  - (i) attacked a person or an animal and the attack caused—
    - (A) an injury (other than a serious injury) to the person; or
    - (B) serious injury to the animal; or
  - (ii) harassed a person or an animal; or
  - (iii) is aggressive or menacing.

## **60 Impounding of dogs seized**

- (1) An authorised person—
  - (a) may impound a seized dog; and
  - (b) if a dog is impounded—
    - (i) if the identity of the dog’s keeper or carer is not known— must make reasonable inquiries to find out who is the keeper or carer; or
    - (ii) if the identity of the dog’s keeper or carer is known— must give oral or written notice to the keeper or carer in accordance with section 61 about the dog’s seizure.
- (2) The authorised person may give the notice by telephone.
- (3) For subsection (1) (a), if the authorised person is reasonably satisfied that the dog can be kept by the keeper or carer on suitable and secure premises, the authorised person may direct the keeper or carer orally, or in writing, to keep the dog on the premises in accordance with any stated conditions until the investigation is completed.
- (4) The conditions may include—
  - (a) a condition prescribed by regulation; and
  - (b) any other condition the authorised person considers appropriate.
- (5) If the authorised person gives an oral direction under subsection (3), the authorised person must confirm the direction in writing as soon as practicable.
- (6) A person commits an offence if the person fails to comply with a direction under subsection (3).

Maximum penalty: 50 penalty units.
- (7) An offence against this section is a strict liability offence.

## **61 Information to be given in notice of dog's seizure**

If a dog is seized under this part, the notice of seizure under section 60 (1) (b) (ii) must give the following information, if relevant:

- (a) when and where the dog was seized;
- (b) the reason the dog was seized;
- (c) where the dog may be claimed;
- (d) if the dog is not registered—registration of the dog, including the cost of registration;
- (e) if the keeper does not hold a dangerous dog licence or multiple dog licence for the dog and the licence is required for the dog—the relevant licence, including the cost of the licence;
- (f) if the dog's keeper holds a dangerous dog licence for the dog—the conditions of the licence and that the conditions may be varied or cancelled;
- (g) the fee payable for the release of the dog;
- (h) that the dog may be sold or destroyed if it is not claimed;
- (i) the period in which the dog may be claimed before it may be sold or destroyed;
- (j) that the keeper may relinquish ownership of the dog.

## **62 Releasing dogs seized under general seizure power**

- (1) This section applies to a dog seized under section 56 (Seizure of dogs—general) unless the dog is declared to be a dangerous dog after it was seized.

*Note* Section 65 deals with the release of a dog declared to be dangerous after it is seized.

- (2) The registrar must release the dog to a person claiming its release if, but only if, the registrar is satisfied—
- (a) the person claiming its release is the dog’s keeper; and
  - (b) the dog is registered; and
  - (c) the premises where the dog will be kept are secure enough to prevent the dog escaping; and
  - (d) if the dog was seized under section 56 (1) (a), (b), (c) or (d) because of an offence against this Act—subsection (3) applies to the offence; and
  - (e) the dog’s keeper has not relinquished ownership under section 69; and
  - (f) any fee payable under section 144 for the release of the dog has been paid; and
  - (g) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and
  - (h) there is not an unacceptable risk to the safety of the public and other animals from the dog being released.
- (3) This subsection applies to an offence if—
- (a) the holding period has ended and—
    - (i) a prosecution has not been started for the offence; and
    - (ii) an infringement notice has not been served for the offence; or
  - (b) an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or



- (c) a prosecution for the offence was started before the end of the holding period and—
  - (i) the prosecution has been discontinued; or
  - (ii) the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the dog.
- (4) In this section:  
*holding period*, in relation to a seized dog, means—
  - (a) 28 days after the day the dog was seized (the *original period*); or
  - (b) if the registrar gives written notice to the dog's keeper before the end of the original period—the original period plus an additional stated period.

### **63 Releasing dogs seized under power relating to multiple dogs**

- (1) This section applies to a dog seized under section 58 (Seizure—contravention of multiple dog licence) unless the dog is declared to be a dangerous dog after it was seized.  
*Note* Section 65 deals with the release of a dog declared to be dangerous after it is seized.
- (2) The registrar must release the dog to a person claiming its release if, but only if, the registrar is satisfied—
  - (a) the person claiming its release is the dog's keeper; and
  - (b) the dog is registered; and
  - (c) the premises where the dog will be kept are secure enough to prevent the dog escaping; and
  - (d) the keeper has any multiple dog licence needed to keep the dog; and

- (e) if the dog was seized under section 58 because of an offence against this Act—subsection (3) applies to the offence; and
  - (f) the dog’s keeper has not relinquished ownership under section 69; and
  - (g) any fee payable under section 144 for the release of the dog has been paid; and
  - (h) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and
  - (i) there is not an unacceptable risk to the safety of the public or other animals from the dog being released and kept in accordance with the conditions of the keeper’s multiple dog licence.
- (3) This subsection applies to an offence if—
- (a) the holding period has ended and—
    - (i) a prosecution has not been started for the offence; and
    - (ii) an infringement notice has not been served for the offence; or
  - (b) an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or
  - (c) a prosecution for the offence was started before the end of the holding period and—
    - (i) the prosecution has been discontinued; or
    - (ii) the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the dog.
- (4) In this section:  
***holding period***, in relation to a seized dog—see section 62 (4).

**64 Releasing dogs seized under attacking and harassing power**

- (1) This section applies to a dog seized under section 59 (Seizure—attacking, harassing or menacing dogs) unless the dog is declared to be a dangerous dog after it was seized.

*Note* Section 65 deals with the release of a dog declared to be dangerous after it is seized.

- (2) The registrar must release the dog to a person claiming its release if, but only if, the registrar is satisfied—
- (a) the person claiming its release is the dog's keeper; and
  - (b) the dog is registered; and
  - (c) the court has not ordered the dog be destroyed under—
    - (i) section 50 (5) (Dog attacks person or animal causing serious injury); or
    - (ii) section 50A (4) (Dangerous dog attacks or harasses person or animal); and
  - (d) if the dog was seized under section 59 because of an offence against this Act—subsection (3) applies to the offence; and
  - (e) the dog's keeper has not relinquished ownership under section 69; and
  - (f) any fee payable under section 144 for the release of the dog has been paid; and
  - (g) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and
  - (h) there is not an unacceptable risk to the safety of the public or other animals from the dog being released and kept in accordance with the conditions of any control order.

- (3) This subsection applies to an offence if—
- (a) the holding period has ended and—
    - (i) a prosecution has not been started for the offence; and
    - (ii) an infringement notice has not been served for the offence; or
  - (b) an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or
  - (c) a prosecution for the offence was started before the end of the holding period and—
    - (i) the prosecution has been discontinued; or
    - (ii) the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the dog.
- (4) In this section:  
*holding period*, in relation to a seized dog—see section 62 (4).

**65 Releasing dogs declared dangerous after seizure for offence**

- (1) This section applies if—
- (a) a dog is seized under this Act; and
  - (b) after the seizure, the dog is declared to be a dangerous dog.
- (2) The registrar must release the dog to a person claiming its release if, but only if, satisfied that—
- (a) the person claiming its release is the dog's keeper; and
  - (b) a dangerous dog licence is in force for the dog; and

- (c) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and
- (d) there is not an unacceptable risk to the safety of the public or another animal from the dog being released and kept in accordance with the conditions of a dangerous dog licence; and
- (e) any fee payable under section 144 for the release of the dog has been paid.

**65A Releasing dogs seized because of complaint**

- (1) This section applies if a dog is seized under section 56A (Seizure of dogs—investigation of complaints about attacking, harassing or menacing dogs).
- (2) The registrar must release the dog to a person claiming its release if—
  - (a) the registrar is reasonably satisfied of the matters mentioned in section 62 (2) (excluding paragraph (d)); and
  - (b) the investigation is completed.
- (3) The registrar may release the dog under subsection (2) only if satisfied that—
  - (a) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and
  - (b) there is not an unacceptable risk to the safety of the public and other animals from the dog being released and kept in accordance with the conditions of any dangerous dog licence and control order; and
  - (c) any fee payable under section 144 for the release of the dog has been paid.

**66 Selling or destroying dogs (other than dangerous dogs) generally**

- (1) This section applies to a dog, other than a dangerous dog, seized under—
- (a) section 56 (Seizure of dogs—general); or
  - (b) section 59 (Seizure—attacking, harassing or menacing dogs); or
  - (c) section 114 (Seizure, impounding and return of nuisance animals).

*Note* Section 68 deals with the selling and destruction of dangerous dogs.

- (2) The registrar may sell or destroy the dog if—
- (a) not later than 7 days after the day of the seizure, the registrar cannot find out who is the dog's keeper after making reasonable inquiries; or
  - (b) the dog's keeper relinquishes ownership of the dog under section 69; or
  - (c) not later than 7 days after the day notice under section 60 (1) (b) (ii) or section 114 (2) (b) (ii) was given to the dog's keeper, the keeper does not tell the registrar, in writing, that the keeper wishes to claim the dog and, if the dog is not registered, apply to the registrar to register the dog.

**67 Selling or destroying dogs (other than dangerous dogs) seized under multiple dog licence power**

- (1) This section applies to a dog seized under section 58 (Seizure—contravention of multiple dog licence) unless the dog is a dangerous dog.

*Note* Section 68 deals with the selling and destruction of dangerous dogs.

- (2) The registrar may sell or destroy the dog if—
- (a) not later than 7 days after the day of the seizure, the registrar cannot find out who is the dog's keeper after making reasonable inquiries; or
  - (b) the dog's keeper relinquishes ownership of the dog under section 69; or
  - (c) not later than 7 days after the day notice under section 60 (1) (b) (ii) was given to the dog's keeper, the keeper does not tell the registrar, in writing, that the keeper wishes to claim the dog and—
    - (i) if a multiple dog licence is required for the dog and a multiple dog licence is not in force for the dog—apply to the registrar for a multiple dog licence; and
    - (ii) if the dog is not registered—apply to the registrar to register the dog.
- (3) The registrar may sell or destroy a dog mentioned in subsection (2) (c) (i) if—
- (a) the dog's keeper applies for a multiple dog licence for the dog; and
  - (b) the registrar refuses to issue the licence; and
  - (c) the keeper receives notice of the registrar's decision to refuse to issue the licence; and

- (d) either—
  - (i) the keeper does not, not later than 7 days after the day the keeper receives the notice (the *application period*), make an application under section 120 for review of the decision; or
  - (ii) the keeper makes an application under section 120 for review of the decision not later than the application period and the registrar’s decision to refuse to issue the licence is confirmed.

**67A            Selling dogs (other than dangerous dogs) if keeper unfit**

- (1) This section applies if—
  - (a) a dog is seized under this Act; and
  - (b) the dog is not a dangerous dog; and
  - (c) the registrar is reasonably satisfied that—
    - (i) the dog’s keeper is unable to exercise responsible dog management, care or control in relation to the dog; or
    - (ii) there would be an unacceptable risk to the safety of the public or other animals if the dog were released to the keeper; and
  - (d) the registrar is reasonably satisfied that the dog would not be an unacceptable risk to the safety of the public or other animals if the dog were kept by someone who was able to exercise responsible dog management, care or control in relation to the dog.
- (2) The registrar may decide to sell the dog.



- (3) The registrar may sell the dog if—
- (a) the registrar gives the dog's keeper written notice of the decision to sell the dog; and
  - (b) the dog's keeper—
    - (i) does not, within 7 days after the day the notice is given (the *application period*), apply to the ACAT under section 120 for review of the decision; or
    - (ii) applies to the ACAT under section 120 for review of the decision within the application period and the registrar's decision to sell the dog is confirmed.

*Note* The registrar must give a reviewable decision notice for s (2) to the keeper and must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see s 119 and *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

## **68 Selling or destroying dangerous dogs generally**

- (1) This section applies to a dog seized under this division that is a dangerous dog, whether the dog was declared to be a dangerous dog before or after it was seized.
- (2) The registrar may sell or destroy the dog if—
  - (a) not later than 7 days after the day of the seizure, the registrar cannot find out who is the dog's keeper after making reasonable inquiries; or
  - (b) the dog's keeper relinquishes ownership of the dog under section 69; or

- (c) not later than 7 days after the day notice under section 60 (1) (b) (ii) was given to the dog's keeper, the keeper does not tell the registrar, in writing, that the keeper wishes to claim the dog and—
  - (i) if a dangerous dog licence is not in force for the dog—apply to the registrar for a dangerous dog licence; and
  - (ii) if the dog is not registered—apply to the registrar to register the dog.
- (3) The registrar may sell or destroy a dog mentioned in subsection (2) (c) (i) if—
  - (a) the dog's keeper applies for a dangerous dog licence for the dog; and
  - (b) the registrar refuses to issue the licence; and
  - (c) the keeper receives notice of the registrar's decision to refuse to issue the licence; and
  - (d) either—
    - (i) the keeper does not, not later than 7 days after the day the keeper receives the notice (the *application period*), make an application under section 120 for review of the decision; or
    - (ii) the keeper makes an application under section 120 for review of the decision not later than the application period and the registrar's decision to refuse to issue the licence is confirmed.

**68A Destroying dogs—public safety concerns**

- (1) This section applies if the registrar reasonably believes that a dog—
  - (a) is an unacceptable risk to the safety of the public or other animals; and
  - (b) cannot be reasonably rehoused, retrained or otherwise rehabilitated so that the dog is no longer an unacceptable risk to the safety of the public or other animals.
- (2) The registrar may decide to destroy the dog.
- (3) The registrar may destroy the dog if—
  - (a) the registrar gives the dog's keeper written notice of the decision to destroy the dog; and
  - (b) the dog's keeper—
    - (i) does not, within 7 days after the day the notice is given (the *application period*), apply to the ACAT under section 120 for review of the decision; or
    - (ii) applies to the ACAT under section 120 for review of the decision within the application period and the registrar's decision to destroy the dog is confirmed.

*Note* The registrar must give a reviewable decision notice for s (2) to the keeper and must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see s 119 and *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

**69 Relinquishing ownership of dogs**

- (1) This section applies to a dog seized under this Act.
- (2) The dog's keeper may relinquish ownership of the dog by signed writing given to the registrar.

- (3) An instrument relinquishing ownership of the dog—
  - (a) takes effect at the end of 3 days beginning on the day the signed instrument is given to the registrar; and
  - (b) must contain a statement to the effect of paragraph (a).
- (4) After an instrument relinquishing ownership of the dog takes effect, the registrar—
  - (a) is not obliged to return the dog to its keeper; and
  - (b) may sell or destroy the dog.
- (5) To remove any doubt, the registrar must not sell or destroy the dog under this section until the instrument relinquishing ownership of the dog takes effect.

## **Division 2.8                      Miscellaneous**

### **70                      Returning seized dog to its keeper**

- (1) The registrar may return a dog seized under this part to its keeper or carer under this section if satisfied that it would be in the public interest to return the dog.
- (2) In making a decision under subsection (1), the registrar must consider—
  - (a) the safety of the public; and
  - (b) the cost of keeping the dog impounded; and
  - (c) whether financial or other hardship would be caused to the keeper or carer if the dog were to remain impounded.
- (3) Subsection (2) does not limit the matters the registrar may consider.

- (4) The registrar may return the dog to its keeper or carer and—
  - (a) may issue a control order for the dog to the keeper or carer;  
and
  - (b) if the registrar issues a control order to a carer of the dog—  
must give a copy of the order to the dog’s keeper.
- (5) If the registrar returns the dog to its keeper or carer under this part, the registrar may waive all or part of any fee payable by the dog’s keeper or carer under this part if satisfied that not to waive the fee would cause the keeper financial hardship.

## **71 Guidelines about returning impounded dogs**

- (1) The Minister may issue guidelines about the exercise of the registrar’s functions under section 70.
- (2) The registrar must comply with any guidelines under this section.
- (3) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Part 3 Dogs and cats

### Division 3.1 Controlling breeding

#### 72 Offence—breeding dogs or cats without licence

- (1) A person commits an offence if the person—
- (a) is a keeper or carer of a female dog or cat; and
  - (b) breeds a litter from the dog or cat; and
  - (c) does not hold a breeding licence.
- Maximum penalty: 50 penalty units.
- (2) A person commits an offence if the person—
- (a) is a keeper, person in day-to-day control of or carer of a female greyhound; and
  - (b) breeds a litter from the greyhound; and
  - (c) does not hold a breeding licence.
- Maximum penalty: 50 penalty units.
- (3) Subsection (2) does not apply if the litter was not bred for the purpose of greyhound racing.
- Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).
- (4) An offence against this section is a strict liability offence.

#### 72A Breeding licence—applications

A person may apply to the registrar for a licence to breed a dog or cat (a *breeding licence*).

*Note* If a form is approved under s 147 for this provision, the form must be used.

**72B Breeding licence—approval or refusal**

- (1) If an application for a breeding licence is made under section 72A, the registrar must—
  - (a) issue the licence; or
  - (b) refuse to issue the licence.
- (2) The registrar—
  - (a) must refuse to issue the licence if the applicant is disqualified from keeping a dog or any other animal; or

*Note* Section 138A deals with the disqualification of a person from keeping an animal.
  - (b) may refuse to issue the licence if the registrar reasonably believes—
    - (i) there would be an unacceptable risk to the safety of the public and other animals if the licence were issued; or
    - (ii) the applicant has failed, or is unable, to exercise responsible dog management, care or control; or
    - (iii) the applicant cannot comply with the requirements of the *Animal Welfare Act 1992* and any approved or mandatory code of practice under that Act.
- (3) In making a decision under this section, the registrar must consider the following:
  - (a) the number and kind of animals kept by the applicant at the premises to which the application relates;
  - (b) the size and nature of the premises to which the application relates;
  - (c) the suitability of facilities on the premises for keeping and breeding dogs or cats;

- (d) the potential impact on the occupiers of neighbouring premises;
  - (e) whether the applicant is a member of a recognised breeding organisation;
  - (f) any conviction or finding of guilt of the applicant within the last 10 years against a law of a State or Territory for an offence relating to the welfare, keeping or control of an animal;
  - (g) the safety of the public and other animals.
- (4) Subsection (3) does not limit the matters the registrar may consider.

**72C Breeding licence—duration**

A breeding licence remains in force for 2 years unless sooner surrendered or cancelled.

**72D Breeding licence—form**

- (1) A breeding licence must—
- (a) be in writing; and
  - (b) state the following information:
    - (i) the name of the licensee;
    - (ii) the address or location of the premises to which the licence relates;
    - (iii) the conditions on the licence;
    - (iv) the unique licence number relating to the licence;
    - (v) anything else prescribed by regulation.
- (2) A licence may include anything else the registrar considers relevant.



**72E Breeding licence—conditions**

- (1) The registrar may issue a breeding licence on conditions stated in the licence.
- (2) A condition may limit the number of litters a dog or cat may breed.
- (3) A breeding licence is subject to the condition that the licensee complies with—
  - (a) any relevant breeding standard determined under the *Animal Welfare Act 1992*, section 15B (Intensive breeding of cats or dogs); and
  - (b) any relevant mandatory code of practice approved under the *Animal Welfare Act 1992*, section 23 (Mandatory code of practice).
- (4) In making a decision whether or not to impose a condition on a breeding licence, the registrar must consider the following:
  - (a) the number and kind of animals kept by the applicant at the premises to which the application relates;
  - (b) the size and nature of the premises to which the application relates;
  - (c) the potential impact on the occupiers of neighbouring premises.
- (5) Subsection (4) does not limit the matters the registrar may consider.

**72F Breeding licence—variation**

- (1) On application by the holder of a breeding licence, the registrar may vary the licence.

*Note* If a form is approved under s 147 for this provision, the form must be used.

- (2) The registrar may vary a breeding licence on the registrar's own initiative if the registrar is satisfied that it is in the public interest to do so.
- (3) Before varying a breeding licence on the registrar's own initiative, the registrar must give the licensee a written notice—
  - (a) stating how the registrar proposes to vary the licence; and
  - (b) stating the reasons why the registrar proposes to vary the licence; and
  - (c) telling the licensee that the licensee may give a written response to the registrar about the matters stated in the notice within 14 days beginning on the day after receiving the notice.

*Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (4) In making a decision under subsection (1) or (2), the registrar must consider—
  - (a) the matters mentioned in section 72B (3) (Breeding licence—approval or refusal); and
  - (b) any breach of the conditions of the licence.
- (5) In making a decision whether to vary the breeding licence on the registrar's own initiative, the registrar must consider any response given to the registrar in accordance with subsection (3) (c).
- (6) Subsections (4) and (5) do not limit the matters the registrar may consider.
- (7) The registrar must refuse to vary a breeding licence if the registrar must refuse under section 72B (2) (Breeding licence—approval or refusal) to issue the licence as varied.
- (8) The registrar must give the licensee written notice of the registrar's decision.

- (9) A variation of a breeding licence takes effect on the day notice of the variation is given to the licensee or, if the notice provides for a later day, that day.

## **72G Breeding licence—cancellation**

- (1) The registrar—
- (a) must cancel a breeding licence if the licensee is disqualified from keeping a dog or any other animal; or
- Note* Section 138A deals with the disqualification of a person from keeping an animal.
- (b) may cancel a breeding licence if—
- (i) the registrar becomes aware of circumstances that, if the registrar had been aware of them at the time of the application for the licence, would have resulted in the application being refused; or
- (ii) the licensee contravenes a condition of the licence; or
- (iii) the licence was obtained by a false or misleading statement; or
- (iv) there would be an unacceptable risk to the safety of the public or other animals if the licence were not cancelled; or
- (v) the registrar reasonably believes that the licensee has failed, or is unable, to exercise responsible dog management, care or control; or
- (vi) it is otherwise appropriate to do so.

- (2) Before cancelling a breeding licence, the registrar must give the licensee a written notice—
  - (a) stating the grounds on which the registrar proposes to cancel the licence; and
  - (b) stating the facts that, in the registrar’s opinion, establish the grounds; and
  - (c) telling the licensee that the licensee may give a written response to the registrar about the matters in the notice, within 14 days beginning on the day after receiving the notice.

*Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (3) In deciding whether to cancel the licence, the registrar must consider any response given to the registrar in accordance with subsection (2) (c).
- (4) The registrar must give the licensee written notice of the registrar’s decision.
- (5) Cancellation of a breeding licence takes effect on the day notice of the cancellation is given to the licensee or, if the notice provides for a later day, that day.

**72H Breeding licence—cancellation or disqualification from holding**

- (1) If a person is convicted or found guilty of an animal welfare offence or an offence against this Act (other than an excluded offence), the court may—
  - (a) cancel a breeding licence held by the person; or
  - (b) disqualify the person from holding a breeding licence for a period decided by the court.

- (2) In making a decision under subsection (1), the court must consider—
  - (a) the acts or omissions of the person constituting the offence; and
  - (b) any conviction or finding of guilt of the person within the last 10 years for an offence against a law of a State or Territory relating to the welfare, keeping or control of an animal.
- (3) Subsection (2) does not limit the matters that the court may consider.
- (4) If the court cancels or disqualifies a person from holding a breeding licence, the court must give particulars of the cancellation or disqualification to the registrar.

**72I Offence—licensee change of address**

A person commits an offence if the person—

- (a) holds a breeding licence; and
- (b) changes address; and
- (c) does not tell the registrar of the change in address within 30 days after the change.

Maximum penalty: 1 penalty unit.

**72J Breeding—recognised breeding organisation**

- (1) The registrar may declare that a breeding organisation is a recognised breeding organisation.
- (2) A declaration is a notifiable instrument.

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

**72K Offence—selling and advertising requirements**

- (1) A person commits an offence if the person—
- (a) breeds a dog or cat; and
  - (b) sells the dog or cat; and
  - (c) does not hold a breeding licence.
- Maximum penalty: 50 penalty units.
- (2) A person who holds a breeding licence commits an offence if the person—
- (a) breeds a dog or cat; and
  - (b) publishes a statement that either—
    - (i) constitutes an invitation to buy the dog or cat from the person; or
    - (ii) could reasonably be understood to constitute an invitation to buy the dog or cat from the person; and
  - (c) does not include in the publication the breeding licence number.
- Maximum penalty: 10 penalty units.
- (3) An offence against this section is a strict liability offence.

**72M Offence—reporting on breeding of greyhounds**

- (1) A person commits an offence if the person—
- (a) is a keeper, person in day-to-day control of or carer of a female greyhound; and
  - (b) breeds a litter from the greyhound; and

(c) does not tell the registrar, in writing, all of the following within 7 days after the day the litter was bred:

- (i) the number of puppies born;
- (ii) the sex of each puppy;
- (iii) anything else prescribed by regulation.

Maximum penalty: 10 penalty units.

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

*Note* The owning and keeping of racing greyhounds in the ACT is regulated under division 2.4A (Racing greyhounds). A person commits an offence if the person conducts or takes part in greyhound racing in the ACT—see the *Animal Welfare Act 1992*, s 18A.

## **Division 3.2 Controlling dogs and cats**

### **73 Meaning of *de-sex* and *permit* for pt 3**

In this part:

*de-sex*, in relation to a dog or cat, includes perform a vasectomy or tubal ligation on the dog or cat.

*permit* means a permit issued under this part.

### **74 Dogs and cats to be de-sexed if over certain age**

(1) A person must not keep a dog that has not been de-sexed if the person does not hold a permit for the dog.

Maximum penalty: 50 penalty units.

(2) A person must not keep a cat that has not been de-sexed if the person does not hold a permit for the cat.

Maximum penalty: 50 penalty units.

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

- (4) This section does not apply in relation to—
  - (a) a dog that is less than 6 months old or a cat that is less than 3 months old; or
  - (b) a dog or cat born before 21 June 2001; or
  - (c) a registered racing greyhound.
- (5) It is a defence to a prosecution for an offence against this section in relation to a dog or cat if—
  - (a) the defendant proves that it is less than 28 days since the day the dog or cat first came into the defendant's possession; or
  - (b) the defendant proves that the defendant—
    - (i) carries on the business of offering dogs or cats for sale by retail; and
    - (ii) is keeping the dog or cat for the purpose of offering it for sale; or
  - (c) a veterinary surgeon certifies in writing that de-sexing the dog or cat would be a serious health risk to the animal.

**74A Sale of older dogs and cats not de-sexed**

- (1) A person commits an offence if—
  - (a) the person sells a dog or cat that has not been de-sexed; and
  - (b) either—
    - (i) for a dog—the dog is 6 months old or older; or
    - (ii) for a cat—the cat is 3 months old or older; and
  - (c) the person does not hold a permit for the dog or cat.Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.



- (3) Subsection (1) does not apply to—
- (a) a dog or cat if a veterinary surgeon certifies, in writing, before the dog was sold that de-sexing the animal would be a serious health risk to the animal; or
  - (b) a registered racing greyhound.

**75 Permits for dogs and cats not de-sexed**

An individual may apply to the registrar for a permit to keep a dog or cat that is not de-sexed.

**76 Approval or refusal of applications**

- (1) If an application for a permit has been made under section 75, the registrar must, by written notice to the applicant—
- (a) issue a permit; or
  - (b) refuse to issue a permit.
- (2) In making a decision under subsection (1), the registrar—
- (a) may consider the following:
    - (i) whether the animal is kept for breeding or used, bred or bought for show;
    - (ii) whether it would be detrimental to the health of the animal if it were to be de-sexed;
    - (iii) any other relevant matter; and
  - (b) must consider the safety of the public.
- (3) The registrar may issue a permit—
- (a) for a stated period; and
  - (b) on any other condition.

**77 Revocation of permits**

The registrar may revoke a permit if satisfied that a dog or cat is no longer a dog or cat to which section 76 (2) (Approval or refusal of applications) applies.

**79 Production of permits**

- (1) A keeper or owner of a dog or cat commits an offence if—
  - (a) an authorised person asks the keeper or owner to show a permit for the dog or cat; and
  - (b) the keeper or owner fails to show the permit to the authorised person within 24 hours after being asked.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) A person is not required to comply with a requirement under this section if, when asked by the person, the authorised person does not produce his or her identity card.

**80 Earmarkings**

- (1) A veterinary surgeon must not, without reasonable excuse, de-sex a dog or cat unless the veterinary surgeon marks an ear of the dog or cat with a tattoo.

Maximum penalty: 5 penalty units.

- (2) A certificate signed by a veterinary surgeon stating that a dog or cat has been de-sexed is evidence that the dog or cat has been de-sexed unless the contrary is proved.

## **81 Declaration of cat containment**

- (1) If the Minister is satisfied that cats in an area are a serious threat to native flora or fauna in the area, the Minister may declare the 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.

- (2) A declaration under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (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* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

## **82 Cats in breach of cat containment**

- (1) A cat's keeper or carer commits an offence if—

(a) the cat is in an area for which a declaration under section 81 is in force; and

(b) the cat is not confined to the premises of a keeper or carer during a time that the declaration is in force.

Maximum penalty: 10 penalty units.

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

- (3) This section does not apply if the keeper or carer has a reasonable excuse.
- (4) 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.

### **83 Identification of dogs and cats—regulations**

- (1) A regulation may make provision in relation to the compulsory identification of dogs and cats.
- (2) In particular, a regulation may provide for—
  - (a) how dogs and cats are to be identified; and
  - (b) the procedures to be followed for the compulsory identification of dogs and cats; and
  - (c) the people by whom compulsory identification may be carried out and their duties; and
  - (d) the particulars to be contained in the compulsory identification.

### **84 Identification of dogs and cats—requirement**

- (1) A person commits an offence if—
  - (a) the person keeps a dog or cat; and
  - (b) the dog or cat is required to be identified by a regulation made for section 83; and
  - (c) the dog or cat is not identified as required by the regulation.

Maximum penalty: 15 penalty units.

- (2) A person commits an offence if—
- (a) the person sells a dog or cat; and
  - (b) the dog or cat, after the sale, is required to be identified by a regulation made for section 83; and
  - (c) the dog or cat is not identified as required by the regulation.
- Maximum penalty: 15 penalty units.
- (3) An offence against this section is a strict liability offence.

## Part 4            Cats

### Division 4.1        Keeping 4 or more cats

#### 84A        Multiple cat licences—requirement to be licensed

- (1) A person commits an offence if—
- (a) the person keeps 4 or more cats on 1 residential premises; and
  - (b) the person does not hold a multiple cat licence to keep the cats on the premises.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section does not apply to—
- (a) a cat less than 84 days old; or
  - (b) a cat kept by the person for less than 28 days; or
  - (c) a person resident in the ACT for less than 28 days; or
  - (d) a cat that is an assistance animal; or
  - (e) a cat kept on land that is under a lease that allows for an animal care facility.

#### 84B        Multiple cat licences—applications

A person may apply to the registrar for a licence to keep 4 or more cats on 1 residential premises (a *multiple cat licence*).

#### 84C        Multiple cat licences—approval or refusal

- (1) If an application for a multiple cat licence is made under section 84B, the registrar must—
- (a) approve the issue of a licence; or
  - (b) refuse to approve the issue of a licence.

- (2) The registrar must refuse to issue a multiple cat licence unless satisfied that the applicant can comply with the requirements of the *Animal Welfare Act 1992* and any approved or mandatory code of practice under that Act.
- (3) In making a decision under this section, the registrar must consider the following:
  - (a) the number and kind of cats to which the application relates;
  - (b) the size and nature of the premises where the cats are proposed to be kept;
  - (c) the security of the premises;
  - (d) the suitability of facilities for keeping the cats on the premises;
  - (e) the potential impact on the occupiers of neighbouring premises;
  - (f) any conviction or finding of guilt of the applicant within the last 10 years against a law of a Territory or State for an offence relating to the welfare, keeping or control of an animal.
- (4) Subsection (3) does not limit the matters the registrar may consider.

#### **84D      Multiple cat licences—conditions**

- (1) The registrar may issue a multiple cat licence on conditions stated in the licence.
- (2) In making a decision whether or not to impose a condition on a multiple cat licence, the registrar must consider the following:
  - (a) the number and kind of cats to which the application relates;
  - (b) the size and nature of the premises where it is proposed to keep the cats;
  - (c) the potential impact on the occupiers of neighbouring premises.

- (3) The conditions may include there being sufficient shelter for each cat.
- (4) Subsection (2) does not limit the matters the registrar may consider.

## Division 4.2            Seizing cats and dealing with them

### 85            Approved providers

- (1) For this division, an *approved provider* is—
  - (a) the Royal Society for the Prevention of Cruelty to Animals; or
  - (b) an entity approved under subsection (2).
- (2) The registrar may approve an entity to provide temporary care for cats seized under this division.
- (3) An approval is a notifiable instrument.

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

### 86            Seizure of cats

- (1) An authorised person may seize a cat if—
  - (a) the cat is in an area for which a declaration under section 81 is in force; and
  - (b) the cat is not confined to the premises of a keeper or carer during a time that the declaration is in force.
- (2) An authorised person may also seize a cat if the authorised person reasonably believes that—
  - (a) the cat is required to be identified by a regulation made for section 83; and
  - (b) the cat is not identified as required by the regulation.
- (3) In this section:

*premises*—see section 82.



## **87 Temporary care of seized cats**

- (1) An authorised person must—
  - (a) arrange for a cat seized under this division to be temporarily cared for by an approved provider; and
  - (b) make reasonable inquiries to find out who is the keeper of the cat; and
  - (c) if the authorised person can find out who is the keeper of the cat—give oral or written notice to the keeper, in accordance with section 88, about the cat’s seizure.
- (2) The authorised person may give the notice by telephone.

*Note* A fee may be determined under s 144 for this provision.

## **88 Information to be given in notice of cat’s seizure**

If a cat is seized under this division, the notice of seizure under section 87 (1) (c) must give information about the following:

- (a) when and where the cat was seized;
- (b) the reason the cat was seized;
- (c) where the cat may be claimed;
- (d) if the cat is not identified by a microchip—the implanting of a microchip in the cat for its identification, including the cost of implanting a microchip;
- (e) that the cat may be sold or destroyed if it is not claimed;
- (f) the period in which the cat may be claimed before it may be sold or destroyed;
- (g) that the keeper may relinquish ownership of the cat.

**89                    Releasing seized cats**

- (1) An authorised person or approved provider who has the care of a cat seized under this division must release the cat to a person claiming its release if, but only if, the authorised person or approved provider is satisfied—
- (a) the person claiming its release is the keeper of the cat; and
  - (b) if the cat is required to be identified by a regulation made for section 83—the cat is identified as required by the regulation; and
  - (c) if the cat was seized because of an offence against this Act—subsection (2) applies to the offence; and
  - (d) the keeper of the cat has not relinquished ownership under section 91; and
  - (e) any fee payable under section 144 for the release of the cat has been paid.
- (2) This subsection applies to an offence if—
- (a) 28 days have passed since the day the offence was committed and—
    - (i) a prosecution has not been started for the offence; and
    - (ii) an infringement notice has not been served for the offence; or
  - (b) an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or

- (c) a prosecution for the offence was started within 28 days after the day the offence was committed and—
  - (i) the prosecution has been discontinued; or
  - (ii) the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the cat.

## **90 Selling or destroying seized cats**

An authorised person or approved provider may sell or destroy a cat seized under this division if—

- (a) within 7 days after the day of the seizure, the authorised person or approved provider cannot find out who is the keeper of the cat after making reasonable inquiries; or
- (b) the keeper of the cat relinquishes ownership of the cat under section 91; or
- (c) within 7 days after the day notice under section 88 about the seizure was given to the keeper of the cat, the keeper does not tell the authorised person or approved provider, in writing, that the keeper wishes to claim the cat.

## **91 Relinquishing ownership of seized cats**

- (1) This section applies to a cat seized under this division.
- (2) The keeper of the cat may relinquish ownership of the cat by signed writing given to an authorised person or approved provider.
- (3) An instrument relinquishing ownership of the cat—
  - (a) takes effect at the end of 3 days beginning on the day the signed instrument is given to the authorised person or approved provider; and
  - (b) must contain a statement to the effect of paragraph (a).

- (4) After an instrument relinquishing ownership of the cat takes effect, an authorised person or approved provider—
  - (a) is not obliged to return the cat to its keeper; and
  - (b) may sell or destroy the cat.
- (5) To remove any doubt, an authorised person or approved provider must not sell or destroy the cat under this section until the instrument relinquishing ownership of the cat takes effect.

## **92 Returning seized cat to its keeper**

- (1) An authorised person may return a cat seized under this division to its keeper under this section if satisfied that it would be in the public interest to return the cat.
- (2) In making a decision under subsection (1), the authorised person must consider—
  - (a) the safety of the public; and
  - (b) the cost of keeping the cat temporarily cared for by an approved provider; and
  - (c) whether financial or other hardship would be caused to the keeper if the cat were to remain temporarily cared for by an approved provider.
- (3) Subsection (2) does not limit the matters the authorised person may consider.
- (4) The authorised person may return the cat to its keeper on conditions.
- (5) If the authorised person returns the cat to its keeper, the authorised person may waive all or part of any fee payable by the keeper of the cat under this division if satisfied that not to waive the fee would cause the keeper financial hardship.

**93 Guidelines about returning seized cats**

- (1) The Minister may issue guidelines about the exercise of an authorised person's functions under section 92.
- (2) An authorised person must comply with any guidelines under this section.
- (3) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Part 5 Assistance animals

### 104 Rights of persons accompanied by assistance animals

- (1) Despite any other territory law (other than the *Discrimination Act 1991*), a person with a disability accompanied by an assistance animal has the same right of access to, and the same right to the use of, a public place as a person who is not accompanied by an assistance animal.
- (2) Without limiting subsection (1), a person with a disability does not commit an offence merely by taking an assistance animal onto or into, or allowing the animal to enter, a public place.

### 105 Exclusion of assistance animal from public place

- (1) A person must not, without reasonable excuse, deny a person with a disability accompanied by an assistance animal access to, or the use of, a public place.

Maximum penalty: 10 penalty units.

- (2) A person must not, without reasonable excuse, exclude or remove from a public place—
  - (a) a person with a disability accompanied by an assistance animal; or
  - (b) an assistance animal that is with a person with a disability.

Maximum penalty: 10 penalty units.

**106 Imposition of excess charges for assistance animal**

- (1) A person must not impose a charge of the following kind on a person with a disability accompanied by an assistance animal, unless the charge would be imposed on a person who is not accompanied by an assistance animal:
  - (a) accommodation, goods or services provided or supplied to or for the person with a disability;
  - (b) access to, or the use of, a public place by the person with a disability.

Maximum penalty: 10 penalty units.
- (2) A person does not contravene subsection (1) by imposing a charge for the following on a person with a disability accompanied by an assistance animal if the charge was reasonable in the circumstances:
  - (a) accommodation, goods or services provided or supplied for the assistance animal;
  - (b) expenses reasonably incurred by the first person because of the presence of the assistance animal.
- (3) If a person with a disability has paid a charge imposed in contravention of subsection (1), the person may recover from the person to whom it was paid the amount by which that charge is more than the charge that could have been imposed without contravening the subsection.

## Part 6 Animal nuisance

### 107 Meaning of *animal nuisance* and *nuisance notice* for pt 6

In this part:

*animal nuisance*—see section 109.

*nuisance notice* means a notice under section 112 (Issue of nuisance notices).

### 108 Pt 6 does not apply to keeping animals on certain land

This part does not apply in relation to an animal kept on land that is under a lease—

- (a) granted for agricultural or grazing purposes; or
- (b) that allows for an animal care facility.

### 109 Meaning of *animal nuisance*—pt 6

For this part, an animal causes an *animal nuisance* if—

- (a) the animal causes, solely or in part—
  - (i) damage to property owned by a person other than the keeper; or
  - (ii) excessive disturbance to a person other than the keeper because of noise; or
  - (iii) an unacceptable risk to the public or another animal; or



- (b) for a dog—there are repeated occurrences of the dog—
  - (i) not being kept under control by the dog’s keeper or carer;  
or
  - (ii) the dog is not restrained in contravention of section 44 (1) or (3) (Dogs in public places must be controlled) or section 45 (1) or (3) (Dogs on private premises to be restrained).

### **110 Offence of animal nuisance**

- (1) A person must not allow an animal nuisance.  
Maximum penalty: 15 penalty units.
- (2) If the keeper of an animal is convicted or found guilty of an offence against this section, the court may order the registrar to return the animal to its keeper, or to destroy or sell the animal or otherwise dispose of it to a person other than its keeper or a person who lives with its keeper.
- (3) The court may order the keeper of an animal sold, destroyed or otherwise disposed of to pay the costs or expenses of the sale, destruction or disposal.

### **111 Complaints about animal nuisance**

- (1) A person affected by an animal nuisance may complain in writing to the registrar about the nuisance.  
*Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.
- (2) The registrar may investigate the complaint unless satisfied that the complaint is frivolous or vexatious.

- (3) If, after investigation, the registrar decides not to issue a nuisance notice, the registrar must—
  - (a) give written notice of the decision to the complainant; and
  - (b) advise the complainant about any methods available for settling the issue privately.

### **112 Issue of nuisance notices**

- (1) If the registrar reasonably believes that an animal is causing an animal nuisance, the registrar may issue a written notice to—
  - (a) the keeper of the animal believed to be causing the nuisance; or
  - (b) if the keeper cannot be identified or is not the occupier of the premises—a person who occupies the place where the animal is causing the nuisance.
- (2) In deciding whether to issue a notice, the registrar must consider the following:
  - (a) the number of people affected, or potentially affected, by the nuisance;
  - (b) the damage, disturbance or danger resulting, or likely to result, from the nuisance;
  - (c) any reasonable precautions that a person whose animal is causing the nuisance has or has not taken to avoid or minimise the adverse effects, or the potential adverse effects, of the nuisance;
  - (d) any reasonable precautions that a person adversely affected, or potentially adversely affected, by the nuisance has or has not taken to avoid or minimise the effects, or likely effects, of the nuisance.
- (3) Subsection (2) does not limit the matters that the registrar may consider.

- (4) A nuisance notice—
- (a) must—
    - (i) state the animal nuisance that must be reduced or stopped; and
    - (ii) state where the nuisance is being caused; and
    - (iii) indicate that, unless the animal nuisance is reduced or stopped, proceedings may be instituted for contravention of the notice or an offence against section 110 (1) (Offence of animal nuisance); and
  - (b) may mention steps to be taken to prevent the recurrence of the animal nuisance.
- (5) A copy of a nuisance notice must be given to the person because of whose complaint the nuisance notice was issued.
- (6) A nuisance notice continues in force until revoked under section 113.
- (7) A person commits an offence if the person fails to comply with a nuisance notice.
- Maximum penalty: 5 penalty units.
- (8) An offence against this section is a strict liability offence.

### **113 Revocation of nuisance notices**

- (1) The registrar must revoke a nuisance notice if satisfied, after carrying out an inspection, that—
- (a) the notice has been complied with; and
  - (b) adequate steps have been taken to reduce the nuisance or stop the nuisance from happening again.

- (2) A revocation must be in writing given to the person to whom the notice was issued.
- (3) A copy of a revocation notice must be given to the person because of whose complaint the nuisance notice was issued.

**114 Seizure, impounding and return of nuisance animals**

- (1) An authorised person may seize an animal if—
  - (a) the authorised person reasonably believes the animal is causing an animal nuisance, after considering—
    - (i) the extent of the animal nuisance; and
    - (ii) the likelihood of the keeper or carer of the animal reducing or stopping the nuisance or complying with steps mentioned in a nuisance notice to prevent its recurrence; or
  - (b) the keeper or carer does not comply with a nuisance notice issued to the keeper or carer in relation to the animal.
- (2) If an animal is seized under subsection (1), the registrar must—
  - (a) impound the animal until it is returned to its keeper or carer, or sold or destroyed; and
  - (b) either—
    - (i) if the identity of the animal’s keeper or carer is not known—make reasonable inquiries to find out who is the keeper or carer; or
    - (ii) if the identity of the animal’s keeper or carer is known—give oral or written notice to the keeper or carer in accordance with section 114A about the animal’s seizure.
- (3) The registrar may give the notice by telephone.

- (4) The registrar must release the animal to a person claiming its release if reasonably satisfied that—
  - (a) the animal nuisance is not likely to happen again if the animal is returned to the keeper or carer; and
  - (b) for a dog—there is not an unacceptable risk to the safety of the public or other animals from the dog being released to the keeper or carer.
- (5) If the registrar releases a dog, the registrar—
  - (a) may issue a control order for the dog to the dog’s keeper or carer; and
  - (b) if the registrar issues a control order to a carer of the dog—must give a copy of the order to the dog’s keeper.
- (6) Any costs or expenses incurred by the Territory in seizing or impounding an animal under this section are a debt payable to the Territory by the keeper of the animal.

#### **114A Information to be given in notice of animal’s seizure**

If an animal is seized under section 114, the notice of seizure must give the following information, if relevant:

- (a) when and where the animal was seized;
- (b) the reason the animal was seized;
- (c) where the animal may be claimed;
- (d) the fee payable for the release of the animal;
- (e) that the animal may be sold or destroyed if it is not claimed;
- (f) the period in which the animal may be claimed before it can be sold or destroyed;
- (g) that the keeper may relinquish ownership of the animal.

**114C Guidelines about animal nuisance**

- (1) The Minister may issue guidelines about the exercise of the registrar's functions under this part.
- (2) The registrar must comply with any guidelines under this section.
- (3) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Part 7                      Destruction of animals

### 115            Destruction of animals on registrar's authority

A police officer or veterinary surgeon who reasonably believes that the registrar has asked for the destruction of an animal may destroy the animal.

### 116            Destruction of vicious animals

- (1) If, because of the viciousness of the animal, an authorised person or police officer cannot seize or impound an animal under this Act, the authorised person or police officer may destroy the animal.
- (2) In deciding whether to take action under subsection (1), the authorised person or police officer must consider the safety of people exercising functions under this Act, members of the public and other animals.

### 117            Destruction of diseased or injured animals

- (1) An authorised person or police officer may destroy an injured or diseased animal if the authorised person or police officer is satisfied that the animal is likely to harm other animals or people.
- (2) An authorised person or police officer may destroy an injured or diseased animal if the authorised person or police officer is satisfied that destruction is the most humane course of action in the circumstances.
- (3) The registrar must tell the keeper of an animal of its destruction if—
  - (a) the animal is destroyed under subsection (1) or (2); and
  - (b) the name and address of the keeper is known to the registrar or may reasonably be found out by the registrar.
- (4) The registrar may tell the keeper by telephone.

## Part 8 Notification and review of decisions

### 118 Meaning of *reviewable decision*—pt 8

In this part:

*reviewable decision* means a decision prescribed by regulation.

### 119 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity prescribed by regulation in relation to the decision.

*Note 1* The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 120 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.



## **Part 9 Administration**

### **Division 9.1 Officers**

#### **121 Registrar**

The director-general must appoint a public servant as the registrar.

*Note* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

#### **122 Deputy registrars**

- (1) The director-general may appoint a public servant as a deputy registrar.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) A deputy registrar may exercise a function of the registrar, subject to any direction of the registrar.

#### **123 Authorised people**

- (1) The director-general may appoint a person as an authorised person for this Act.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

- (2) An authorised person may exercise the functions that the registrar directs or that are prescribed by regulation.

## 124 Identity cards

- (1) The director-general must issue an authorised person with an identity card that states the person is an authorised person for this Act, or stated provisions of this Act, and shows—
  - (a) a recent photograph of the person; and
  - (b) the name of the person, or any unique number given to the authorised person by the director-general for this section; and
  - (c) the date of issue of the card; and
  - (d) a date of expiry for the card; and
  - (e) anything else prescribed by regulation.
- (2) A person who ceases to be an authorised person must return his or her identity card to the director-general as soon as practicable, but no later than 7 days after ceasing to occupy or act in that office.

Maximum penalty (subsection (2)): 1 penalty unit.

## 125 Power not to be exercised before identity card shown

An authorised person may exercise a power under this Act in relation to a person only if the authorised person first shows the person his or her identity card.

## Division 9.2 Powers of authorised people

### 126 Definitions for div 9.2

In this division:

*connected*—a thing is *connected* with an offence if—

- (a) the offence has been committed in relation to it; or

- (b) it will provide evidence of the commission of the offence; or
- (c) it was used, is being used, or is intended to be used, to commit the offence.

*enter* includes board.

*offence* includes an offence that there are reasonable grounds for believing has been, is being, or will be committed.

## **128 Power to enter premises**

- (1) For this Act, an authorised person may—
  - (a) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment of money); or
  - (b) at any time when business premises are open for business, enter the premises; or
  - (c) at any time, enter premises with the occupier's consent; or
  - (d) enter premises in accordance with a search warrant; or
  - (e) at any time without a warrant, enter premises if the authorised person—
    - (i) reasonably believes that the circumstances are so serious and urgent that immediate entry to the premises without the authority of a search warrant is necessary; or
    - (ii) reasonably suspects that an offence (other than an excluded offence) has been, or is being, committed on the premises; or
    - (iii) is authorised under this Act to seize an animal kept on the premises.
- (2) However, subsection (1) (a) and (b) do not authorise entry into a part of premises that is being used only for residential purposes.

- (3) An authorised person may, without the consent of the occupier of premises, enter land around the premises to ask for consent to enter the premises.
- (4) An authorised person may enter premises under subsection (1) with necessary and reasonable assistance and force.
- (5) A police officer may help an authorised person in exercising the authorised person's powers under this section if asked by the authorised person to do so.
- (6) To remove any doubt, an authorised person may enter premises under subsection (1) without payment of an entry fee or other charge.
- (7) In this section:  
*at any reasonable time* includes at any time when the public is entitled to use the premises, or when the premises are open to or used by the public (whether or not on payment of money).

### **131 Inspection of premises**

An authorised person who enters premises under section 128 may do any of the following on the premises or in relation to the premises:

- (a) inspect or examine;
- (b) take measurements;
- (c) take photographs, films, or audio, video or other recordings;
- (d) seize an animal or thing.

**132 Consent to entry**

- (1) This section applies if an authorised person intends to ask the occupier of premises to consent to the authorised person entering the premises under section 128.
- (2) Before asking for the consent, the authorised person must tell the occupier—
  - (a) the reason for the entry; and
  - (b) that the occupier is not required to consent.
- (3) If the consent is given, the authorised person may ask the occupier to sign a written acknowledgment of the consent.
- (4) The acknowledgment must state—
  - (a) that the occupier was told—
    - (i) the reason for the entry; and
    - (ii) the occupier is not required to consent; and
  - (b) that the occupier gives the authorised person consent to enter the premises and exercise powers under section 128 (1); and
  - (c) the time and date the consent was given.
- (5) A court may presume the occupier did not consent if—
  - (a) a question arises, in a proceeding in the court, whether the occupier consented to the authorised person entering the premises under section 128 (1); and
  - (b) an acknowledgment under this section for the entry is not produced in evidence; and
  - (c) it is not proved that the occupier consented to the entry.

### **133 Search warrants**

- (1) This section applies if—
  - (a) an information is laid before a magistrate alleging that an authorised person has reasonable grounds for suspecting that there may be on any premises an animal or a thing of a particular kind connected with a particular offence against this Act; and
  - (b) the information sets out those grounds.
- (2) A magistrate may issue a search warrant authorising the authorised person named in the warrant, with necessary and reasonable assistance and force—
  - (a) to enter the premises described in the warrant; and
  - (b) to search the premises for the animal or thing of the kind mentioned in subsection (1) (a); and
  - (c) to exercise any of the powers listed in section 131 (Inspection of premises) in relation to the animal or thing.
- (3) A magistrate may issue a warrant only if—
  - (a) the informant or someone else has given the magistrate, either orally on oath or by affidavit, additional information that the magistrate requires about the grounds on which the issue of the warrant is being sought; and
  - (b) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.
- (4) A warrant must—
  - (a) state the purpose for which it is issued, including a reference to the nature of the offence in relation to which the entry and search is authorised; and
  - (b) state that the entry is authorised at any time of the day or night, or state the hours during which the entry is authorised; and

- (c) include a description of the kind of animal or things in relation to which the powers mentioned in section 131 may be exercised; and
  - (d) state a date, not later than 1 month after the date when the warrant is issued, when the warrant ceases to have effect.
- (5) An authorised person may exercise a power under a warrant in relation to a related thing if, when searching under the warrant for a thing of a particular kind connected with a particular offence, the authorised person finds the related thing.
- (6) In subsection (5):
- related thing*** means—
- (a) a thing the authorised person reasonably believes to be connected with—
    - (i) the offence, although not a thing of the kind stated in the warrant; or
    - (ii) another offence against this Act; and
  - (b) a thing in relation to which the authorised person is reasonably satisfied it is necessary to exercise any of the powers mentioned in section 128 (1) (e) (i) to prevent the committing, continuing or repeating of an offence under this Act.

### **134 Power to require name and address**

- (1) An authorised person or a police officer may require a person to state the person's name and address if the authorised person or police officer—
- (a) finds a person committing an offence against this Act; or
  - (b) reasonably believes that a person has just committed an offence against this Act.

- (2) If an authorised person makes a requirement under subsection (1), the authorised person must—
  - (a) tell the person of the reasons for the requirement; and
  - (b) as soon as possible, record those reasons.
- (3) A person must not, without reasonable excuse, contravene a requirement under subsection (1).

Maximum penalty: 15 penalty units.
- (4) A person is not required to comply with a requirement under subsection (1) if, when asked by the person, the authorised person does not produce his or her identity card.

#### **134A Inspection of animals**

- (1) An authorised person or police officer may ask a keeper or carer of an animal to produce an animal for inspection if—
  - (a) the authorised person or police officer reasonably suspects the keeper or carer has contravened this Act; or
  - (b) for a dog—
    - (i) a special licence is held by the keeper; or
    - (ii) the keeper holds a breeding licence; or
    - (iii) a control order or nuisance notice applies to the dog.
- (2) A person commits an offence if the person fails to comply with a request under subsection (1).

Maximum penalty: 50 penalty units.
- (3) An offence against this section is a strict liability offence.



## **Division 9.3                      Cooperation with other jurisdictions— racing greyhounds**

### **134AA    Meaning of *animal welfare law*—div 9.3**

In this division:

*animal welfare law* means the following:

- (a) this Act;
- (b) the *Animal Welfare Act 1992*;
- (c) in relation to a State—a law of the State relating to animal welfare.

### **134B    Information sharing**

- (1) The registrar may disclose to a relevant authority information about—
  - (a) a contravention of an animal welfare law relating to—
    - (i) the welfare of a greyhound; or
    - (ii) an activity involving a greyhound; or
  - (b) anything else prescribed by regulation.
- (2) An inspector or authorised officer under the *Animal Welfare Act 1992* may disclose to the registrar information about—
  - (a) a contravention of an animal welfare law relating to—
    - (i) the welfare of a greyhound; or
    - (ii) an activity involving a greyhound; or
  - (b) anything else prescribed by regulation.

(3) In this section:

*rac***ing authority**—see the *Racing Act 1999*, section 61E.

*relevant authority* means—

- (a) an entity responsible for the administration of a gaming law in the Territory or elsewhere; or
- (b) a racing authority; or
- (c) an inspector or authorised officer under the *Animal Welfare Act 1992*; or
- (d) an entity of a State responsible for the administration of an animal welfare law.

### **134C Investigation at request of other jurisdictions**

- (1) On written request by a relevant officer of a State, the registrar may authorise an authorised person under this Act or an authorised officer of the State to investigate a matter that relates to the administration or enforcement of an animal welfare law of the State.
- (2) The registrar may authorise an investigation under subsection (1) only if satisfied that the matter relates to the welfare of a greyhound or an activity involving a greyhound.
- (3) This Act applies in relation to an investigation under this section as if it were an investigation into a matter relating to the administration or enforcement of an animal welfare law of the Territory.
- (4) In this section:

*relevant officer*, of a State, means a person who exercises a function in relation to—

- (a) an animal welfare law of the State; or
- (b) a gaming law of the State relating to greyhound racing.

## Part 10                      Miscellaneous

### 135            Applications—additional information

The registrar may, by written notice, require an applicant under this Act to give additional information to the registrar about the application either orally or in writing.

### 136            Owner aged under 16

If a person under 16 years old who lives with a parent or guardian is an owner of an animal, the parent or guardian is taken to be the owner of the animal.

### 137            Approved animal welfare entities

- (1) The registrar may approve an entity responsible for animal welfare or rehousing abandoned animals to keep or sell animals seized under this Act.
- (2) An approval is a notifiable instrument.

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

### 138            Sale or destruction of animals

If this Act requires the sale or destruction of an animal, the requirement is taken to authorise the registrar to sell the animal or to destroy the animal in a humane way.

### 138A          Disqualification from keeping animals

- (1) If a person is convicted, or found guilty, of an animal welfare offence or an offence against this Act (other than an excluded offence), the court may disqualify the person from keeping an animal for a period decided by the court.
- (2) A disqualification may disqualify a person from keeping a particular animal, a particular kind of animal or any animal.

- (3) In deciding whether to disqualify a person, the court must consider the following matters:
  - (a) the acts or omissions of the person constituting the offence;
  - (b) any conviction or finding of guilty of the applicant within the last 10 years for an offence against a law of a Territory or State relating to the welfare, keeping or control of an animal.
- (4) Subsection (3) does not limit the matters the court may consider.
- (5) If a court disqualifies a person from keeping an animal, the court must give particulars of the disqualification to the registrar.
- (6) A person who is disqualified from keeping an animal must not keep an animal in contravention of the disqualification.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
- (7) If the keeper of an animal is convicted or found guilty of an offence against subsection (6), the court may—
  - (a) decide to end the keeper's disqualification and order the registrar to return the animal to the keeper; or
  - (b) order the registrar to destroy the animal or sell or otherwise dispose of the animal to a person other than the keeper or a person who lives with the keeper.
- (8) The court may order the keeper of an animal sold, destroyed or otherwise disposed of under subsection (7) to pay the costs or expenses of the sale, destruction or disposal.

### **139 Renewals**

A licence under this Act is not invalid only because of the registrar issuing a renewal of the licence after the licence has expired.

**140 Giving notice if more than 1 keeper**

If a notice is required or permitted to be given under this Act to the keeper of a dog and there is more than 1 keeper, the notice is taken to have been given to each of the keepers if it is given to 1 of them.

**142 Dishonoured cheques and credit transactions**

If the registrar tells a person in writing that a cheque given, or a credit transaction made, by the person in purported payment of a fee was dishonoured, the person must not, without reasonable excuse, fail to surrender to the registrar, any certificate or licence issued to the person because of the purported payment, within 7 days beginning on the day after receiving the notice.

Maximum penalty: 5 penalty units.

**143 Codes of practice**

- (1) The Minister may approve codes of practice setting out the duties of owners, carers and keepers of domestic animals if the animals are kept on land in relation to which a residential lease has been granted.

**Examples of domestic animals**

- cats
- dogs
- pigs
- horses
- pigeons
- rabbits
- goats

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) An approved code of practice may apply, adopt or incorporate an instrument, as in force from time to time.

*Note 1* The text of an applied, adopted or incorporated instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

*Note 2* A notifiable instrument must be notified under the [Legislation Act](#).

*Note 3* A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

- (3) An approved code of practice is a disallowable instrument.

*Note* A disallowable instrument must be notified and presented to the Legislative Assembly, under the [Legislation Act](#).

- (4) In this section:

*residential lease*—see the [Planning and Development Act 2007](#), section 226 (Definitions—ch 9).

### 143A Inspection of incorporated documents

- (1) This section applies to an incorporated document, or an amendment of, or replacement for, an incorporated document.

*Note* For the meaning of *incorporated document*, see the dictionary.

- (2) The director-general must ensure that the document, amendment or replacement is made available for inspection free of charge to the public on business days at reasonable times at the office of an administrative unit administered by the director-general.

- (3) In this section:

*amendment*, of an incorporated document—see section 143B (6).

*replacement*, for an incorporated document—see section 143B (6).

**143B Notification of certain incorporated documents**

- (1) This section applies to—
- (a) an incorporated document; or
  - (b) an amendment of, or replacement for, an incorporated document.

**Example of replacement document**

a new edition of the incorporated document

*Note 1* For the meaning of *incorporated document*, see the dictionary.

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) The director-general may prepare a notice (an *incorporated document notice*) for the incorporated document, amendment or replacement that contains the following information:
- (a) for an incorporated document—details of the document, including its title, author and date of publication;
  - (b) for an amendment—the date of publication of the amendment (or of the document as amended) and a brief summary of the effect of the amendment;
  - (c) for a replacement—details of the replacement, including its title, author and date of publication;
  - (d) for an incorporated document or any amendment or replacement—
    - (i) a date of effect (not earlier than the day after the day of notification of the notice); and

- (ii) details of how access to inspect the document, amendment or replacement may be obtained under section 143A; and
  - (iii) details of how copies may be obtained, including an indication of whether there is a cost involved.
- (3) An incorporated document notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (4) An incorporated document, and any amendment or replacement of an incorporated document, has no effect under this Act unless—
  - (a) an incorporated document notice is notified in relation to the document, amendment or replacement; or
  - (b) the document, amendment or replacement is notified under the [Legislation Act](#), section 47 (6).
- (5) The [Legislation Act](#), section 47 (7) does not apply in relation to incorporated documents.
- (6) In this section:

***amendment***, of an incorporated document, includes an amendment of a replacement for the incorporated document.

***replacement***, for an incorporated document, means—
  - (a) a document that replaces the incorporated document; or
  - (b) a document (an ***initial replacement***) that replaces a document mentioned in paragraph (a); or
  - (c) a document (a ***further replacement***) that replaces an initial replacement or any further replacement.



**144 Determination of fees**

- (1) The Minister may determine fees for this Act.

*Note* The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**147 Approved forms**

- (1) The registrar may approve forms for this Act.
- (2) If the registrar approves a form for a particular purpose, the approved form must be used for that purpose.

*Note* For other provisions about forms, see the [Legislation Act](#), s 255.

- (3) An approved form is a notifiable instrument.

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

**148 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) A regulation may prescribe offences for contraventions of a regulation and prescribe maximum penalties of not more than 20 penalty units for offences against a regulation.

## Part 12

# Transitional—Domestic Animals (Racing Greyhounds) Amendment Act 2017

*Note* The repeal or amendment of a law does not affect the previous operation of the law or anything done, begun or suffered under the law and does not affect an existing right, privilege or liability acquired, accrued or incurred under the law. An investigation, proceeding or remedy in relation to an existing right, privilege or liability under a repealed law may be started, exercised, continued or completed, and the right, privilege or liability may be enforced and any penalty imposed, as if the repeal had not happened (see [Legislation Act](#), s 84).

### 160 Racing greyhound controller licences—existing racing greyhound keepers

- (1) This section applies to a person who, immediately before the commencement of this section, was the person in day-to-day control of a greyhound registered with a greyhound racing controlling body.
- (2) The person is taken to hold a racing greyhound controller licence issued under division 2.4A (Racing greyhounds).
- (3) The licence remains in force for 6 months after the commencement of this section unless sooner surrendered or cancelled.
- (4) In this section:  
*greyhound racing controlling body*—see section 39H (3).

### 161 Eligibility of recipients of Territory assistance

- (1) This section applies if—
  - (a) a person worked in, or was involved in, greyhound racing in the ACT; and

- (b) the person received assistance from the Territory (whether before or after the commencement of the *Domestic Animals (Racing Greyhounds) Amendment Act 2017*) in relation to the ending of greyhound racing in the ACT.
- (2) The person is ineligible to apply for registration of a greyhound as a racing greyhound under section 39C (Racing greyhounds—registration) or a racing greyhound controller licence under section 39H (Racing greyhound controller licences—applications) for the period agreed in writing between the Territory and the person as a condition of the assistance.

### **162 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Domestic Animals (Racing Greyhounds) Amendment Act 2017*.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.
- (4) This section expires 2 years after the day it commences.

### **163 Expiry—pt 12**

This part expires 5 years after the day it commences.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- contravene
- director-general (see s 163)
- found guilty
- function
- person (see s 160)
- police officer
- reviewable decision notice
- the Territory
- veterinary surgeon.

***animal nuisance***, for part 6 (Animal nuisance)—see section 107.

***animal welfare law***, for division 9.3 (Cooperation with other jurisdictions—racing greyhounds)—see section 134AA.

***animal welfare offence*** means an offence against any of the following provisions of the [Animal Welfare Act 1992](#):

- (a) section 6B (Duty to care for animal);
- (b) section 7 (Cruelty);
- (c) section 7A (Aggravated cruelty);
- (d) section 9 (Confined animals);
- (e) section 9A (Keeping laying fowls for commercial egg production—appropriate accommodation);
- (f) section 9B (Keeping pigs—appropriate accommodation);
- (g) section 9C (Removing or trimming beak of fowl);
- (h) section 10 (Alleviation of pain);

- (i) section 11 (Release);
- (j) section 12 (Administering poison);
- (k) section 12A (Laying poison);
- (l) section 13 (Electrical devices);
- (m) section 14 (Use or possession of a prohibited item);
- (n) section 15 (Transport and containment);
- (o) section 15A (Transport of dogs);
- (p) section 15B (Intensive breeding of cats or dogs);
- (q) section 16 (Working etc unfit animals);
- (r) section 17 (Matches, competitions etc);
- (s) section 19 (Medical and surgical procedures—people other than veterinary surgeons).

***approved animal welfare entity*** means an entity approved by the registrar under section 137.

***approved provider***, for division 4.2 (Seizing cats and dealing with them)—see section 85.

***assistance animal*** means an animal trained to help a person with a disability to alleviate the effect of the disability.

***authorised person*** means an authorised person under section 123, and includes the registrar and a deputy registrar.

***breed***, a litter from a cat or dog, includes—

- (a) inseminate the animal or do any other act intended to make the animal pregnant or assist the animal in becoming pregnant; and
- (b) assist the birth of the litter; and
- (c) whelp or wean a kitten or pup in the litter.

***breeding licence***—see section 72A.

**carer**, for an animal at a particular time, means an individual over 14 years old who is in charge of the animal at that time.

**connected** with an offence, for division 9.2 (Powers of authorised people)—see section 126.

**control order**, for a dog—see section 53CA.

**dangerous dog** means a dog that is declared to be a dangerous dog under section 22 (1) or (2) (Declarations—dangerous dogs) or section 50 (Dog attacks person or animal causing serious injury).

**dangerous dog licence** means a licence under section 25 (1) (Dangerous dog licences—approval or refusal).

**deputy registrar** means a deputy registrar under section 122.

**de-sex**, for part 3 (Dogs and cats)—see section 73.

**disability**, for a person, means—

- (a) total or partial loss of the person's bodily or mental functions;  
or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of disease or organisms causing illness; or
- (d) the presence in the body of organisms that can cause disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction;  
or

(g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that—

- (h) currently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future; or
- (k) is imputed to a person.

***effective control***—see section 44 (6).

***enter***, for division 9.2 (Powers of authorised people)—see section 126.

***excluded offence*** means—

- (a) a minor offence; or
- (b) an offence against any of the following sections:
  - (i) section 37 (Return of special licences);
  - (ii) section 82 (Cats in breach of cat containment);
  - (iii) section 105 (Exclusion of assistance animal from public place);
  - (iv) section 106 (Imposition of excess charges for assistance animal);
  - (v) section 142 (Dishonoured cheques and credit transactions).

***gaming law***—see the *Gambling and Racing Control Act 1999*, dictionary.

***greyhound racing***—see section 39A.

**harass**—

- (a) a person—see section 49 (1) (Harassment of people and animals by dogs); and
- (b) an animal—see section 49 (2).

**impound**, a seized animal, means—

- (a) keep the animal on Territory premises; or
- (b) arrange for the animal to be kept on the premises of an approved animal welfare entity.

**incorporated document** means an instrument applied, adopted or incorporated by a code of practice or another statutory instrument made or approved under this Act.

**infringement notice penalty**, for an infringement notice offence under the *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005*—see the *Magistrates Court Act 1930*, section 117.

**keeper** means—

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

**minor offence** means an offence against this Act punishable by a maximum penalty of 5 penalty units or less.

**multiple cat licence** means a licence under section 84C (1) (Multiple cat licences—approval or refusal).

**multiple dog licence** means a licence under section 20 (1) (Multiple dog licences—approval or refusal).

**muzzle** means a device that, if worn by a dog, prevents the dog from biting a person or animal.

**nuisance notice**, for part 6 (Animal nuisance)—see section 107.



**occupier**, of premises, includes a person who is, or is reasonably believed to be, in charge of the premises.

**offence**, for division 9.2 (Powers of authorised people)—see section 126.

**permit**, for part 3 (Dogs and cats)—see section 73.

**premises** includes land (whether vacant or occupied), an aircraft, a vessel and a vehicle.

**prohibited area** means an area declared by the Minister under section 41 (1).

**public place**—

- (a) means public unleased land; and
- (b) includes a public passenger vehicle under the *Road Transport (Public Passenger Services) Act 2001*.

*Note* A **public passenger vehicle** is a public bus, light rail vehicle, taxi, rideshare vehicle, hire car or demand responsive service vehicle.

**public unleased land**—see the *Public Unleased Land Act 2013*, section 8.

**racing greyhound**—see section 39A.

**racing greyhound controller licence**—see section 39H.

**reasonably believes** means has reasonable grounds for believing.

**recognised breeding organisation** means an organisation declared as a recognised breeding organisation under section 72J.

**register** means the register kept by the registrar under section 5.

**registered keeper**, of a dog, means the person stated in the register as a keeper of the dog.

**registered racing greyhound** means a racing greyhound registered under section 39C.

**registrar** means the registrar under section 121.

**registration certificate** means a registration certificate issued under section 11 (1) or (3).

**release** a dog to a person includes permit the dog to be collected by the person.

**residential premises** means premises used exclusively or mainly for residential purposes, and includes a private room in, but not any other part of, a motel, hotel, hostel or guesthouse.

**reviewable decision**, for part 8 (Notification and review of decisions)—see section 118.

**sell**, a seized animal, includes give the animal to an approved animal welfare entity.

**serious injury**, to a person or animal, means any injury (including the cumulative effect of more than 1 injury) that—

- (a) endangers, or is likely to endanger, the person or animal's life;  
or
- (b) is, or is likely to be, a significant or longstanding injury.

**special licence**, for division 2.4 (General provisions about special licences)—see section 29.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Domestic Animals Act 2000 A2000-86**

notified 21 December 2000 ([Gaz 2000 No S69](#))

s 1, s 2 commenced 21 December 2000 (IA s 10B)

remainder commenced 21 June 2001 (IA s 10E)

as amended by

#### **[Legislation \(Consequential Amendments\) Act 2001 A2001-44 pt 107](#)**

notified 26 July 2001 ([Gaz 2001 No 30](#))

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 107 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

#### **[Statute Law Amendment Act 2001 A2001-11 pt 3.16](#)**

notified 5 September 2001 ([Gaz 2001 No S65](#))

s 1, s 2 commenced 5 September 2001 (IA s 10B)

amdt 3.250 commenced 12 September 2001 (amdt 3.250)

pt 3.16 remainder commenced 5 September 2001 (s 2)

#### **[Statute Law Amendment Act 2002 A2002-30 pt 3.18](#)**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.18 commenced 17 September 2002 (s 2 (1))

#### **[Domestic Animals Amendment Act 2002 A2002-44 pt 2](#)**

notified LR 2 December 2002

s 1, s 2 commenced 2 December 2002 (LA s 75)

pt 2 commenced 3 December 2002 (s 2)

#### **[Statute Law Amendment Act 2002 \(No 2\) A2002-49 pt 3.6](#)**

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

pt 3.6 commenced 17 January 2003 (s 2 (1))

#### **[Criminal Code \(Theft, Fraud, Bribery and Related Offences\) Amendment Act 2004 A2004-15 sch 2 pt 2.27](#)**

notified LR 26 March 2004

s 1, s 2 commenced 26 March 2004 (LA s 75 (1))

sch 2 pt 2.27 commenced 9 April 2004 (s 2 (1))

**Road Transport (Public Passenger Services) (Hire Cars) Amendment Act 2004 A2004-69 pt 3**

notified LR 9 September 2004  
s 1, s 2 commenced 9 September 2004 (LA s 75 (1))  
pt 3 commenced 9 March 2005 (s 2 and LA s 79)

**Statute Law Amendment Act 2005 A2005-20 sch 1 pt 1.2, sch 3 pt 3.16**

notified LR 12 May 2005  
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))  
sch 1 pt 1.2 commenced 2 June 2005 (s 2 (1))  
sch 3 pt 3.16 commenced 12 November 2005 (s 2 (2) and LA s 79)

**Domestic Animals (Cat Containment) Amendment Act 2005 A2005-57 pt 2**

notified LR 23 November 2005  
s 1, s 2 commenced 23 November 2005 (LA s 75 (1))  
pt 2 commenced 23 May 2006 (s 2 and LA s 79)

**Statute Law Amendment Act 2005 (No 2) A2005-62 sch 3 pt 3.5**

notified LR 21 December 2005  
s 1, s 2 commenced 21 December 2005 (LA s 75 (1))  
sch 3 pt 3.5 commenced 11 January 2006 (s 2 (1))

**Animal Welfare Amendment Act 2006 A2006-17 s 5**

notified LR 10 May 2006  
s 1, s 2 commenced 10 May 2006 (LA s 75 (1))  
s 5 commenced 11 May 2006 (s 2)

**Animal Welfare Legislation Amendment Act 2007 A2007-7 pt 4**

notified LR 26 March 2007  
s 1, s 2 commenced 26 March 2007 (LA s 75 (1))  
pt 4 commenced 27 March 2007 (s 2 (1))

**Domestic Animals Amendment Act 2007 A2007-35**

notified LR 22 November 2007  
s 1, s 2 commenced 22 November 2007 (LA s 75 (1))  
remainder commenced 1 May 2008 (s 2 and [CN2008-6](#))

## Endnotes

3 Legislation history

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**[ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 \(No 2\) A2008-37 sch 1 pt 1.30](#)**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.30 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

**[Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.23](#)**

notified LR 1 September 2009  
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))  
sch 3 pt 3.23 commenced 22 September 2009 (s 2)

**[Domestic Animals Amendment Act 2010 A2010-3](#)**

notified LR 17 February 2010  
s 1, s 2 commenced 17 February 2010 (LA s 75 (1))  
remainder commenced 18 February 2010 (s 2)

**[Statute Law Amendment Act 2011 A2011-3 sch 3 pt 3.14](#)**

notified LR 22 February 2011  
s 1, s 2 commenced 22 February 2011 (LA s 75 (1))  
sch 3 pt 3.14 commenced 1 March 2011 (s 2)

**[Administrative \(One ACT Public Service Miscellaneous Amendments\) Act 2011 A2011-22 sch 1 pt 1.55](#)**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.55 commenced 1 July 2011 (s 2 (1))

**[Public Unleased Land Act 2013 A2013-3 sch 2 pt 2.3](#)**

notified LR 21 February 2013  
s 1, s 2 commenced 21 February 2013 (LA s 75 (1))  
sch 2 pt 2.3 commenced 1 July 2013 (s 2 and [CN2013-9](#))

**[Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.12](#)**

notified LR 24 May 2013  
s 1, s 2 commenced 24 May 2013 (LA s 75 (1))  
sch 3 pt 3.12 commenced 14 June 2013 (s 2)

**[Animal Welfare \(Factory Farming\) Amendment Act 2014 A2014-3 pt 4](#)**

notified LR 6 March 2014  
s 1, s 2 commenced 6 March 2014 (LA s 75 (1))  
pt 4 commenced 7 March 2014 (s 2)

**Territory and Municipal Services Legislation Amendment Act 2014****A2014-32 pt 3**

notified LR 20 August 2014  
s 1, s 2 commenced 20 August 2014 (LA s 75 (1))  
pt 3 commenced 21 August 2014 (s 2)

**Domestic Animals Amendment Act 2014 A2014-39**

notified LR 30 September 2014  
s 1, s 2 commenced 30 September 2014 (LA s 75 (1))  
remainder commenced 1 October 2014 (s 2)

**Domestic Animals (Breeding) Legislation Amendment Act 2015****A2015-9 pt 3**

notified LR 7 April 2015  
s 1, s 2 commenced 7 April 2015 (LA s 75 (1))  
pt 3 commenced 15 September 2015 (s 2 and [CN2015-19](#))

**Red Tape Reduction Legislation Amendment Act 2015 A2015-33****sch 1 pt 1.18**

notified LR 30 September 2015  
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))  
sch 1 pt 1.18 commenced 14 October 2015 (s 2)

**Road Transport (Public Passenger Services) (Taxi Industry Innovation) Amendment Act 2015 A2015-47 sch 1 pt 1.1**

notified LR 24 November 2015  
s 1, s 2 commenced 24 November 2015 (LA s 75 (1))  
s 3 commenced 20 May 2016 (LA s 75AA)  
sch 1 pt 1.1 commenced 1 August 2016 (s 2, [CN2016-9](#) and see mod of [A2001-62](#) by [SL2016-12](#) s 3)

**Animal Diseases (Beekeeping) Amendment Act 2015 A2015-53 s 8**

notified LR 26 November 2015  
s 1, s 2 commenced 26 November 2015 (LA s 75 (1))  
s 8 commenced 24 May 2016 (s 2, [CN2016-10](#) and see LA s 77 (3))

**Animal Welfare Amendment Act 2016 A2016-19 sch 1 pt 1.1**

notified LR 13 April 2016  
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))  
sch 1 pt 1.1 commenced 31 May 2016 (s 2, [CN2016-11](#) and see LA s 77 (3))

## Endnotes

3 Legislation history

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### **Transport Canberra and City Services Legislation Amendment Act 2017 A2017-2 pt 2**

notified LR 22 February 2017  
s 1, s 2 commenced 22 February 2017 (LA s 75 (1))  
pt 2 commenced 23 February 2017 (s 2)

### **Red Tape Reduction Legislation Amendment Act 2017 A2017-17 pt 5**

notified LR 14 June 2017  
s 1, s 2 commenced 14 June 2017 (LA s 75 (1))  
pt 5 commenced 15 June 2017 (s 2 (3))

### **Domestic Animals (Racing Greyhounds) Amendment Act 2017 A2017-44 pt 2 (as am by A2018-11 sch 1)**

notified LR 5 December 2017  
s 1, s 2 commenced 5 December 2017 (LA s 75 (1))  
pt 2 commenced 30 April 2018 (s 2)

### **Domestic Animals (Dangerous Dogs) Legislation Amendment Act 2017 A2017-46 pt 2**

notified LR 13 December 2017  
s 1, s 2 commenced 13 December 2017 (LA s 75 (1))  
pt 2 commenced 14 December 2017 (s 2)

### **Domestic Animals Legislation Amendment Act 2018 A2018-11 pt 2, sch 1**

notified LR 18 April 2018  
s 1, s 2 commenced 18 April 2018 (LA s 75 (1))  
pt 2 commenced 30 April 2018 (s 2 (1) and see [Domestic Animals \(Racing Greyhounds\) Amendment Act 2017 A2017-44 s 2](#))  
sch 1 commenced 30 April 2018 (s 2 (2) and see [Domestic Animals \(Racing Greyhounds\) Amendment Act 2017 A2017-44 s 2](#))

*Note* Sch 1 amends the [Domestic Animals \(Racing Greyhounds\) Amendment Act 2017 A2017-44](#).

### **Road Transport Reform (Light Rail) Legislation Amendment Act 2018 A2018-19 sch 1 pt 1.1**

notified LR 17 May 2018  
s 1, s 2 commenced 17 May 2018 (LA s 75 (1))  
sch 1 pt 1.1 commenced 24 May 2018 (s 2)



## 4 Amendment history

### Commencement

s 2 om R1 (LA s 89 (4))

### Dictionary

s 3 am [A2004-69](#) s 24

### Offences against Act—application of Criminal Code etc

s 4A ins [A2005-57](#) s 4  
 am [A2007-35](#) s 4; [A2014-32](#) s 5; [A2014-39](#) s 4; [A2015-9](#) s 7;  
[A2017-46](#) ss 4-8; [A2017-44](#) s 4 (as am by [A2018-11](#)  
 amdt 1.1); [A2018-11](#) s 4

### Criteria for considering responsible dog or cat management, care or control

s 4B ins [A2017-46](#) s 9

### Registration—applications

s 6 am [A2017-44](#) s 5, s 6

### Registration—approval or refusal

s 7 am [A2005-57](#) s 5  
 sub [A2017-46](#) s 10

### Registration—duration

s 9 sub [A2007-35](#) s 5  
 (2)-(4) exp 1 May 2009 (s 9 (4))

### Registration—renewals

s 10 am [A2007-35](#) s 6  
 exp 1 May 2009 (s 10 (4))

### Registration numbers and certificates

s 11 hdg sub [A2017-46](#) s 11  
 s 11 am [A2007-35](#) s 7, s 8  
 (6), (7) exp 1 May 2009 (s 11 (7))  
 am [A2017-46](#) ss 12-14; ss renum R35 LA; [A2017-44](#) s 7

### Change of keeper

s 12 am [A2002-30](#) amdt 3.240; [A2017-46](#) s 15; [A2017-44](#) s 9;  
[A2018-11](#) ss 5-7; ss renum R36 LA

### Registration—cancellation

s 13 am [A2002-30](#) amdt 3.240; [A2005-57](#) s 6  
 sub [A2017-46](#) s 16

### Unregistered dogs

s 14 am [A2017-46](#) s 17; [A2017-44](#) s 11; [A2018-11](#) s 8, s 9;  
 ss renum R36 LA

## Endnotes

### 4 Amendment history

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#### Tag offences

s 15 am [A2002-44](#) s 4; ss renum R4 LA (see [A2002-44](#) s 5)  
sub [A2007-35](#) s 9  
om [A2017-46](#) s 18

#### Change of address

s 16 sub [A2018-11](#) s 10

#### Evidence of registration or non-registration

s 17 am [A2017-46](#) s 19

#### Requirement to be licensed if multiple dogs

s 18 sub [A2017-46](#) s 20  
am [A2018-11](#) s 11; pars renum R36 LA

#### Multiple dog licences—approval or refusal

s 20 am [A2015-9](#) s 8; [A2017-46](#) ss 21-23

#### Multiple dog licences—conditions

s 21 am [A2017-46](#) s 24, s 25; [A2018-11](#) s 12, s 13

#### Declarations—dangerous dogs

s 22 am [A2002-30](#) amdt 3.240; [A2017-46](#) ss 26-28; pars renum R35 LA

#### Licensing of keepers of dangerous dogs

s 23 am [A2013-19](#) amdt 3.80; [A2017-46](#) s 29; [A2018-11](#) s 14;  
ss renum R36 LA

#### Dangerous dog licences—applications

s 24 am [A2007-35](#) s 10; [A2017-46](#) s 30

#### Dangerous dog licences—approval or refusal

s 25 am [A2002-44](#) s 6; ss renum R4 LA (see [A2002-44](#) s 7);  
[A2007-35](#) s 11, s 12; ss renum R14 LA; [A2017-2](#) s 4; ss  
renum R33 LA; [A2017-46](#) ss 31-33; ss renum R35 LA

#### Dangerous dog licences—conditions

s 26 am [A2017-46](#) ss 34-36; ss renum R35 LA; [A2018-11](#) s 15

#### Dangerous dogs in public places

s 27 am [A2017-46](#) s 37  
sub [A2018-11](#) s 16

#### Signs on premises about dangerous dogs

s 28 sub [A2017-46](#) s 38  
am [A2018-11](#) s 17; ss renum R36 LA

#### General provisions about special licences

div 2.4 hdg sub [A2017-44](#) s 17

**Meaning of *special licence* for div 2.4**

s 29 hdg sub [A2002-30](#) amdt 3.216  
 s 29 am [A2017-44](#) s 18

**Special licences—duration**

s 31 am [A2017-44](#) s 19

**Special licences—renewals**

s 32 am [A2017-46](#) s 39

**Variation of special licences**

s 33 am [A2002-30](#) amdt 3.240; [A2017-46](#) s 40, s 41; [A2017-44](#)  
 ss 20-22; ss and pars renum R36 LA

**Cancellation of special licences**

s 36 am [A2017-46](#) s 42, s 43

**Applying for special licences if disqualified**

s 39 am [A2002-30](#) amdt 3.217

**Racing greyhounds**

div 2.4A hdg ins [A2017-44](#) s 23

**Meaning of *greyhound racing* and *racing greyhound***

s 39A ins [A2017-44](#) s 23

**Presumption greyhound is racing greyhound**

s 39B ins [A2017-44](#) s 23  
 am [A2018-11](#) s 18

**Racing greyhounds—registration**

s 39C ins [A2017-44](#) s 23  
 am [A2018-11](#) s 19; ss renum R36 LA

**Offence—unregistered racing greyhound**

s 39D ins [A2017-44](#) s 23

**Racing greyhounds—registration numbers etc**

s 39E ins [A2017-44](#) s 23  
 am [A2018-11](#) s 20

**Racing greyhounds—cancellation of registration**

s 39F ins [A2017-44](#) s 23  
 sub [A2018-11](#) s 21

**Day-to-day control of racing greyhounds—requirement to be licensed**

s 39G ins [A2017-44](#) s 23

**Racing greyhound controller licences—applications**

s 39H ins [A2017-44](#) s 23

**Racing greyhound controller licences—approval or refusal**

s 39I ins [A2017-44](#) s 23  
 am [A2018-11](#) s 22, s 23; pars renum R36 LA

## Endnotes

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#### **Racing greyhound controller licences—conditions**

s 39J ins [A2017-44](#) s 23  
am [A2018-11](#) s 24

#### **Declaration—exercise areas**

s 40 am [A2001-44](#) amdt 1.1149, amdt 1.1150; [A2011-3](#) amdt 3.177

#### **Prohibited areas**

s 41 am [A2007-35](#) s 13; ss renum R14 LA; [A2018-11](#) s 25;  
ss renum R36 LA

#### **Prohibited places**

s 42 am [A2017-46](#) s 44, s 45; [A2018-11](#) s 26, s 27; ss renum R36  
LA

#### **Prohibited areas—permits**

s 43 am [A2001-56](#) amdt 3.249

#### **Dogs in public places must be controlled**

s 44 sub [A2017-46](#) s 46  
am [A2018-11](#) s 28, s 29; ss renum R36 LA

#### **Dogs on private premises to be restrained**

s 45 am [A2002-44](#) s 8, s 9; ss renum R4 LA (see [A2002-44](#) s 10);  
[A2010-3](#) s 16; [A2017-46](#) s 47, s 48; [A2018-11](#) ss 30-32;  
ss renum R36 LA

#### **Disposal of faeces**

s 46 am [A2017-46](#) s 49  
sub [A2018-11](#) s 33

#### **Female dogs on heat**

s 47 am [A2017-46](#) s 50; [A2018-11](#) s 34; ss renum R36 LA

#### **Greyhounds**

s 48 am [A2007-35](#) s 14; ss renum R14 LA  
om [A2017-17](#) s 21

#### **Attacking, harassing and menacing dogs**

div 2.6 hdg sub [A2017-46](#) s 51

#### **Dog attacks or harasses person or animal**

s 49A ins [A2014-39](#) s 5  
am [A2017-46](#) s 52, s 53

#### **Dog attacks person or animal causing serious injury**

s 50 am [A2002-44](#) ss 11-13; [A2007-35](#) s 15  
sub [A2014-39](#) s 6  
am [A2017-46](#) ss 54-56

**Dangerous dog attacks or harasses person or animal**

s 50A hdg sub [A2014-39](#) s 7  
s 50A ins [A2007-35](#) s 16  
am [A2014-39](#) s 8, s 9; ss renum R27 LA; [A2017-46](#) ss 57-59

**Obligations of keeper or carer if dog attacks**

s 50B ins [A2017-46](#) s 60  
am [A2018-11](#) s 35

**Provoking dog to attack**

s 51A ins [A2017-46](#) s 61

**Costs of impounding dogs**

s 52 sub [A2002-30](#) amdt 3.218  
am [A2007-35](#) s 17; [A2017-46](#) s 62

**Complaints about attacking, harassing or menacing dogs**

s 53A ins [A2017-46](#) s 63

**Dealing with attacking dogs—death or serious injury to person or death of animal**

s 53B ins [A2017-46](#) s 63  
am [A2018-11](#) s 36, s 37

**Dealing with attacking, harassing or menacing dogs generally**

s 53C ins [A2017-46](#) s 63  
am [A2018-11](#) s 38, s 39

**Meaning of *control order***

s 53CA ins [A2018-11](#) s 40

**Control orders—carers**

s 53CB ins [A2018-11](#) s 40

**Revocation of control order**

s 53D ins [A2017-46](#) s 63

**Offence—failure to comply with control order**

s 53E ins [A2017-46](#) s 63  
am [A2018-11](#) ss 41-43

**Inspection of attacking or harassing dogs**

s 54 am [A2010-3](#) s 16, s 17  
om [A2017-46](#) s 64

**Access to information about dog attacks**

s 55A ins [A2010-3](#) s 4

**Notice to affected neighbours**

s 55B ins [A2017-46](#) s 65  
am [A2018-11](#) s 44, s 45

## Endnotes

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#### **Seizure of dogs—general**

s 56 hdg sub [A2005-62](#) amdt 3.100  
s 56 am [A2002-30](#) amdt 3.219, amdt 3.220; [A2005-62](#) amdt 3.101;  
[A2007-35](#) s 18; [A2010-3](#) s 16; [A2015-9](#) s 9; pars renum R28  
LA; [A2017-17](#) s 22; ss renum R34 LA; [A2017-46](#) ss 66-69;  
pars renum R35 LA; [A2018-11](#) s 46

#### **Seizure of dogs—investigation of complaints about attacking, harassing or menacing dogs**

s 56A ins [A2017-46](#) s 70  
am [A2018-11](#) s 47, s 48; ss renum R36 LA

#### **Seizure—dangerous dogs**

s 57 am [A2002-30](#) amdt 3.221; [A2010-3](#) s 16; [A2017-46](#) s 71

#### **Seizure—multiple dog licence**

s 58 am [A2010-3](#) s 16  
sub [A2017-46](#) s 72

#### **Seizure—attacking, harassing or menacing dogs**

s 59 am [A2010-3](#) s 5, s 16  
sub [A2017-46](#) s 73

#### **Impounding of dogs seized**

s 60 am [A2002-30](#) amdt 3.222; [A2005-62](#) amdt 3.102  
sub [A2017-46](#) s 73  
am [A2018-11](#) ss 49-51; ss renum R36 LA

#### **Information to be given in notice of dog's seizure**

s 61 sub [A2005-62](#) amdt 3.103  
am [A2017-46](#) s 74

#### **Releasing dogs seized under general seizure power**

s 62 am [A2001-44](#) amdt 1.1151  
sub [A2002-44](#) s 14; [A2005-62](#) amdt 3.103  
am [A2007-35](#) s 19, s 20; pars renum R14 LA; [A2017-46](#) ss 75-  
79

#### **Releasing dogs seized under power relating to multiple dogs**

s 63 hdg sub [A2017-46](#) s 80  
s 63 am [A2001-44](#) amdt 1.1151  
sub [A2002-44](#) s 14; [A2005-62](#) amdt 3.103  
am [A2007-35](#) s 21, s 22; pars renum R14 LA; [A2017-46](#) ss 81-  
89; pars renum R35 LA

#### **Releasing dogs seized under attacking and harassing power**

s 64 am [A2001-44](#) amdt 1.1151  
sub [A2002-44](#) s 14; [A2005-62](#) amdt 3.103  
am [A2007-35](#) s 23; [A2015-9](#) s 10; [A2017-46](#) ss 90-94

**Releasing dogs declared dangerous after seizure for offence**

s 65 am [A2001-44](#) amdt 1.1151; [A2005-62](#) amdt 3.104  
sub [A2017-46](#) s 95

**Releasing dogs seized because of complaint**

s 65A ins [A2017-46](#) s 96

**Selling or destroying dogs (other than dangerous dogs) generally**

s 66 hdg sub [A2017-46](#) s 97  
s 66 sub [A2005-62](#) amdt 3.105  
am [A2017-46](#) s 98, s 99

**Selling or destroying dogs (other than dangerous dogs) seized under multiple dog licence power**

s 67 sub [A2005-62](#) amdt 3.105  
am [A2008-37](#) amdt 1.122; [A2017-46](#) s 100

**Selling dogs (other than dangerous dogs) if keeper unfit**

s 67A ins [A2017-46](#) s 101

**Selling or destroying dangerous dogs generally**

s 68 sub [A2005-62](#) amdt 3.105  
am [A2011-3](#) amdt 3.178; [A2017-46](#) s 102

**Destroying dogs—public safety concerns**

s 68A ins [A2017-46](#) s 103

**Relinquishing ownership of dogs**

s 69 am [A2002-44](#) s 15; ss renum R4 LA (see [A2002-44](#) s 16)  
sub [A2005-62](#) amdt 3.105  
am [A2017-46](#) s 104

**Miscellaneous**

div 2.8 hdg sub [A2005-62](#) amdt 3.105

**Returning seized dog to its keeper**

s 70 sub [A2005-62](#) amdt 3.105  
am [A2017-46](#) s 105; [A2018-11](#) ss 52-54

**Guidelines about returning impounded dogs**

s 71 am [A2001-44](#) amdt 1.1152  
sub [A2005-62](#) amdt 3.105

**Controlling breeding**

div 3.1 hdg ins [A2015-9](#) s 11

**Offence—breeding dogs or cats without licence**

s 72 renum and reloc as s 138A  
ins [A2015-9](#) s 11  
am [A2017-46](#) s 106; [A2017-44](#) s 24; ss renum R36 LA

**Breeding licence—applications**

s 72A ins [A2015-9](#) s 11

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**Breeding licence—approval or refusal**

s 72B ins [A2015-9](#) s 11  
am [A2017-46](#) s 107, s 108

**Breeding licence—duration**

s 72C ins [A2015-9](#) s 11  
sub [A2017-46](#) s 109

**Breeding licence—form**

s 72D ins [A2015-9](#) s 11

**Breeding licence—conditions**

s 72E ins [A2015-9](#) s 11  
am [A2017-46](#) s 110; ss renum R35 LA; [A2018-11](#) s 55

**Breeding licence—variation**

s 72F ins [A2015-9](#) s 11

**Breeding licence—cancellation**

s 72G ins [A2015-9](#) s 11  
am [A2017-46](#) s 111

**Breeding licence—cancellation or disqualification from holding**

s 72H ins [A2015-9](#) s 11

**Offence—licensee change of address**

s 72I ins [A2015-9](#) s 11

**Breeding—recognised breeding organisation**

s 72J ins [A2015-9](#) s 11

**Offence—selling and advertising requirements**

s 72K ins [A2015-9](#) s 11  
sub [A2017-46](#) s 112

**Offence—surrender of breeding licence**

s 72L ins [A2015-9](#) s 11  
om [A2017-46](#) s 113

**Offence—reporting on breeding of greyhounds**

s 72M ins [A2017-44](#) s 26

**Controlling dogs and cats**

div 3.2 hdg ins [A2015-9](#) s 11

**Dogs and cats to be de-sexed if over certain age**

s 74 sub [A2007-35](#) s 24  
am [A2017-46](#) s 114; [A2017-44](#) s 27

**Sale of older dogs and cats not de-sexed**

s 74A ins [A2007-35](#) s 24  
sub [A2017-46](#) s 115  
am [A2018-11](#) s 56



**Approval or refusal of applications**s 76 am [A2017-46](#) s 116**Term of permits**s 78 om [A2017-46](#) s 117**Production of permits**s 79 am [A2002-30](#) amdt 3.223; [A2010-3](#) s 16; [A2017-46](#) s 118; ss  
renum R35 LA**Declaration of cat containment**s 81 hdg am [A2014-32](#) s 6s 81 am [A2001-44](#) amdt 1.1153, amdt 1.1154; [A2005-20](#)  
amdt 1.10; [A2009-20](#) amdt 3.56; [A2015-33](#) amdt 1.45**Cats in breach of cat containment**s 82 hdg am [A2014-32](#) s 7s 82 sub [A2005-57](#) s 8**Identification of dogs and cats—regulations**s 83 sub [A2005-57](#) s 9am [A2007-35](#) s 25**Identification of dogs and cats—requirement**s 84 om [A2005-20](#) amdt 3.136ins [A2005-57](#) s 9am [A2007-35](#) s 26; [A2017-46](#) s 119def **administering authority** om [A2005-20](#) amdt 3.136def **authorised person** om [A2005-20](#) amdt 3.136def **date of service** om [A2005-20](#) amdt 3.136def **infringement notice** om [A2005-20](#) amdt 3.136def **infringement notice offence** om [A2005-20](#) amdt 3.136def **infringement notice penalty** om [A2005-20](#) amdt 3.136def **reminder notice** om [A2005-20](#) amdt 3.136**Cats**pt 4 hdg om [A2005-20](#) amdt 3.136ins [A2005-57](#) s 10sub [A2007-35](#) s 27**Keeping 4 or more cats**div 4.1 hdg om [A2005-20](#) amdt 3.136ins [A2007-35](#) s 27**Multiple cat licences—requirement to be licensed**s 84A ins [A2007-35](#) s 27**Multiple cat licences—applications**s 84B ins [A2007-35](#) s 27

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#### **Multiple cat licences—approval or refusal**

s 84C ins [A2007-35](#) s 27  
am [A2015-9](#) s 12

#### **Multiple cat licences—conditions**

s 84D ins [A2007-35](#) s 27

#### **Seizing cats and dealing with them**

div 4.2 hdg om [A2001-56](#) amdt 3.250  
ins [A2007-35](#) s 27

#### **Approved providers**

s 85 om [A2001-56](#) amdt 3.250  
ins [A2005-57](#) s 10  
am [A2007-35](#) s 41

#### **Infringement and reminder notices**

div 4.3 hdg om [A2005-20](#) amdt 3.136

#### **Seizure of cats**

s 86 om [A2005-20](#) amdt 3.136  
ins [A2005-57](#) s 10  
am [A2010-3](#) s 6, s 16

#### **Temporary care of seized cats**

s 87 om [A2005-20](#) amdt 3.136  
ins [A2005-57](#) s 10  
am [A2007-35](#) s 41; [A2010-3](#) s 16

#### **Information to be given in notice of cat's seizure**

s 88 om [A2005-20](#) amdt 3.136  
ins [A2005-57](#) s 10  
am [A2007-35](#) s 41

#### **Releasing seized cats**

s 89 om [A2005-20](#) amdt 3.136  
ins [A2005-57](#) s 10  
am [A2007-35](#) s 41; [A2010-3](#) s 7, s 16

#### **Selling or destroying seized cats**

s 90 om [A2005-20](#) amdt 3.136  
ins [A2005-57](#) s 10  
am [A2007-35](#) s 41; [A2010-3](#) s 7, s 16

#### **Relinquishing ownership of seized cats**

s 91 om [A2005-20](#) amdt 3.136  
ins [A2005-57](#) s 10  
am [A2007-35](#) s 41; [A2010-3](#) s 16

**Returning seized cat to its keeper**

s 92 om [A2005-20](#) amdt 3.136  
ins [A2005-57](#) s 10  
am [A2007-35](#) s 41; [A2010-3](#) s 8, s 16

**Guidelines about returning seized cats**

s 93 om [A2005-20](#) amdt 3.136  
ins [A2005-57](#) s 10  
am [A2010-3](#) s 9, s 16

**Withdrawal of infringement notice**

s 94 om [A2005-20](#) amdt 3.136

**Guidelines about withdrawal of infringement notices**

s 95 am [A2001-44](#) amdt 1.1155  
om [A2005-20](#) amdt 3.136

**Reminder notices**

s 96 om [A2005-20](#) amdt 3.136

**Contents of reminder notices**

s 97 om [A2005-20](#) amdt 3.136

**Additional information in reminder notices**

s 98 om [A2005-20](#) amdt 3.136

**Disputing liability**

div 4.4 hdg om [A2005-20](#) amdt 3.136

**Disputing liability for an infringement notice offence**

s 99 om [A2005-20](#) amdt 3.136

**Extension of time to dispute liability**

s 100 om [A2005-20](#) amdt 3.136

**Procedure if liability disputed**

s 101 om [A2005-20](#) amdt 3.136

**Miscellaneous**

div 4.5 hdg om [A2005-20](#) amdt 3.136

**Delegation**

s 102 sub [A2002-30](#) amdt 3.224  
om [A2005-20](#) amdt 3.136

**Evidentiary certificates**

s 103 om [A2005-20](#) amdt 3.136

**Meaning of *animal nuisance*—pt 6**

s 109 sub [A2017-46](#) s 120

**Offence of animal nuisance**

s 110 am [A2017-46](#) s 121

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### 4 Amendment history

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#### **Complaints about animal nuisance**

s 111 am [A2002-30](#) amdt 3.240; [A2017-46](#) s 122

#### **Issue of nuisance notices**

s 112 am [A2002-30](#) amdt 3.225; [A2002-44](#) s 17; [A2017-46](#) ss 123-125; [A2018-11](#) s 57

#### **Seizure, impounding and return of nuisance animals**

s 114 am [A2002-44](#) s 18, s 19; [A2010-3](#) s 16  
sub [A2017-46](#) s 126  
am [A2018-11](#) ss 58-61

#### **Information to be given in notice of animal's seizure**

s 114A ins [A2002-44](#) s 20  
am [A2010-3](#) s 10, s 16  
sub [A2017-46](#) s 126

#### **Powers on entry**

s 114B ins [A2002-44](#) s 20  
am [A2010-3](#) s 11, s 16  
om [A2017-46](#) s 126

#### **Guidelines about animal nuisance**

s 114C ins [A2007-35](#) s 28

#### **Destruction of animals on registrar's authority**

s 115 hdg sub [A2002-30](#) amdt 3.226

#### **Destruction of vicious animals**

s 116 am [A2010-3](#) s 16, s 17; [A2017-46](#) s 127, s 128

#### **Destruction of diseased or injured animals**

s 117 am [A2010-3](#) s 16, s 17

#### **Notification and review of decisions**

pt 8 hdg sub [A2008-37](#) amdt 1.123

#### **Meaning of *reviewable decision*—pt 8**

s 118 am [A2005-62](#) amdt 3.106; [A2005-57](#) s 11; pars renun  
[A2005-57](#) s 12; [A2007-35](#) s 29, s 30; pars renun R14 LA  
sub [A2008-37](#) amdt 1.123

#### **Reviewable decision notices**

s 119 sub [A2005-57](#) s 13; [A2008-37](#) amdt 123

#### **Applications for review**

s 120 am [A2005-57](#) s 14  
sub [A2008-37](#) amdt 1.123

#### **Registrar**

s 121 sub [A2002-30](#) amdt 3.227  
am [A2011-22](#) amdt 1.171

**Deputy registrars**

s 122 sub [A2002-30](#) amdt 3.227  
am [A2011-22](#) amdt 1.171

**Authorised people**

s 123 hdg am [A2010-3](#) s 18  
s 123 sub [A2002-30](#) amdt 3.227  
am [A2010-3](#) s 16; [A2011-22](#) amdt 1.171

**Identity cards**

s 124 am [A2010-3](#) s 12, s 16; [A2011-22](#) amdt 1.171

**Power not to be exercised before identity card shown**

s 125 am [A2002-30](#) amdt 3.228; [A2010-3](#) s 16

**Powers of authorised people**

div 9.2 hdg am [A2010-3](#) s 18

**Definitions for div 9.2**

s 126 def **connected** ins [A2002-30](#) amdt 3.229  
def **enter** sub [A2002-30](#) amdt 3.229  
def **offence** ins [A2002-30](#) amdt 3.229  
def **residential premises** sub [A2002-30](#) amdt 3.229  
om [A2007-35](#) s 31

**Things connected with an offence**

s 127 om [A2002-30](#) amdt 3.229

**Power to enter premises**

s 128 am [A2010-3](#) s 16  
sub [A2017-46](#) s 129

**Entry of premises—search warrants**

s 129 am [A2010-3](#) s 16  
om [A2017-46](#) s 129

**Entry and exercise of powers in emergency situations**

s 130 am [A2010-3](#) s 16; [A2015-9](#) s 13  
om [A2017-46](#) s 129

**Inspection of premises**

s 131 am [A2010-3](#) s 16; [A2017-46](#) s 130

**Consent to entry**

s 132 sub [A2002-44](#) s 21  
am [A2010-3](#) s 16; [A2017-46](#) s 131, s 132

**Search warrants**

s 133 am [A2010-3](#) s 13, s 16; [A2017-46](#) s 133

**Power to require name and address**

s 134 am [A2010-3](#) s 16, s 17; [A2017-46](#) s 134

## Endnotes

### 4 Amendment history

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#### **Inspection of animals**

s 134A ins [A2017-46](#) s 135  
am [A2018-11](#) s 62

*Note for s 134A* s 134A also ins [A2017-44](#) s 30  
renum as s 134AA R36 LA

#### **Cooperation with other jurisdictions—racing greyhounds**

div 9.3 hdg ins [A2017-44](#) s 30

#### **Meaning of *animal welfare law*—div 9.3**

s 134AA (prev s 134A) ins [A2017-44](#) s 30  
renum as s 134AA R36 LA

#### **Information sharing**

s 134B ins [A2017-44](#) s 30

#### **Investigation at request of other jurisdictions**

s 134C ins [A2017-44](#) s 30

#### **Approved animal welfare entities**

s 137 om [A2002-30](#) amdt 3.230  
ins [A2018-11](#) s 63

#### **Disqualification from keeping animals**

s 138A (prev s 72) renum and reloc [A2005-57](#) s 7  
am [A2007-35](#) s 32

#### **Renewals**

s 139 hdg sub [A2007-35](#) s 33  
s 139 am [A2007-35](#) s 34  
(1), (3) exp 1 May 2009 (s 139 (3))

#### **False or misleading statements**

s 141 am [A2002-30](#) amdt 3.231  
om [A2004-15](#) amdt 2.58

#### **Dishonoured cheques and credit transactions**

s 142 am [A2017-46](#) s 136

#### **Codes of practice**

s 143 om [A2004-15](#) amdt 2.58  
ins [A2007-35](#) s 35  
(5), (6) exp 1 May 2008 (s 143 (6))  
am [A2011-3](#) amdt 3.179; [A2013-19](#) amdt 3.81; [A2015-53](#) s 8

#### **Inspection of incorporated documents**

s 143A ins [A2007-35](#) s 35  
am [A2011-22](#) amdt 1.171

**Notification of certain incorporated documents**

s 143B ins [A2007-35](#) s 35  
am [A2011-22](#) amdt 1.171; [A2013-19](#) amdt 3.82

**Determination of fees**

s 144 sub [A2001-44](#) amdt 1.1156  
am [A2011-3](#) amdt 3.180

**Fees payable to Territory in accordance with determinations etc**

s 145 om [A2001-44](#) amdt 1.1157

**Regulations may make provision about fees**

s 146 om [A2001-44](#) amdt 1.1157

**Approved forms**

s 147 am [A2001-44](#) amdt 1.1158; [A2002-30](#) amdt 3.232

**Regulation-making power**

s 148 sub [A2001-44](#) amdt 1.1159  
am [A2007-35](#) s 36

**Repeal of Acts**

s 149 om R1 (LA s 89 (3))

**Repeal of regulations**

s 150 om R1 (LA s 89 (3))

**Definitions for pt 11**

s 151 exp 21 June 2002 (s 159)

**Existing applications for registration or licences**

s 152 exp 21 June 2002 (s 159)

**Existing registrations**

s 153 exp 21 June 2002 (s 159)

**Existing licences**

s 154 exp 21 June 2002 (s 159)

**Existing dangerous dog declarations**

s 155 exp 21 June 2002 (s 159)

**Existing declared exercise areas**

s 156 exp 21 June 2002 (s 159)

**Transitional provisions**

pt 11 hdg om [A2017-46](#) s 137

**Renewal of keeper's licence—old yards**

s 157 om [A2017-46](#) s 137

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**Authorised officers to continue to exercise functions under Act—transitional**  
s 158 om R1 (LA s 89 (3))  
ins [A2010-3](#) s 14  
exp 18 May 2010 (s 158 (2) (LA s 88 declaration applies))

**Expiry of certain provisions of pt**  
s 159 exp 21 June 2002 (s 159)

**Transitional—Domestic Animals (Racing Greyhounds) Amendment Act 2017**  
pt 12 hdg ins [A2017-44](#) s 31  
exp 30 April 2023 (s 163)

**Racing greyhound controller licences—existing racing greyhound keepers**  
s 160 ins [A2017-44](#) s 31  
exp 30 April 2023 (s 163)

**Eligibility of recipients of Territory assistance**  
s 161 ins [A2017-44](#) s 31  
exp 30 April 2023 (s 163)

**Transitional regulations**  
s 162 ins [A2017-44](#) s 31  
exp 30 April 2023 (s 163)

**Expiry—pt 12**  
s 163 ins [A2017-44](#) s 31  
exp 30 April 2023 (s 163)

**Dictionary**  
dict am [A2002-30](#) amdt 3.233; [A2008-37](#) amdt 1.124; [A2009-20](#)  
amdt 3.57; [A2011-22](#) amdt 1.172, amdt 1.173; [A2015-33](#)  
amdt 1.46; [A2017-46](#) s 138  
def **administering authority** om [A2005-20](#) amdt 3.137  
def **animal boarding facility** om [A2013-19](#) amdt 3.83  
def **animal welfare law** ins [A2017-44](#) s 32  
def **animal welfare offence** am [A2002-30](#) amdt 3.234  
sub [A2002-49](#) amdt 3.53; [A2006-17](#) s 5  
am [A2007-7](#) s 39; [A2014-3](#) ss 21-23; pars renum R25 LA;  
[A2015-9](#) s 14; pars renum R28 LA; [A2016-19](#) amdts 1.1-  
1.3; pars renum R31 LA  
def **approved animal welfare entity** ins [A2018-11](#) s 64  
def **approved provider** ins [A2005-57](#) s 15  
sub [A2007-35](#) s 37  
def **authorised officer** sub [A2002-30](#) amdt 3.235  
om [A2010-3](#) s 15  
def **authorised person** om [A2005-20](#) amdt 3.137  
ins [A2010-3](#) s 15  
def **breed** ins [A2018-11](#) s 64  
def **breeding licence** ins [A2015-9](#) s 15



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- def **connected** ins [A2002-30](#) amdt 3.236  
am [A2010-3](#) s 18
- def **control order** ins [A2017-46](#) s 139  
sub [A2018-11](#) s 65
- def **date of service** om [A2005-20](#) amdt 3.137
- def **effective control** ins [A2018-11](#) s 66
- def **enter** am [A2010-3](#) s 18
- def **excluded offence** am [A2004-15](#) amdt 2.59; [A2005-57](#)  
s 16; [A2014-32](#) s 8
- def **function** om [A2002-30](#) amdt 3.237
- def **gaming law** ins [A2017-44](#) s 32
- def **greyhound racing** ins [A2017-44](#) s 32
- def **impound** ins [A2018-11](#) s 66
- def **incorporated document** ins [A2007-35](#) s 38
- def **infringement notice** om [A2005-20](#) amdt 3.137
- def **infringement notice offence** om [A2005-20](#) amdt 3.137
- def **infringement notice penalty** sub [A2005-20](#) amdt 3.138
- def **licence** om [A2002-30](#) amdt 3.238
- def **multiple cat licence** ins [A2007-35](#) s 39
- def **offence** ins [A2002-30](#) amdt 3.239  
am [A2010-3](#) s 18
- def **public place** sub [A2004-69](#) s 25  
am [A2013-3](#) amdt 2.4; [A2015-47](#) amdt 1.1; [A2018-19](#)  
amdt 1.1
- def **public unleased land** ins [A2013-3](#) amdt 2.5
- def **public vehicle** om [A2004-69](#) s 26
- def **racing greyhound** ins [A2017-44](#) s 32
- def **racing greyhound controller licence** ins [A2017-44](#) s 32
- def **recognised breeding organisation** ins [A2015-9](#) s 15
- def **registered racing greyhound** ins [A2017-44](#) s 32
- def **registration tag** om [A2017-46](#) s 140
- def **release** ins [A2002-30](#) amdt 3.239
- def **reminder notice** om [A2005-20](#) amdt 3.139
- def **residential premises** sub [A2007-35](#) s 40
- def **reviewable decision** ins [A2008-37](#) amdt 1.125
- def **sell** ins [A2017-46](#) s 141  
sub [A2018-11](#) s 67
- def **serious injury** ins [A2017-46](#) s 142
- def **special licence** ins [A2002-30](#) amdt 3.239  
sub [A2017-44](#) s 33
- def **this Act** om [A2001-44](#) amdt 1.1160

## Endnotes

### 5 Earlier republications

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#### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 12 Sept 2001	12 Sept 2001– 21 June 2002	<a href="#">A2001-56</a>	amendments by <a href="#">A2001-44</a> and <a href="#">A2001-56</a>
R2 6 Sept 2002	22 June 2002– 16 Sept 2002	<a href="#">A2001-56</a>	commenced expiry
R3 17 Sept 2002	17 Sept 2002– 2 Dec 2002	<a href="#">A2002-30</a>	amendments by <a href="#">A2002-30</a>
R4 3 Dec 2002	3 Dec 2002– 16 Jan 2003	<a href="#">A2002-44</a>	amendments by <a href="#">A2002-44</a>
R5 17 Jan 2003	17 Jan 2003– 8 Apr 2004	<a href="#">A2002-49</a>	amendments by <a href="#">A2002-49</a>
R6 9 Apr 2004	9 Apr 2004– 8 Mar 2005	<a href="#">A2004-15</a>	amendments by <a href="#">A2004-15</a>
R7 9 Mar 2005	9 Mar 2005– 1 June 2005	<a href="#">A2004-69</a>	amendments by <a href="#">A2004-69</a>
R8* 2 June 2005	2 June 2005– 11 Nov 2005	<a href="#">A2005-20</a>	amendments by <a href="#">A2005-20</a>
R9 12 Nov 2005	12 Nov 2005– 10 Jan 2006	<a href="#">A2005-20</a>	amendments by <a href="#">A2005-20</a>
R10 11 Jan 2006	11 Jan 2006– 10 May 2006	<a href="#">A2005-62</a>	amendments by <a href="#">A2005-62</a>
R11 11 May 2006	11 May 2006– 22 May 2006	<a href="#">A2006-17</a>	amendments by <a href="#">A2006-17</a>
R12 23 May 2006	23 May 2006– 26 Mar 2007	<a href="#">A2006-17</a>	amendments by <a href="#">A2005-57</a>

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R13 27 Mar 2007	27 Mar 2007– 30 Apr 2008	<a href="#">A2007-7</a>	amendments by <a href="#">A2007-7</a>
R14 1 May 2008	1 May 2008– 1 May 2008	<a href="#">A2007-35</a>	amendments by <a href="#">A2007-35</a>
R15 2 May 2008	2 May 2008– 1 Feb 2009	<a href="#">A2007-35</a>	commenced expiry
R16 2 Feb 2009	2 Feb 2009– 1 May 2009	<a href="#">A2008-37</a>	amendments by <a href="#">A2008-37</a>
R17 2 May 2009	2 May 2009– 21 Sept 2009	<a href="#">A2008-37</a>	commenced expiry
R18* 22 Sept 2009	22 Sept 2009– 17 Feb 2010	<a href="#">A2009-20</a>	amendments by <a href="#">A2009-20</a>
R19 18 Feb 2010	18 Feb 2010– 18 May 2010	<a href="#">A2010-3</a>	amendments by <a href="#">A2010-3</a>
R20 19 May 2010	19 May 2010– 28 Feb 2011	<a href="#">A2010-3</a>	commenced expiry
R21 1 Mar 2011	1 Mar 2011– 30 June 2011	<a href="#">A2011-3</a>	amendments by <a href="#">A2011-3</a>
R22 1 July 2011	1 July 2011– 13 June 2013	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>
R23 14 June 2013	14 June 2013– 30 June 2013	<a href="#">A2013-19</a>	amendments by <a href="#">A2013-19</a>
R24 1 July 2013	1 July 2013– 6 Mar 2014	<a href="#">A2013-3</a>	amendments by <a href="#">A2013-3</a>
R25 7 Mar 2014	7 Mar 2014– 20 Aug 2014	<a href="#">A2014-3</a>	amendments by <a href="#">A2014-3</a>
R26 21 Aug 2014	21 Aug 2014– 30 Sept 2014	<a href="#">A2014-32</a>	amendments by <a href="#">A2014-32</a>
R27 1 Oct 2014	1 Oct 2014– 14 Sept 2015	<a href="#">A2014-39</a>	amendments by <a href="#">A2014-39</a>
R28 15 Sept 2015	15 Sept 2015– 13 Oct 2015	<a href="#">A2015-9</a>	amendments by <a href="#">A2015-9</a>

## Endnotes

### 5 Earlier republications

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<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R29 14 Oct 2015	14 Oct 2015– 23 May 2016	<a href="#">A2015-33</a>	amendments by <a href="#">A2015-33</a>
R30 24 May 2016	24 May 2016– 30 May 2016	<a href="#">A2015-53</a>	amendments by <a href="#">A2015-53</a>
R31 31 May 2016	31 May 2016– 31 July 2016	<a href="#">A2016-19</a>	amendments by <a href="#">A2016-19</a>
R32 1 Aug 2016	1 Aug 2016– 22 Feb 2017	<a href="#">A2016-19</a>	amendments by <a href="#">A2015-47</a>
R33 23 Feb 2017	23 Feb 2017– 14 June 2017	<a href="#">A2017-2</a>	amendments by <a href="#">A2017-2</a>
R34 15 June 2017	15 June 2017– 13 Dec 2017	<a href="#">A2017-17</a>	amendments by <a href="#">A2017-17</a>
R35 14 Dec 2017	14 Dec 2017– 29 Apr 2018	<a href="#">A2017-46</a>	amendments by <a href="#">A2017-46</a>
R36 30 Apr 2018	30 Apr 2018– 23 May 2018	<a href="#">A2018-11</a>	amendments by <a href="#">A2017-44</a> and <a href="#">A2018-11</a>

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