

ACT GOVERNMENT

# DOG MANAGEMENT LAWS IN THE ACT



**ACT**  
Government

Transport Canberra  
and City Services

# The Domestic Animals Act 2000 (ACT)

- The Act was introduced in 2000 to amalgamate the requirements of the former *Dog Control Act 1975* and the *Animal Nuisance Act 1975*.
- The Act provides for the identification, registration and seizure of domestic animals in the ACT, as well as outlining the responsibilities of people who own, care for, or keep animals.
- Strong laws underpin an approach that requires each and every dog owner to be a responsible owner.



Australian Capital Territory

## **Domestic Animals Act 2000**

A2000-86

Republication No 35

Effective: 14 December 2017

Republication date: 14 December 2017

Last amendment made by [A2017-46](#)

# Animal Welfare and Management Strategy 2017-22

- Released by the ACT Government in September 2017 and sets a vision that the ACT becomes an Australian leader in animal welfare and management practice
- Developed with extensive stakeholder input and public consultation
- Relevant objectives in the Strategy:
  - the ACT has contemporary animal welfare and management laws
  - there are ongoing improvements in animal management practice in the ACT
  - community safety is maintained to a high standard
  - compliance and enforcement of animal welfare and management issues is efficient and effective.



# The Domestic Animals (Dangerous Dogs) legislation Amendment Bill 2017

- An Opposition Bill that was introduced to the ACT Legislative Assembly on 1 November 2017
- The Bill was introduced to toughen up laws to protect the public from dangerous dogs
- In response to escalating community concern about dog attacks including a campaign by dog attack victims seeking stronger laws
- Ongoing significant community and media interest in dog attacks
- A fatal dog attack occurred in the week preceding the Bill being tabled in the Assembly, further reinforcing the case to review the laws
- The Government responded by introducing a comprehensive suite of amendments to make the laws some of the strongest in Australia and align with best practice around the world
- The Government amendments were passed by the Legislative Assembly on 29 November 2017



## Domestic Animals (Dangerous Dogs) Legislation Amendment Act 2017

A2017-46

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### Drivers for change

Community/Social drivers

Political pressure

Best Practice

Animal Welfare and Management Strategy



# What do the Amendments do

- Introduces a public safety consideration in how the Registrar exercises discretion in dealing with dogs
- Increases fines and penalties, including a new offence for provoking a dog attack
- Introduces ownership bans and cancellations for irresponsible owners or owners in breach of the Act or animal welfare laws
- Imposes greater restrictions on keepers of dangerous dogs
- Requires people to have effective control of their dogs in public places, on and off the lead
- Increases enforcement powers and an ability to seize and act where dogs pose a threat to public safety
- Provides for greater enforcement powers and increased restrictions in relation to de-sexing and illegal breeding
- Allow for a home impoundment
- Introduces a self-reporting obligation for owners or carers of dogs involved in serious dog attacks
- Moves to a microchip only system of registration to improve identification and tracking of dogs, including Dangerous Dogs

## Key features of the framework are:

- Three new classes of dog attack with proportionate powers to act by the Registrar for Domestic Animals
- A three-tiered system of managing dogs with the introduction of a dog control order as an intermediate action
- Ownership bans and cancellations
- New offences

# New classes of dog attack and registrar powers

## Registrar discretion – section 68A exceptional circumstances

Exceptional circumstances  
Dog can be destroyed quickly  
Reduced appeal timeframes from 28 to 7 days

Exceptional circumstances:

- the dog is an unacceptable safety risk **and**
- Cannot be reasonably rehoused, retrained or otherwise rehabilitated

## Class 1 – section 53B

- The death of a person
- A serious injury to a person
- Death of an animal

Dog can be destroyed quickly  
Reduced appeal timeframes from 28 to 7 days  
Registrar can consider circumstances, such as a person provoked the dog

## Class 2 – section 53C

- An injury to a person
- A serious injury to an animal

Dog can be destroyed or released under strict conditions (dangerous dog licence or control order)  
Existing appeal rights remain (28 days)  
Registrar can consider circumstances, such as a person provoked the dog

## Class 3 – section 53C

- a dog that has harassed someone

Dog can be destroyed or released under strict conditions (dangerous dog licence or control order)  
Existing appeal rights remain (28 days)  
Registrar can consider circumstances, such as a person provoked the dog

# A person can be charged if their dog attacks

These are separate provisions to taking action in relation to the dog.

## **Criminal offence – beyond reasonable doubt and prosecution**

### **It is a defence if the defendant proves that:**

- A person or animal provoked the dog
- 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
- If the attack or harassment was on premises occupied by the defendant and the person or animal that was attacked was on the premises without lawful excuse

### **However public safety**

is now the paramount consideration in dealing with the dog.

Even if a person is not charged or a defence applies the dog can still be destroyed or placed under a licence/conditions.



# New tiered system of managing nuisance, harassing and dangerous dogs

## A nuisance dog

- damage to property owned by another person
- excessive disturbance to another because of noise
- danger to the health of an animal or a person other than the keeper
- Repetitive instances of non control

### A Nuisance Notice

steps that must be taken to prevent the recurrence of the animal nuisance

## A harassing dog or non-serious injury

- because of its behaviour a person reasonably fears that the dog is about to attack the person without provocation
- the dog hunts or torments an animal
- a dog that causes a non-serious injury
- menacing or aggressive behaviour

### A Dog Control Order (new)

Stipulates conditions on the dog, including:

- fencing
- inspections on fencing
- completing dog training and
- any other conditions

## A dangerous dog

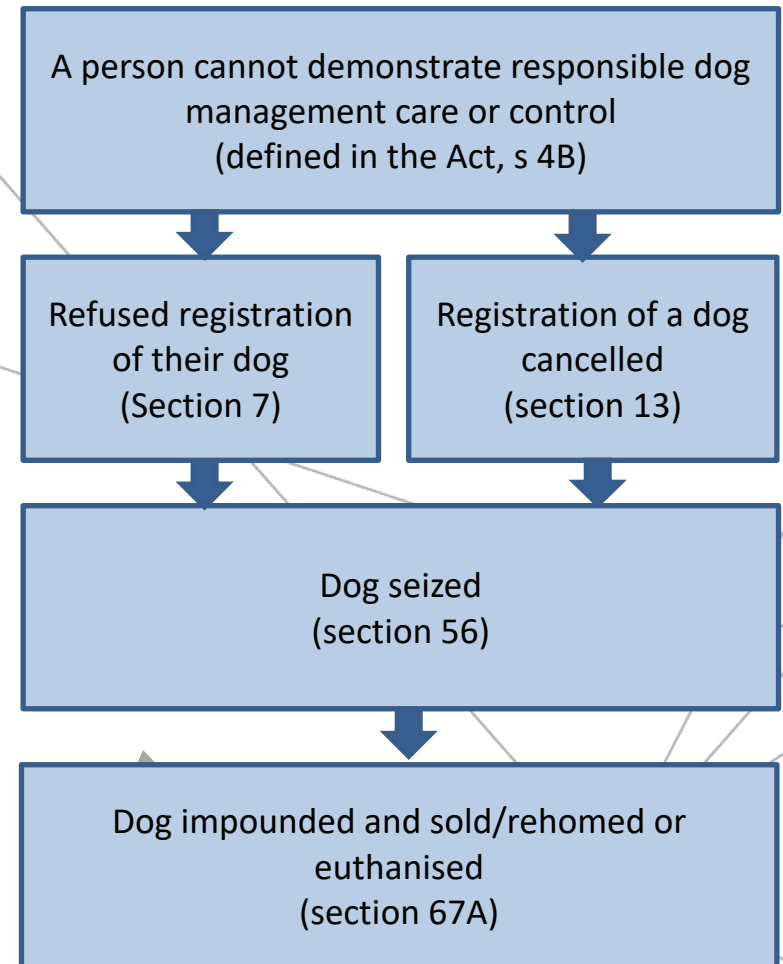
- A dog that has killed or seriously injured a person
- A dog otherwise declared a dangerous dog or required to be declared a dangerous dog (e.g. is a guard dog)

### A Dangerous Dog Licence

Any conditions can be imposed  
Would usually be conditions above and beyond a control order

# Ownership bans and cancellations

- A person can be prevented from registering a dog or have their registration cancelled if they cannot demonstrate responsible dog management, care or control
- This is defined in the Act
- The Registrar can sell or rehome the dog
- This couldn't previously be done



# New offences

The Amendments introduced the following new offences:

- Provoking a dog to attack
- Not having effective control of a dog in a public place, whether on or off a lead
- Failing to comply with a dog control order
- Breeding a dog without a licence, regardless of whether it is for profit or gain
- A keeper who puts a dog in the care of someone else, without taking reasonable steps to ensure that the carer is able to responsibly manage and control the dog, and the dog attacks
- Not showing an authorised officer a breeding permit within 24 hours of being asked
- A keeper or carer not staying at the scene of an attack to provide their details to the victim, or provide reasonable assistance to the victim if requested
- A keeper or carer not reporting a serious dog attack to the registrar as soon as reasonably practicable.
- New Ranger Powers; entry, seizure for any breach of the Act.



## Next steps

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- Comprehensive education and awareness strategy – increased focus on education
- Ongoing review and continuous improvement
- Community survey and consultation on key issues
- Partnerships and relationship building
- Continued compliance focus – targeted compliance and enforcement





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Thank you.