

New dangerous dog legislation

Fact sheet

What new legislation was introduced?

The Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2017 was introduced to strengthen the Domestic Animals Act 2000, providing stronger protections to better manage dog attacks and dangerous and potentially dangerous dogs in the ACT. It came into effect on 14 December 2017.

Why was this new legislation needed?

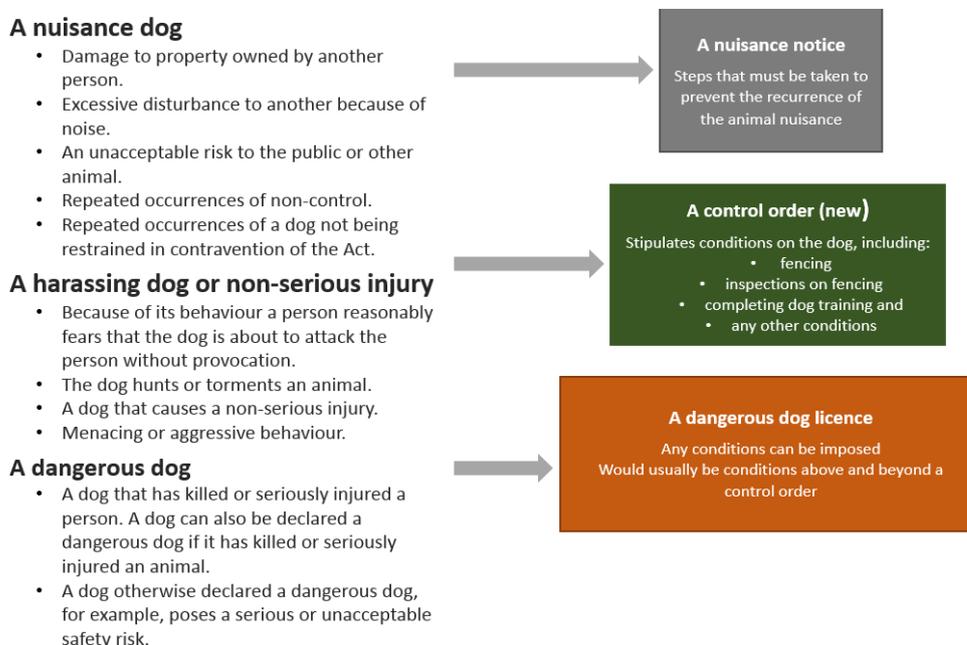
To ensure that legislative measures are proactive and in line with best-practice around the world for preventing dog attacks. The legislative reforms follow the development of the [Animal Welfare and Management Strategy 2017-2022](#).

What is the main focus of the new legislation?

These reforms target dog owners who act irresponsibly and prioritise community safety. They impose greater fines and penalties, increase seizure and enforcement powers, introduce new offences and aim to reduce illegal breeding and increase compliance with mandatory de-sexing. These factors are all important in proactively managing dangerous and potentially dangerous dogs, and preventing dog attacks.

The key features of the new legislation are:

1. a new three-tiered system of responding to nuisance, harassing or dangerous dogs with the introduction of a dog control order;
2. new classes of attack or nuisance, with corresponding powers to act by the Registrar for domestic animals. The Registrar will be able to quickly destroy a dog in extreme and serious circumstances; and
3. ownership bans and cancellations can be imposed on dog owners who cannot demonstrate responsible dog management, care or control.



What are the new offences?

The legislation results in 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 the carer is able to responsibly manage and control the dog, and the dog attacks (for example, putting the dog in the care of someone physically unable to hold the dog on a lead or not telling the carer about a previous attack incident)
- 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.

An attack can be reported to the Registrar by calling 13 22 81 or via email dogcontrol@act.gov.au

What does the legislation mean for dangerous dogs and dangerous dog owners?

The legislation imposes greater restrictions on keepers of declared dangerous dogs with public safety being the paramount consideration. A Dangerous Dog Licence or a Multiple Dog Licence can also now be cancelled or varied with 7 day's notice.

The new legislation also requires any dog that is kept as a guard dog in the ACT to be declared a dangerous dog.

License fees have also increased for owners of dangerous dogs. Up to date information on licence fees can be found on the TCCS website.

Is the Government resourced to implement and enforce the legislative reforms?

The Government has announced additional resources for Domestic Animal Services (DAS) to enable them to effectively administer and implement these new laws. The increased resources will allow the service to be more proactive in ensuring dog owners are looking after their pets responsibly and are held accountable if they put the community at risk.

This is supported by greater powers for DAS rangers if a dog or owner's behaviour poses a risk to the community or another animal. Remember, an owner or carer has ultimate responsibility to ensure they exercise responsible dog management, care and control.

Do the changes include breed specific legislation?

No breed specific changes were made to the legislation. Breed specific legislation has not been found to be effective in reducing dog attacks. There is a strong body of evidence nationally and internationally to support this. The legislative changes bring the ACT into line with best practice around the world for managing dangerous dogs and dog attacks, and targeting irresponsible owners.

What is the new three-tiered system of managing dogs?

The new three-tiered system of managing dogs means that the Registrar has a series of escalating control measures to deal with dogs that range from nuisance dogs to harassing, menacing or aggressive dogs through to dangerous dogs.

Under this new system, the Registrar for Domestic Animals can instigate a range of escalating controls on an owner:

A nuisance notice for a dog that is a nuisance, for example damaging property, causing excessive noise or repetitive instances of non-control, that is, the dog not being kept under control by its keeper or carer. Conditions can be placed on a nuisance notice. For example, that the owner works with authorised officers and the nuisance is reduced or removed.

A control order for a dog that is harassing, has resulted in a non-serious injury or is menacing or aggressive. Conditions can be placed on a control order, for example a condition that requires fencing restrictions for a dog or behavioural training to be undertaken.

A dangerous dog licence for a dog that has been declared dangerous. Granting of such a licence is at the discretion of the Registrar, who takes into account all relevant factors when making a decision, including public safety, the nature of the dog and the ability and willingness of the owner to adhere to the conditions imposed. There is a license fee and strict conditions will be placed on the licence.

What is the ‘public safety test’ in dealing with dogs that was introduced?

The new law requires the Registrar to turn his or her mind to the safety of the public and animals in making important decisions under the Act particularly with regard to dangerous and potentially dangerous dogs. For example, in deciding whether to release a dog after an attack the Registrar must now explicitly consider the safety of the public and other animals.

What are the new obligations on an owner where their dog attacks another animal or person?

When a dog attack occurs, an owner or carer of the dog responsible for the attack is now required to self-report a serious attack against another person or animal and must remain at the scene of the attack to exchange details with victims and provide reasonable assistance if requested. They can otherwise face a serious penalty or fine. An attack can be reported to the Registrar by calling 13 22 81 or via email to dogcontrol@act.gov.au

Why have ownership bans and cancellations been introduced?

Ownership bans and ownership cancellations apply to owners or potential owners in breach of the Act or animal welfare laws. This is a proactive approach to preventing people who are unable to demonstrate responsible dog management, care or control from owning or continuing to own a dog.

If a person's ownership of a dog is cancelled or refused, the Registrar can seize the dog and decide to sell or rehome that dog. Alternatively, it may be necessary for the dog to be euthanised if it presents an unacceptable risk to the safety of the public or other animals and cannot be reasonably rehoused, retrained and otherwise rehabilitated so that it no longer presents an unacceptable risk.

Why target de-sexing and illegal breeding?

There is a clear link between dogs that are not de-sexed and dog attacks. Non de-sexed dogs are over represented in dog attacks.

Illegal breeding also often correlates with higher levels of aggression in dogs.

There have been a number of changes to strengthen breeding and de-sexing laws.

De-sexing is mandatory in the ACT unless the appropriate permit is held. It is also an offence to breed any dog in the ACT without a permit, regardless of whether it is for profit or gain.

When can a dog be seized?

Under the new legislation authorised officers have the power to seize a dog in a number of new circumstances, such as when:

- a dog is not registered
- a dog is not identified by implanted microchip
- a dog is not controlled in a public place, on or off the lead
- the keeper or carer fails to give an authorised person their name or address if required
- a keeper is refused registration of a dog or the registration is cancelled
- the keeper has not complied with a special licence (dangerous dog or multiple dog licence), control order or nuisance notice
- the keeper is breeding without a breeding licence
- the dog is illegally not de-sexed
- the authorised person reasonably believes that the keeper or carer of a dog is not demonstrating responsible dog management, care or control
- the safety of the public is at risk because of the keeper or carer's actions
- there is a complaint that the dog attacked another person or animal.

The Registrar can impound a seized dog and keep it impounded if it is a risk to the public. The Registrar also has the power to cancel a dog's registration and rename or euthanise the dog in extreme circumstances.

Do I still need a tag registration for my dog?

No. Your dog must be registered and microchipped but the new legislation removes the requirement for a registration tag to be displayed on the dog's collar. It is an offence, with strict fines and penalties, not to have your dog registered and microchipped. Registration in the ACT is only currently required for dogs and is lifetime registration. An ID tag with current owner contact details should always be worn. Dogs with ID tags have been shown to have much higher chances of being returned to their owner and not euthanised.

What else is the Government doing?

Further measures will be put in place in 2018, including:

- a comprehensive education and awareness campaign, recognising that education and awareness is a critical factor and should work hand-in-hand with legislative measures;
- working with key stakeholders to develop partnerships, consider innovative solutions and identify further improvements that can be made to dog management laws; and
- continuing to implement the ACT Animal Welfare and Management Strategy released in September 2017.

Where do I go if I have questions or need help?

All the answers to frequently asked questions are available on the website at **www.tccs.act.gov.au/pawsforthought**. If you can't find what you need there, or need to contact the Registrar, please email **dogcontrol@act.gov.au** or phone Access Canberra on **13 22 81**.