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Robyn Webb  
Chief Parliamentary Counsel  
Dated 23 December 2019



TASMANIA

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## **DOG CONTROL ACT 2000**

**No. 102 of 2000**

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## **DOG CONTROL ACT 2000**

**No. 102 of 2000**

**An Act to provide for the control and management of dogs**

**[Royal Assent 20 December 2000]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### **PART 1 – PRELIMINARY**

#### **1. Short title**

This Act may be cited as the *Dog Control Act 2000*.

#### **2. Commencement**

This Act commences on a day to be proclaimed.

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### **3. Interpretation**

In this Act –

***animal*** means any live vertebrate animal other than a human being;

***appropriate fee***, in relation to a fee, means a fee determined by the council under section 80;

***approved*** means approved by the Director;

***at large*** means at large as referred to in section 5;

***attack*** includes bite, menace or harass;

***authorised person*** means –

- (a) a police officer; or
- (b) a general manager; or
- (c) a person appointed by a general manager to be an authorised person; or
- (d) a person who is a ranger under the *Nature Conservation Act 2002*; or
- (da) a person who is a ranger under the *National Parks and Reserves Management Act 2002*; or

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- (e) a person appointed as a bailiff of Crown lands under the *Crown Lands Act 1976*;

***built-up area*** means an area in which –

- (a) there are buildings on land next to the road; and
- (b) there is street lighting at intervals not over 100 metres for a distance of at least 500 metres or, if the road is shorter than 500 metres, for the whole road;

***collar*** means a collar of leather or other durable material;

***complaint*** means a complaint referred to in section 47;

***dangerous dog*** means a dog declared to be dangerous under section 29 or 30;

***declared area*** means an area declared under Division 2 of Part 3;

***de-sex*** means to render permanently incapable of reproduction;

***Director*** means the Director of Local Government;

***dog*** means an animal of the species *Canis familiaris* or *Canis familiaris dingo*;

***effective control*** means –

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- (a) in the case of a dog that is not a greyhound, dangerous dog or restricted breed dog, effective control as referred to in section 4; and
- (b) in the case of a greyhound, effective control as referred to in section 18; and
- (c) in the case of a dangerous dog or restricted breed dog, effective control as referred to in section 32;

***exercise area*** means an area declared under section 20;

***general manager*** means the general manager of a council appointed under the *Local Government Act 1993*;

***guard dog*** means a dog used to guard premises that are not residential premises;

***guide dog*** means –

- (a) a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967*; or
- (b) a dog training to be a guide dog;

***hearing dog*** means –

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- (a) a hearing dog as defined by the *Guide Dogs and Hearing Dogs Act 1967*; and
- (b) a dog training to be a hearing dog;

***hunting dog*** means a dog used principally for hunting;

***infringement notice*** means a notice referred to in Division 2 of Part 4;

***laceration*** means a wound caused by –

- (a) the tearing of body tissue; or
- (b) multiple punctures caused by more than one bite from a dog;

***lead*** means a lead, leash, cord or chain of sufficient strength to restrain a dog;

***licence*** means a licence to keep on premises –

- (a) more than 2 dogs over the age of 6 months; or
- (b) more than 4 working dogs over the age of 6 months;

***microchip number***, in relation to a dog, means the unique identifying number associated with an approved microchip implanted in the dog;

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***occupier***, in relation to premises, includes a person who has, or is entitled to, possession or control of the premises;

***owner of a dog*** means a person referred to in section 6;

***pound*** means a pound established under the *Local Government Act 1993*;

***premises*** includes land or any part of any premises or land and includes private premises and a public place;

***private premises*** means premises that are not a public place;

***prohibited area*** means an area declared under section 22;

***public notice*** means a notice published in a daily newspaper;

***public place*** means –

- (a) a public place as defined by the *Police Offences Act 1935*; and
- (b) a road; and
- (c) a road-related area;

***register*** means a register kept under section 15;

***registered dog*** means a dog registered under this Act;

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***registration disc*** means a disc or tag referred to in section 10(1);

***residential premises*** means any premises lawfully used as a residence;

***restricted area*** means an area declared under section 23;

***restricted breed dog*** means a dog declared to be a restricted breed dog under section 29A;

***road*** means –

- (a) an area that is developed for, or has as one of its main uses, the driving or riding of motor vehicles and is open to, or used by, the public; and
- (b) a part of the kerb; and
- (c) an unsealed part of a sealed road;

***road-related area*** means –

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) a footpath or track that –
  - (i) is not a road; and

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(ii) is designed for use by  
cyclists or pedestrians;  
and

(iii) is open to the public;

***serious injury*** means –

(a) an injury requiring medical or  
veterinary attention in the nature  
of –

(i) a broken bone; or

(ii) a laceration; or

(iii) a partial or total loss of  
sensation or function in a  
part of the body; or

(b) an injury requiring medical or  
cosmetic surgery;

***shopping centre*** means a collection of shops  
in an enclosed area covered by a roof or  
forming a courtyard or square, excluding  
any area provided for the parking of  
vehicles;

***training area*** means an area declared under  
section 21;

***tranquilliser device*** means any device that  
inserts a measured dosage of  
tranquillising drug into the body of an  
animal;

***trailing*** means –

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- (a) agility trialling, endurance trialling, herding trialling, lure coursing trialling, obedience trialling, retrieving trialling and tracking trialling; and
- (b) any other event in which dogs, and persons in charge of those dogs, are engaged in competition in respect of dog behaviours;

***veterinary surgeon*** means a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1987*;

***working day*** means a day on which the public office of a council is open for business;

***working dog*** means a dog used principally for –

- (a) droving or tending livestock; or
- (b) detecting illegal substances; or
- (c) searching, tracking or rescuing; or
- (d) working with police officers.

#### **4. Dog under effective control**

- (1) A dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person in a public place if the dog is –

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- (a) on a road or road-related area in a built-up area, or any other public place declared under Division 2 of Part 3 to be an area where a dog must be on a lead, and the dog is secured and restrained by means of a lead not more than 2 metres long held by hand by a person able to control the dog; or
  - (b) tethered to a fixed object by a lead not more than 2 metres long for a period not more than 30 minutes.
- (2) A dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person while not on a lead if the dog is –
- (a) a working dog engaged in working; or
  - (b) a hunting dog engaged in hunting; or
  - (c) engaged in racing or showing; or
  - (d) engaged in trialling; or
  - (e) engaged in training for any activity referred to in paragraph (a), (b), (c) or (d); or
  - (f) engaged in training in a training area.
- (3) In an area where a dog is not required to be on a lead, a dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person if –
- (a) it is in close proximity to the person; and

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- (b) it is in sight of the person; and
  - (c) the person is able to demonstrate to the satisfaction of an authorised person that the dog is immediately responsive to the person's commands.
- (4) A dog, other than a greyhound, a dangerous dog or a restricted breed dog, is under the effective control of a person on private premises if the dog is securely confined to those premises.
- (5) A person, at any one time, must not have in his or her charge more than –
- (a) 2 dogs, that are not greyhounds, dangerous dogs or restricted breed dogs, on a lead on a footpath; or
  - (b) 4 dogs, that are not greyhounds, dangerous dogs or restricted breed dogs, in a public place.

Penalty: Fine not exceeding 5 penalty units.

**5. Dog at large**

A dog is at large if it is –

- (a) in a public place and it is not under the effective control of a person; or
- (b) without the consent of the occupier, in or on a public place that is occupied or private premises that are occupied.

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**6. Owner of dog**

The person who is the owner of a dog is –

- (a) in the case of a registered dog, the person in whose name the dog is registered; or
- (b) in the case of an unregistered dog, the person who ordinarily keeps the dog; or
- (c) in the case of a child’s pet, the child’s parent or guardian.

**7. Dog management policy**

- (1) A council is to develop, make and implement a policy relating to dog management in its municipal area.
- (2) A dog management policy is to include the following:
  - (a) a code relating to responsible ownership of dogs;
  - (b) the policy in relation to declarations made, or to be made, under Division 2 of Part 3;
  - (c) a fee structure;
  - (d) any other relevant matter.
- (3) A council is to –
  - (a) invite public submissions relating to a proposed dog management policy or an amendment of the policy; and

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- (b) consult with any appropriate body or organisation; and
  - (c) consider any submissions and results of any consultation before making the policy or the amendment.
- (4) A council is to review its dog management policy at least once every 5 years.
- (5) In reviewing its dog management policy, a council is to take the actions referred to in subsection (3).

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**PART 2 – REGISTRATION AND IDENTIFICATION**

**8. Registering dogs**

- (1) The owner of a dog that is over the age of 6 months must register the dog.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person must not conceal, or dispose of, a dog to evade registration of the dog.

Penalty: Fine not exceeding 5 penalty units.

**9. Application for registration**

- (1) The owner of a dog required to be registered is to apply for registration to the general manager of the council in the municipal area in which –

- (a) the owner resides; or  
(b) if the dog is a guard dog, the premises guarded by the dog are situated.

- (2) An application for registration is to –

- (a) be in an approved form; and  
(b) be accompanied by the appropriate registration fee; and  
(c) include the microchip number of the dog.

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**10. Registration disc**

- (1) On the registration of a dog, the general manager is to –
  - (a) allocate a registration number to the dog; and
  - (b) issue to the owner a disc or tag clearly and durably marked with –
    - (i) the name of the council; and
    - (ii) the registration number of the dog; and
    - (iii) the expiry date of registration.
- (2) A registration disc is valid until the expiry date marked on the registration disc.
- (3) A person must not –
  - (a) use a registration disc that is not valid; or
  - (b) use a registration disc issued for another dog; or
  - (c) counterfeit a registration disc or knowingly use a counterfeit registration disc; or
  - (d) remove a registration disc from a dog without just cause.

Penalty: Fine not exceeding 3 penalty units.

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**11. Collars**

- (1) The owner or person in charge of a dog, other than a guide dog or hearing dog, must ensure that the dog, while in a public place, has a collar fastened around its neck to which is attached the dog's registration disc.

Penalty: Fine not exceeding 1 penalty unit.

- (2) This section does not apply to –
- (a) a working dog engaged in working; or
  - (b) a hunting dog engaged in hunting; or
  - (c) a dog engaged in racing; or
  - (d) a dog engaged in showing; or
  - (e) a dog engaged in trialling; or
  - (f) a dog engaged in training for any activity referred to in paragraph (a), (b), (c), (d) or (e).

- (3) The owner or person in charge of a guide dog or a hearing dog must ensure that the dog, while in a public place, has its registration disc attached to its collar, lead or harness.

Penalty: Fine not exceeding 1 penalty unit.

- (4) A person, without just cause, must not remove a collar from a dog that is in a public place.

Penalty: Fine not exceeding 2 penalty units.

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**12. Cancellation of registration**

- (1) The owner of a registered dog must notify the general manager, of the council of the municipal area in which the dog is registered, in writing within 14 days of –
- (a) the dog's death, loss or removal; or
  - (b) beginning to usually keep the dog on premises in another municipal area.

Penalty: Fine not exceeding 1 penalty unit.

- (2) The general manager, if satisfied of the truth of the notification, is to –
- (a) cancel the registration of the dog; and
  - (b) in the case of a dog beginning to be usually kept by its owner on premises in another municipal area, notify the general manager of the council of that municipal area.

**13. Change of owner**

- (1) A person who becomes the owner of a dog that is already registered, within 14 days after becoming the owner, must notify the general manager, of the council of the municipal area in which the dog is registered, in writing of the transfer of ownership.

Penalty: Fine not exceeding 1 penalty unit.

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- (2) If a transfer of ownership of a registered dog occurs, the former owner of the dog, within 14 days after that change, must notify the general manager, of the council of the municipal area in which the dog is registered, in writing of the transfer of ownership.

Penalty: Fine not exceeding 1 penalty unit.

**14. Change in address**

The owner of a dog is to notify the general manager, of the council of the municipal area in which the dog is registered, in writing within 14 days of beginning to usually keep the dog at another address in the same municipal area.

**15. Register**

- (1) A general manager is to keep a register in respect of registered dogs.
- (2) The register is to state –
- (a) the name, age, sex and reproductive capacity of the dog; and
  - (b) the breed of the dog, if identifiable; and
  - (c) any identifiable feature of the dog; and
  - (d) whether the dog is a dangerous dog or a restricted breed dog; and
  - (e) the owner's name and address; and
  - (f) the registration number of the dog; and

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- (fa) the microchip number of the dog; and
  - (g) any other information the general manager considers relevant.
- (3) The register and its details may be recorded and retained in electronic form.
- (4) A general manager may amend or cancel any item in the register in order to maintain the register.

**15A. Implanting of microchips**

- (1) The owner of a dog that is over 6 months of age must ensure that the dog is implanted in an approved manner with an approved microchip.

Penalty: Fine not exceeding 10 penalty units.

- (2) Subsection (1) does not apply to –
- (a) a dog in respect of which a veterinary surgeon has issued a certificate stating that to implant the dog with a microchip may adversely affect the health and welfare of the dog; or
  - (b) a type, class or breed of dog that the Minister, by order, declares is not required to be implanted with a microchip.
- (3) If a dog that is required to be implanted with a microchip is not so implanted and is seized in accordance with this Act, a general manager may

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cause the dog to be implanted in an approved manner with an approved microchip.

- (4) The owner of the dog is liable for the costs associated with the implanting.
- (5) A person who implants a dog with a microchip must enter the prescribed details in an approved database.

## **PART 3 – CONTROL OF DOGS**

### *Division 1 – Controlling dogs*

#### **16. Control of dogs**

- (1) The owner or person in charge of a dog must ensure that the dog is not at large.

Penalty: Fine not exceeding 5 penalty units.

- (2) The owner or person in charge of a bitch on heat must ensure that it is confined away from a public place.

Penalty: Fine not exceeding 2 penalty units.

- (3) The owner or person in charge of a dog must restrict the dog sufficiently while it is in or on a vehicle so that it is unable to leave the vehicle or attack any person or animal outside the vehicle.

Penalty: Fine not exceeding 5 penalty units.

#### **17. Chasing vehicles**

- (1) The owner or person in charge of a dog must ensure that while the dog is in a public place the dog does not rush at, or chase, a moving vehicle or bicycle in that public place.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person must not urge a dog to rush at, or chase, a moving vehicle or bicycle in a public place.

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Penalty: Fine not exceeding 10 penalty units.

**18. Effective control of greyhounds**

- (1) A greyhound is under the effective control of a person in a public place or on private premises if –
- (a) the greyhound is –
    - (i) muzzled; and
    - (ii) secured and restrained by means of a lead that is not more than 2 metres long held by hand by a person able to control the dog; or
  - (b) the greyhound is–
    - (i) muzzled; and
    - (ii) restricted in or on a vehicle so that it is unable to leave the vehicle or attack any person or animal outside the vehicle; or
  - (ba) where the greyhound is in a declared area – the conditions, in relation to all dogs or to greyhounds, that are specified in the declaration of the area under Division 2 of Part 3 are not being contravened in relation to the greyhound; or
  - (c) while the greyhound is engaged in trialling or showing –

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- (i) the greyhound is in close proximity to the person; and
  - (ii) the greyhound is in sight of the person; and
  - (iii) the person is able to demonstrate to the satisfaction of an authorised person that the greyhound is immediately responsive to the person's commands; or
- (d) while the greyhound is engaged in greyhound racing, the greyhound is muzzled during a race in which that greyhound is participating.
- (1A) A greyhound is also under the effective control of a person on private premises if the greyhound is securely confined to those premises.
- (2) Subsection (1)(a)(i) and subsection (1)(b)(i) do not apply to a greyhound that has successfully completed an approved greyhound suitability program.
- (3) The owner or person in charge of a greyhound must ensure that the greyhound, when not on premises at which the dog is usually kept, is under the effective control of a person.
- Penalty: Fine not exceeding 5 penalty units.
- (4) A person, at any one time, must not have in his or her charge more than –

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- (a) 2 greyhounds on a footpath; or
- (b) 4 greyhounds in a public place.

Penalty: Fine not exceeding 5 penalty units.

(5) In this section –

*approved greyhound suitability program*  
means a program approved in accordance  
with section 18A;

*greyhound racing* means racing conducted  
under and in accordance with the *Rules*  
*of Racing* made under section 11(1)(k) of  
the *Racing Regulation Act 2004*.

**18A. Approval of greyhound suitability program**

- (1) The Director of Racing may approve a program in respect of the training and assessment of greyhounds for suitability to be without a muzzle when not on premises at which the dog is usually kept.
- (2) In deciding whether to approve a program under subsection (1), the Director of Racing may seek advice from –
  - (a) a veterinary surgeon with expertise relating to greyhounds; or
  - (b) any other person the Director sees fit.
- (3) The Director of Racing may refuse to accept a program for approval.

- (4) In this section –

*Director of Racing* means the Director of Racing appointed under section 5 of the *Racing Regulation Act 2004*.

## **19. Dogs attacking persons or animals**

- (1) If a dog that is not under the effective control of a person on private premises, or that is not under the effective control of a person in a public place, rushes at or chases any person, the owner of the dog is guilty of an offence.

Penalty: Fine not exceeding 5 penalty units.

- (2) If a dog that is not a dangerous dog or a restricted breed dog attacks or bites any person or animal and the injuries caused by the dog to the person or animal are not in the nature of a serious injury, the owner of the dog is guilty of an offence.

Penalty: Fine not exceeding 10 penalty units.

- (3) If a dog that is not a dangerous dog or a restricted breed dog attacks or bites any person and causes a serious injury to the person, the owner of the dog is guilty of an offence.

Penalty: Fine not exceeding 30 penalty units.

- (3A) If a dog that is not a dangerous dog or a restricted breed dog attacks or bites any animal and causes a serious injury or death to the animal, the owner of the dog is guilty of an offence.

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Penalty: Fine not exceeding 20 penalty units.

- (4) If a dangerous dog or a restricted breed dog, that is not a guard dog being used to guard premises that are not residential premises, attacks or bites any person or animal, the owner of the dog is guilty of an offence.

Penalty: Fine not exceeding 30 penalty units or imprisonment for a term not exceeding one month, or both.

- (5) If a dog attacks a person, the owner of the dog must notify the council within 24 hours after the attack.

Penalty: Fine not exceeding 5 penalty units.

- (6) In any proceedings under this section, it is not necessary to prove that an actual injury was caused to a person in order to prove that the person was rushed at, chased, attacked or bitten.
- (7) It is a defence in proceedings for an offence under this section if the defendant establishes that –
- (a) the dog was being used in the reasonable defence of any person or property; or
  - (b) the dog was being teased, abused or assaulted; or
  - (c) the dog was a working dog engaged in –
    - (i) working with police; or
    - (ii) droving or tending livestock; or

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- (d) the dog was a hunting dog engaged in hunting.
- (8) If an owner of a dog is found guilty of an offence under this section, the court may, in addition to any other order made by the court in respect of the offence, order that the owner pay either or both of the following:
- (a) the reasonable costs incurred as a result of the collection or analysis of a sample from a dog in accordance with section 19AA;
  - (b) compensation for any damage caused or costs incurred as a result of the conduct of the dog in relation to the commission of the offence.
- (9) If the owner of a dog is found guilty of an offence under this section, the court may order that the dog be destroyed.
- (10) In this section –
- owner*, in relation to a dog, means the person who apparently has control of the dog at the relevant time.

**19AA. Collection and analysis of a sample from a dog**

- (1) An authorised person who believes, on reasonable grounds, that an offence under section 19(2), (3), (3A) or (4) has been committed may request that a general manager authorise the collection of a sample from a dog

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for the purposes of determining whether the dog was a dog involved in the offence.

- (2) A general manager who receives a request under subsection (1) in relation to a dog may authorise –
  - (a) an approved person to collect a non-intimate sample from the dog; or
  - (b) a veterinary surgeon to collect an intimate or non-intimate sample from the dog.
- (3) If an approved person or a veterinary surgeon is authorised under subsection (2) to collect a sample from a dog –
  - (a) the authorised person who made a request under subsection (1) in respect of the dog may do one or more of the following:
    - (i) seize the dog and detain it for as long as is required for the approved person or veterinary surgeon to collect the sample as authorised;
    - (ii) if, in the opinion of the authorised person, the dog is aggressive or difficult to manage, direct the owner of the dog to accompany the authorised person, together with the dog, to a pound or other place where the sample may safely be collected;

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- (iii) direct the owner to produce the dog for the purposes of allowing the sample to be collected as authorised; and
  - (b) the approved person or veterinary surgeon may collect such a sample from the dog as authorised.
- (4) If a sample is collected from a dog in accordance with an authorisation under subsection (2), the authorised person who made the request under subsection (1) in relation to the dog is to ensure that –
  - (a) the owner of the dog is advised, before, or as soon as reasonably practicable after, the sample is collected that the sample is collected for the purpose of analysis; and
  - (b) both –
    - (i) a person nominated in writing by the owner of the dog, if such a person is so nominated; and
    - (ii) a qualified person –are each provided with a part of the sample that is sufficient for analysis.
- (5) A general manager may authorise a qualified person to conduct analysis of a sample that has been collected in accordance with subsection (2).
- (6) For the purposes of this section, a qualified person is a person approved by a general

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manager to conduct the analysis of a sample collected in accordance with this section.

- (7) A person must not –
- (a) obstruct, hinder, delay, impede or threaten an approved person or veterinary surgeon acting in accordance with this section; or
  - (b) disobey a direction given by an authorised person under this section.

Penalty: Fine not exceeding 10 penalty units.

- (8) In this section –

***approved person*** means a person approved by the general manager to collect a non-intimate sample from a dog;

***intimate sample*** means a sample of the blood of a dog;

***non-intimate sample*** means a sample of the saliva, cheek cells, fur, faeces or urine of a dog;

***sample***, in relation to a dog, means an intimate or non-intimate sample taken from that dog.

**19AB. Dogs must not injure or kill sensitive wildlife**

- (1) If a dog injures, or kills, any sensitive wildlife that is in a sensitive area in relation to the

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wildlife, the owner of the dog is guilty of an offence.

Penalty: Fine not exceeding 30 penalty units.

- (2) The Minister administering Part 4 of the *Nature Conservation Act 2002* may, by order, specify –
- (a) that –
    - (i) a species of wildlife that is specified in the order is sensitive wildlife; or
    - (ii) each species of wildlife, that is a member of a class of wildlife that is specified in the order, is sensitive wildlife; and
  - (b) that –
    - (i) an area of land specified in the order is a sensitive area in relation to the sensitive wildlife; or
    - (ii) each area of land, that is within a class of land that is specified in the order, is a sensitive area in relation to the sensitive wildlife.
- (3) The Minister administering Part 4 of the *Nature Conservation Act 2002* may only specify a species of wildlife, or a class of wildlife, in an order under subsection (2) if the wildlife, or each member of the class of wildlife, is –

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- (a) partly protected wildlife, within the meaning of the *Nature Conservation Act 2002*; or
  - (b) wildlife that is prescribed under the *Nature Conservation Act 2002* to be protected wildlife; or
  - (c) wildlife that is prescribed under the *Nature Conservation Act 2002* to be specially protected wildlife.
- (4) The Minister administering Part 4 of the *Nature Conservation Act 2002* may, by order –
- (a) vary an order made under subsection (2), if the order as so varied is an order that may be made under that subsection; or
  - (b) revoke an order made under subsection (2).
- (5) If an owner of a dog is found guilty of an offence under this section, the court may, in addition to any other order made by the court in respect of the offence, order that the owner pay any one or more of the following:
- (a) the reasonable costs incurred as a result of the collection of a sample from a dog in accordance with section 19AA or section 19AC;
  - (b) the reasonable costs incurred as a result of the analysis of a sample from a dog in accordance with section 19AA or section 19AC;

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- (c) compensation for any damage caused as a result of the conduct of the dog in relation to the commission of the offence;
  - (d) compensation for any costs incurred as a result of the conduct of the dog in relation to the commission of the offence.
- (6) Without limiting the generality of subsection (5)(d), costs incurred as a result of the conduct of the dog in relation to the commission of the offence include the costs of providing medical treatment of wildlife, and ensuring the recovery from injury of wildlife, affected by that conduct.
- (7) If the owner of a dog is found guilty of an offence under this section, the court may order that the dog be destroyed.
- (8) In this section –

*sensitive area*, in relation to sensitive wildlife, means an area of land that is specified, in an order under subsection (2), to be a sensitive area in relation to the wildlife;

*sensitive wildlife* means a species of wildlife that is specified, in an order under subsection (2), to be sensitive wildlife;

*wildlife* has the same meaning as in the *Nature Conservation Act 2002*.

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**19AC. Collection of sample by authorised officer, &c.**

- (1) An authorised officer who believes, on reasonable grounds, that a dog was involved in an offence committed under section 19AB(1) may collect a sample from the dog.
- (2) An authorised officer who believes, on reasonable grounds, that an offence under section 19AB(1) has been committed may request that a general manager authorise the collection of a sample from a dog by a veterinary surgeon for the purposes of determining whether the dog was a dog involved in the offence.
- (3) A general manager who receives a request under subsection (2) in relation to a dog may authorise a veterinary surgeon to collect an intimate or non-intimate sample from the dog.
- (4) If a veterinary surgeon –
  - (a) is a government veterinary surgeon – the veterinary surgeon may collect a sample from a dog and advise an authorised officer of the collection of the sample; or
  - (b) is a veterinary surgeon who has been authorised under subsection (3) in relation to a dog – the veterinary surgeon may collect a sample from the dog.
- (5) If an authorised officer, or a veterinary surgeon, may, under subsection (1) or (4), collect a sample from a dog, an authorised officer may do one or more of the following:

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- (a) seize the dog and detain it for as long as is required for the authorised officer or veterinary surgeon to collect the sample as authorised;
  - (b) if, in the opinion of the authorised officer, the dog is aggressive or difficult to manage, direct the owner of the dog to accompany the authorised officer, together with the dog, to a pound or other place where the sample may be safely collected;
  - (c) direct the owner to produce the dog for the purposes of allowing the sample to be collected as authorised.
- (6) If a sample is collected from a dog by a person under subsection (1) or (4), the responsible person in relation to the sample is to ensure that –
- (a) the owner of the dog is advised, before, or as soon as reasonably practicable after, the sample is collected that the sample is collected for the purpose of analysis; and
  - (b) both –
    - (i) a person nominated in writing by the owner of the dog, if such a person is so nominated; and
    - (ii) a qualified person –
- are each provided with a part of the sample that is sufficient for analysis.

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- (7) For the purposes of subsection (6), the responsible person in relation to a sample is –
- (a) the authorised officer who collected the sample under subsection (1); or
  - (b) if the sample was collected under subsection (4) by a veterinary surgeon who is a government veterinary surgeon – an authorised officer who is notified by the veterinary surgeon of the collection of the sample; or
  - (c) if the sample was collected under subsection (4) by a veterinary surgeon who is not a government veterinary surgeon – the authorised officer who made, in relation to the veterinary surgeon, the request under subsection (2) in relation to the collection of the sample.
- (8) A government veterinary surgeon is authorised to conduct analysis of a sample that has been collected in accordance with subsection (1) or (4).
- (9) A general manager may authorise a person to conduct analysis of a sample that has been collected in accordance with subsection (1) or (4).
- (10) A person must not –
- (a) obstruct, hinder, delay, impede or threaten an authorised officer or veterinary surgeon acting in accordance with this section; or

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- (b) disobey a direction given by an authorised officer under this section.

Penalty: Fine not exceeding 10 penalty units.

- (11) In this section –

*authorised officer* means –

- (a) a police officer; or  
(b) a person who is a ranger under the *Nature Conservation Act 2002*;

*government veterinary surgeon* means a veterinary surgeon who is a State Service officer or State Service employee;

*intimate sample* means a sample of the blood of a dog;

*non-intimate sample* means a sample of the saliva, cheek cells, fur, faeces or urine of a dog;

*sample*, in relation to a dog, means an intimate or non-intimate sample taken from that dog.

**19A. Subsequent attack by dangerous dog**

- (1) If a dangerous dog that has attacked an animal or a person subsequently attacks any animal or person, an authorised officer may seize and detain the dog.

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- (2) The general manager may destroy a dog seized and detained under subsection (1).
- (3) The general manager, by notice in writing served on the owner of the dog, is to notify the owner of the general manager's decision to destroy the dog.
- (4) An owner served with a notice under subsection (3) may, within 14 days after being served with the notice, appeal to the Magistrates Court (Administrative Appeals Division) against the general manager's decision.
- (5) The Magistrates Court (Administrative Appeals Division) may order that –
  - (a) the decision is confirmed; or
  - (b) the decision be set aside.
- (6) The owner of a dog that is detained under subsection (1) is liable for the costs of detaining the dog and, in the event that the dog is destroyed, the costs associated with its destruction and the disposal of its body.
- (7) The owner of a dangerous dog that has attacked an animal or a person and that subsequently attacks any animal or person is guilty of an offence and is liable, on summary conviction, to a penalty not exceeding 50 penalty units or a term of imprisonment not exceeding 12 months, or both.
- (8) The owner of a dangerous dog to which subsection (7) applies must not own, or be in

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charge of, any dog in the period of 5 years immediately following conviction or finding of guilt in respect of the subsequent attack.

Penalty: Fine not exceeding 30 penalty units.

*Division 2 – Declared areas*

**20. Exercise areas**

A council may declare an area to be an area where dogs may be exercised subject to any conditions specified in the declaration.

**21. Training areas**

A council may declare an area to be an area where dogs may be trained subject to any conditions specified in the declaration.

**22. Prohibited areas**

- (1) A council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.
- (2) The owner of a dog, other than a guide dog that is accompanying the owner, or a hearing dog that is accompanying the owner, must ensure that the dog does not enter a prohibited area.

Penalty: Fine not exceeding 20 penalty units.

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**23. Restricted areas**

- (1) A council may declare an area to be an area where dogs, other than guide dogs or hearing dogs, are restricted from entering –
  - (a) during specified hours, days or seasons; or
  - (b) during specified hours, days or seasons unless they are on a lead; or
  - (c) at all times.
- (2) A person must not take a dog that is not a guide dog or a hearing dog into a restricted area otherwise than in accordance with the declaration.

Penalty: Fine not exceeding 5 penalty units.

**24. Public notice of intention to declare areas**

Before a council resolves to make a declaration under this Division in relation to an area, it is to –

- (a) notify, by public notice, the details of –
  - (i) the area; and
  - (ii) any condition relating to the use of that area; and
  - (iii) in the case of a restricted area or prohibited area, the reasons for the declaration; and

- (b) invite submissions to be lodged within 15 working days after the notice is published; and
- (c) consider any submissions lodged.

## **25. Date and period of declaration**

A council, by public notice, is to notify –

- (a) the date on which a declaration under this Division takes effect, being a date at least 20 working days after a notice under section 24 is published; and
- (b) the period during which the declaration remains in force.

## **26. Review of declaration**

- (1) A declaration under this Division is to be reviewed at least once every 5 years.
- (2) In reviewing a declaration, a council is to take the actions referred to in section 24.

## **27. Signs**

A council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.

## **28. Prohibited public areas**

- (1) A person must not take a dog into –

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- (a) any grounds of a school, preschool, kindergarten, creche or other place for the reception of children without the permission of a person in charge of the place; or
- (b) any shopping centre or any shop; or
- (c) the grounds of a public swimming pool; or
- (d) any playing area of a sportsground on which sport is being played; or
- (e) any area within 10 metres of a children's playground.

Penalty: Fine not exceeding 5 penalty units.

(2) This section does not apply to –

- (a) a guide dog that is accompanying a wholly or partially blind person or is in training for that purpose; or
- (b) a hearing dog that is accompanying a wholly or partially deaf person or is in training for that purpose; or
- (c) a pet shop; or
- (d) the premises of a veterinary surgeon; or
- (e) a pet-grooming shop; or
- (f) any other premises related to the care and management of dogs.

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***Division 3 – Dangerous dogs and restricted breed dogs***

**29. Declaration of particular dangerous dog**

- (1) A general manager, by notice served on the owner of a dog –
  - (a) may declare that dog to be a dangerous dog if –
    - (i) the dog has caused serious injury to a person or another animal; or
    - (ii) there is reasonable cause to believe that the dog is likely to cause serious injury to a person or another animal; and
  - (b) is to give reasons for the declaration in the notice; and
  - (c) is to advise the owner of the right of appeal under section 31.
- (2) If a dog is declared to be a dangerous dog under subsection (1) due to the dog causing, or there being reasonable cause to believe that the dog is likely to cause, serious injury to a person, the general manager who made the declaration is to ensure that all the information known about the dog, and the events taken into account when making the declaration, are –
  - (a) recorded; and

- (b) retained, with a copy of the notice served on the owner of the dog under subsection (1), for at least 15 years.

**29A. Declaration of restricted breed dogs**

- (1) An authorised person, by notice served on the owner of a dog, may declare that dog to be a restricted breed dog if the authorised person, having regard to any approved guidelines relating to restricted breeds, is satisfied that the dog is a dog of a restricted breed.
- (2) A notice under subsection (1) is to –
  - (a) state the reasons for the declaration; and
  - (b) advise the owner of the right of appeal under section 31.
- (3) For the purposes of subsection (1), the following breeds of dog are restricted breeds:
  - (a) dogo Argentino;
  - (b) fila Brasileiro;
  - (c) Japanese tosa;
  - (d) American pit bull terrier or pit bull terrier;
  - (e) Perro de Presa Canario or Presa Canario;
  - (f) any other breed, kind or description of dog whose importation into Australia is

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prohibited by or under the *Customs Act 1901* of the Commonwealth.

### **30. Guard dogs**

- (1) The owner of a dog used to guard premises that are not residential premises must notify the general manager, by notice in writing, that the dog is a guard dog.

Penalty: Fine not exceeding 10 penalty units.

- (2) On receipt of the notification, the general manager is to declare the dog to be a dangerous dog.
- (3) If a dog ceases to be a guard dog, the owner of the dog may apply to the general manager to revoke the declaration that the dog is a dangerous dog.
- (4) On receipt of the application, the general manager may revoke the declaration if satisfied that the dog –
  - (a) is no longer a guard dog; and
  - (b) is not a dangerous dog.

### **31. Appeal against declaration**

- (1) An owner of a dog declared to be a dangerous dog under section 29 may appeal against the declaration to the Magistrates Court (Administrative Appeals Division) within 14 days after service of the notice.

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- (1A) An owner of a dog declared to be a restricted breed dog under section 29A may appeal against the declaration to the Magistrates Court (Administrative Appeals Division) within 28 days after service of the notice.
- (1B) The onus of proving that a dog is not a restricted breed dog is on the person making that assertion.
- (2) The Magistrates Court (Administrative Appeals Division) may order that –
  - (a) the declaration is confirmed; or
  - (b) the declaration be set aside.
- (3) If the Magistrates Court (Administrative Appeals Division) orders that a declaration in respect of a dangerous dog be set aside, a general manager may only declare the dog to be a dangerous dog in respect of behaviour of the dog that occurs after that order.

**32. Effective control of dangerous dogs and restricted breed dogs**

- (1) A dangerous dog or a restricted breed dog is under the effective control of a person when not on premises at which the dog is usually kept, including an area where a dog must be on a lead or is not required to be on a lead, if –
  - (a) the person is over the age of 18 years; and
  - (b) the dog is wearing a muzzle so as to be unable to bite a person or animal; and

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- (c) the dog is –
    - (i) on a lead that is not more than 2 metres long, is held by hand, and is sufficient to control and restrain the dog; or
    - (ii) restricted in or on a vehicle so that it is unable to leave the vehicle or attack any person or animal outside the vehicle; and
  - (d) the dog is wearing an approved collar.
- (2) A dangerous dog is under the effective control of a person on premises at which the dog is usually kept if –
- (a) the dog is in an enclosure that complies with the prescribed requirements; or
  - (b) the person is over the age of 18 years and the dog –
    - (i) is wearing a muzzle so as to be unable to bite a person or animal; and
    - (ii) is on a lead that is not more than 2 metres long, is held by hand, and is sufficient to control and restrain the dog; and
    - (iii) is wearing an approved collar.
- (3) The owner or person in charge of a dangerous dog or a restricted breed dog must ensure that –

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- (a) the dog is under the effective control of a person; and
- (b) the dog wears an approved collar at all times; and
- (c) the microchip implanted in the dog is not removed without the approval of the general manager.

Penalty: Fine not exceeding 20 penalty units.

- (4) A person, at any one time, must not have in his or her charge, on a lead, more than –
  - (a) one dangerous dog; or
  - (b) 2 restricted breed dogs.

Penalty: Fine not exceeding 20 penalty units.

- (5) This section does not apply in respect of a dangerous dog, or a restricted breed dog, that is guarding premises that are not residential premises if the owner of the dog has notified the general manager, in writing, that the dog is a guard dog.

**32A. Dangerous dogs and restricted breed dogs to be de-sexed and microchipped**

- (1) The owner of a dog that is declared to be a dangerous dog or a restricted breed dog must ensure that the dog is de-sexed, and implanted in an approved manner with an approved microchip, within –

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- (a) 28 days after service of the notice, if an appeal is not made under section 31; or
- (b) 7 days after an order is made under section 31(2)(a), if an appeal is made under that section and such an order is made.

Penalty: Fine not exceeding 20 penalty units.

- (2) The owner of a dog, that at any time before the commencement of the *Dog Control Amendment Act 2009* was declared to be a dangerous dog, must ensure that the dog is de-sexed within 28 days after the commencement of that Act.

Penalty: Fine not exceeding 20 penalty units.

- (3) The owner of a dangerous dog or a restricted breed dog must provide the general manager of the municipal area in which the owner normally resides with a copy of a veterinary surgeon's certificate, stating that the dog has been de-sexed or implanted with a microchip, within 7 days after the de-sexing or implanting.

Penalty: Fine not exceeding 10 penalty units.

- (4) A dog that is declared to be a dangerous dog under section 30(2) is not required to be de-sexed.

### **33. Warning signs**

The owner or person in charge of a dangerous dog or a restricted breed dog must ensure that signs of an approved type warning of the

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presence of the dog are displayed at every entrance to the premises on which the dog is kept.

Penalty: Fine not exceeding 10 penalty units.

**34. Dangerous dog or restricted breed dog missing, dying, &c.**

If a dangerous dog or a restricted breed dog goes missing, strays or dies, or is lost, sold or given away to another owner, the owner or a person on behalf of the owner of that dog must notify the general manager –

- (a) of that fact as soon as practicable after becoming aware of that fact; or
- (b) of the name and address of the new owner within 24 hours after the dog is sold or given away.

Penalty: Fine not exceeding 20 penalty units.

**34A. Application for approval to transfer ownership of dangerous dog or restricted breed dog**

- (1) A person who wishes to have ownership of a dangerous dog or a restricted breed dog transferred to him or her (the “**prospective owner**”) is to apply to the general manager of the municipal area in which the prospective owner normally resides for approval to transfer ownership of the dog.
- (2) An application is to –

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- (a) be in writing; and
  - (b) identify the dog to be transferred; and
  - (c) state the name and address of the prospective owner; and
  - (d) be signed by the owner and the prospective owner.
- (3) On receipt of an application, a general manager may –
- (a) approve the transfer; or
  - (b) disallow the transfer and notify the prospective owner of the decision and the reasons for it within 14 days.
- (4) The prospective owner may appeal to the Magistrates Court (Administrative Appeals Division) against a decision of a general manager to disallow a transfer, within 14 days after being notified of the decision.
- (5) The Magistrates Court (Administrative Appeals Division) may order that –
- (a) the decision is confirmed; or
  - (b) the decision be set aside.

**34B. Offence to transfer ownership of dangerous dog or restricted breed dog without approval**

- (1) A person must not, without the written approval of a general manager, sell, or otherwise transfer

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ownership of, a dangerous dog or a restricted breed dog.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person does not commit an offence under this section by reason only of surrendering a dog to a pound or an approved animal welfare organisation.

**34BA. Change of municipal area in which dangerous dog or restricted breed dog is usually kept**

An owner of a dangerous dog, or a restricted breed dog, who ceases to usually keep the dog on premises situated in a municipal area must, within 14 days of beginning to usually keep the dog on premises situated in another municipal area, notify the general manager of the other municipal area.

Penalty: Fine not exceeding 20 penalty units.

**34C. Limit on number of restricted breed dogs**

- (1) A person must not own, keep, or allow to be kept on any premises, more than 2 restricted breed dogs over the age of 6 months.

Penalty: Fine not exceeding 20 penalty units.

- (2) Subsection (1) does not apply in respect of a dog that immediately before the commencement of the *Dog Control Amendment Act 2009* was not a restricted breed dog.

**34D. Interstate dangerous dogs and restricted breed dogs**

- (1) A dog that is declared under a corresponding law to be equivalent to a dangerous dog or a restricted breed dog, is taken to be a dangerous dog or a restricted breed dog for the purposes of this Act.
- (2) A person who imports into this State a dog to which subsection (1) applies must, within 7 days after the importation, notify the general manager of the municipal area in which the person normally resides that the dog has been imported.

Penalty: Fine not exceeding 20 penalty units.

- (3) In this section –

*corresponding law* means a provision of a law of another State or a Territory that relates to the declaration of dogs as dangerous dogs or restricted breed dogs or equivalent.

***Division 4 – Seizure of dogs***

**35. Seizure and detention of dogs at large**

- (1) An authorised person may seize and detain any dog at large.
- (2) If a dog is seized and its owner is identifiable, the general manager is to notify in writing the owner of the dog that –
  - (a) the dog has been seized and detained;  
and

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- (b) the owner may reclaim the dog.
- (3) If, after 5 working days after the notice has been given to the owner, the owner does not reclaim the dog, the general manager may sell, destroy or otherwise dispose of the dog.
- (4) If a dog is seized and its owner is not identifiable, the general manager, not less than 3 working days after its seizure, may –
  - (a) sell, destroy or otherwise dispose of the dog if it is not a dangerous dog or a restricted breed dog; or
  - (b) destroy the dog if it is a dangerous dog or a restricted breed dog.
- (5) The general manager is to take reasonable steps and make reasonable inquiries to identify the owner of a dog.
- (6) The general manager may cause a dog that is seized under this section to be implanted in an approved manner with an approved microchip.
- (7) The owner of the dog is liable for the costs associated with the implanting.
- (8) Subsection (6) does not apply to –
  - (a) a dog referred to in section 15A(2)(a); or
  - (b) a dog or a type, class or breed of dog, declared under section 15A(2)(b) to be not required to be implanted with a microchip.

**36. Payment of fees relating to seized dogs**

- (1) The owner of a dog seized under section 35 must pay, within 5 working days after the notice under section 35(2) has been given –
  - (a) any fees in relation to the seizure and detaining of the dog; and
  - (b) the reasonable cost of the dog's detention; and
  - (ba) the cost of implanting the dog with a microchip under section 35(6); and
  - (c) any other fees or charges relating to the dog that have not been paid under this Act; and
  - (d) in the case of an unregistered dog, the appropriate registration fee.

Penalty: Fine not exceeding 5 penalty units.

- (2) On payment of any fees and charges under subsection (1) in respect of a dog, the general manager is to release the dog to its owner.

**37. Seizure and detention of other dogs**

- (1) An authorised person may seize and detain any dog in respect of which the person has reasonable cause to believe that an offence under section 19 or 32 has been committed.
- (2) A dog seized under subsection (1) is to be detained in a pound, approved animal welfare

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organisation or any form of custody the authorised person directs until –

- (a) if proceedings for an offence under section 19 or 32 are instituted within 7 working days after the day on which the dog was seized, the completion of those proceedings; or
- (b) if the proceedings are not instituted within that period of 7 working days, the expiration of that period.

**38. Costs**

- (1) If a court orders the destruction of a dog seized and detained under section 37, the costs of detaining and destroying the dog are to be borne by the owner.
- (2) If the costs of detaining a dog are borne by the council on behalf of the owner, the council may recover the costs in a court of competent jurisdiction as a debt due to the council by the owner.
- (3) If the owner of a dog does not reclaim the dog, the council may recover the cost of destroying or otherwise disposing of the dog in a court of competent jurisdiction as a debt due to the council by the owner.

**39. Release of dogs**

The general manager is to release a dog to its owner –

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- (a) subject to section 39A, on payment of –
  - (i) any fines or costs ordered to be paid by a court if the court does not order the destruction of the dog; and
  - (ii) any registration fees if the dog is unregistered; or
- (b) if a court so orders.

**39A. Destruction of dangerous dog if enclosure not suitable**

- (1) The general manager is not to release a dangerous dog to its owner unless the general manager is of the opinion that –
  - (a) the owner has an enclosure in which to keep the dog that satisfies the requirements of section 32; or
  - (b) satisfactory alternative arrangements for housing the dog have been made.
- (2) If the owner of a dangerous dog does not have an enclosure referred to in subsection (1), the general manager may, by notice in writing served on the owner, require the owner to build, or have built, such an enclosure within 28 days after service of the notice.
- (3) The general manager may extend the period specified in subsection (2) if of the opinion that sufficient progress towards the completion of the enclosure has been made.

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- (4) If the owner does not build, or have built, a suitable enclosure within the period specified in the notice or such other period as the general manager allows under subsection (3), or does not make satisfactory alternative arrangements for housing the dog, the general manager may destroy the dog.
- (5) Before destroying a dog under this section, the general manager must, by notice in writing served on the owner, notify the owner of the general manager's intention to destroy the dog.
- (6) An owner served with a notice under subsection (5) may, within 28 days after being served with the notice, appeal to the Magistrates Court (Administrative Appeals Division) against the general manager's decision to destroy the dog.
- (7) The Magistrates Court (Administrative Appeals Division) may order that –
  - (a) the decision is confirmed; or
  - (b) the decision be set aside.
- (8) The owner of a dog that is detained under subsection (1) is liable for the costs of detaining the dog until it is released or destroyed in accordance with this section and, if it is destroyed, the costs associated with its destruction and the disposal of its body.

**40. Interference with dogs in pounds**

- (1) A person must not –
- (a) remove or interfere with any dog seized under this Division; or
  - (b) destroy or damage any structure, enclosure or pound in which dogs seized under this Division are detained.

Penalty: Fine not exceeding 10 penalty units.

- (2) An authorised person may –
- (a) seize a dog that is illegally removed; and
  - (b) detain the dog until the fees and costs arising from its detention and retrieval are paid.

*Division 5 – Destruction of dogs*

**41. Attacking dogs**

- (1) A person may restrain or destroy a dog if the person –
- (a) is being attacked by the dog; or
  - (b) sees the dog attacking –
    - (i) another person; or
    - (ii) another animal; or
    - (iii) a guide dog or hearing dog.

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- (2) A person who restrains a dog under subsection (1) is to notify the general manager as soon as possible.
- (3) A person carrying on primary production relating to livestock on rural land or any other person acting under his or her authority may destroy any dog at large found on that land.
- (3A) For the purposes of subsection (3), a person is carrying on primary production relating to livestock on rural land if –
- (a) the person is carrying on a primary production activity, within the meaning of the *Primary Produce Safety Act 2011*, in respect of livestock; and
  - (b) that primary production activity is being carried on on land that is not within any city or town.
- (4) A person who destroys a dog under subsection (1) or (3), within 14 days after destroying the dog, must –
- (a) notify the general manager; and
  - (b) return to the general manager any registration disc worn by the dog.

Penalty: Fine not exceeding 5 penalty units.

- (5) In this section –

*city* has the same meaning as in the *Local Government Act 1993*;

***livestock*** means –

- (a) alpacas, buffalo, camels, cattle, donkeys, deer, emus, goats, horses, llamas, ostriches, pigs, poultry, sheep; and
- (b) any prescribed animal.

**42. Destruction of dog**

- (1) An authorised person or a veterinary surgeon may seize or destroy a dog, or both seize and destroy a dog, if satisfied that the dog –
  - (a) is behaving in a manner and in such circumstances likely to cause injury to any person or death or serious bodily injury to any animal; or
  - (b) has caused injury to a person or death or serious bodily injury to an animal; or
  - (c) is found distressed or disabled to such an extent that its continued existence is likely to involve continued suffering.
- (2) An authorised person or a veterinary surgeon may enter any premises in order to seize or destroy a dog under subsection (1).
- (3) If a dog destroyed under subsection (1) was wearing a registration disc or any other means of identification, the general manager is to notify the dog's owner in writing of –
  - (a) the destruction of the dog; and

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(b) the reasons for the destruction.

**43. Destruction without suffering**

A person who destroys a dog under this Act must destroy the dog quickly and without causing undue suffering.

Penalty: Fine not exceeding 20 penalty units.

**44. Immunity from liability**

- (1) Any action, claim or demand does not lie against a person for the destruction of a dog under this Act unless the person fails to destroy the dog quickly without causing undue suffering.
- (2) The immunity from liability under this section does not apply to any associated negligence that may accompany the destruction of the dog.

*Division 6 – Nuisances*

**45. Removal of faeces**

- (1) A person in charge of a dog must immediately remove and dispose of any faeces left by the dog in a public place or in a place not owned, or leased, by the person.

Penalty: Fine not exceeding 3 penalty units.

- (2) This section does not apply in respect of a guide dog that is accompanying a wholly or partially blind person.

**46. Dogs creating nuisance**

- (1) The owner or person in charge of a dog must not permit the dog to be, become or create a nuisance.

Penalty: Fine not exceeding 5 penalty units.

- (2) . . . . .

- (3) A dog is a nuisance if –

- (a) it behaves in a manner that is injurious or dangerous to the health of any person; or
- (b) it creates a noise, by barking or otherwise, that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

**47. Complaints relating to nuisance**

- (1) A person may make a complaint to the general manager in respect of a dog that is a nuisance.

- (2) A complaint is to –

- (a) be in an approved form; and
- (b) be accompanied by any appropriate fee; and
- (c) state the nature of the nuisance.

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**48. Investigation of complaint**

- (1) On receipt of a complaint, the general manager is to investigate the subject matter of the complaint.
- (2) If the general manager considers that the complaint has substance, the general manager –
  - (a) may institute proceedings for an offence under section 46; and
  - (b) is to refund the fee that accompanied the complaint to the complainant.

**49. Orders relating to nuisance**

In determining proceedings relating to an offence under section 46, a court may make any of the following orders:

- (a) an order that the owner or person in charge of the dog to which the proceedings relate have the dog destroyed;
- (b) an order that the dog be removed from specified premises;
- (c) any other order to abate the nuisance.

**49A. Abatement notices**

- (1) If a general manager is satisfied that a dog is creating a nuisance, the general manager may

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serve an abatement notice on the owner or person apparently in charge of the dog.

- (2) An abatement notice is to state –
  - (a) the nature of the nuisance; and
  - (b) any action to be taken that the general manager considers to be necessary to abate the nuisance; and
  - (c) the period within which such action is to be taken.
- (3) A person served with an abatement notice must comply with the notice, unless the person lodges an appeal under subsection (5).

Penalty: Fine not exceeding 20 penalty units.
- (4) For the purpose of ascertaining whether a nuisance exists, the general manager may –
  - (a) enter and remain on land; and
  - (b) do any thing reasonably necessary for that purpose.
- (5) A person served with an abatement notice may appeal to the Magistrates Court (Administrative Appeals Division) within 14 days after service of the notice on any one or more of the following grounds:
  - (a) that a nuisance does not exist;
  - (b) that an action required by the abatement notice is unreasonable;

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- (c) that the period stated in the abatement notice is unreasonable.
- (6) The Magistrates Court (Administrative Appeals Division) may –
- (a) order that the person is to comply with the abatement notice; or
  - (b) modify the abatement notice and order that the person and the council are to comply with the modified notice; or
  - (c) order that the council withdraw the abatement notice.

***Division 7 – Licences***

**50. Keeping several dogs**

- (1) A person, without a licence, must not keep or allow to be kept, for any period of time, on any premises –
- (a) more than 2 dogs, other than working dogs, over the age of 6 months; or
  - (b) more than 4 working dogs over the age of 6 months.

Penalty: Fine not exceeding 5 penalty units.

- (2) Subsection (1) does not apply to any dog in excess of the number of dogs specified in subsection (1) if –

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- (a) the dog is owned by a person who does not usually reside at the premises; and
  - (b) the dog is being kept at the premises for a limited, or temporary, period that is agreed upon, by both the owner of the dog and the person with responsibility for the premises, before the dog is left at the premises; and
  - (c) no consideration has been or is to be paid, in respect of the dog staying at the premises, to the person keeping dogs on the premises.
- (3) In this section –
- consideration* includes monetary or non-monetary consideration;
- owner* in relation to a dog, means the person who apparently has control of the dog at the relevant time.

**51. Application for licences**

- (1) A person may apply to the general manager for a licence.
- (2) An application for a licence is to be –
  - (a) in the approved form; and
  - (b) accompanied by the appropriate fee.

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- (3) If there is a right to object under section 52 or if a general manager so requires, an applicant, by public notice, must notify –
- (a) the intention to apply for a licence; and
  - (b) the address and details of the premises and the number of dogs to which the application relates.

Penalty: Fine not exceeding 2 penalty units.

**52. Objections to licence**

- (1) Any person residing or owning land within 200 metres of the boundary of the premises to which a licence relates may object to the general manager against the granting of the licence within 14 days after a notice is published under section 51(3).
- (2) An objection is to –
- (a) be in writing; and
  - (b) set out the reasons for the objection.

**53. Consideration of application**

- (1) A general manager is not to consider an application for a licence until 28 days after a notice is published under section 51.
- (2) A general manager is to take into account any objections received.

**54. Refusing application**

- (1) A general manager may refuse to grant an application for a licence if of the opinion that –
  - (a) the premises to which the licence relates are unfit for the purpose for which they are to be used; or
  - (b) it is in the public interest that the licence not be issued.
- (2) A general manager is to refuse to grant an application for a licence if not satisfied that the requirements of section 55(1) are likely to be met.

**55. Granting application**

- (1) A general manager may grant an application for a licence if satisfied that –
  - (a) adequate provisions for the health, welfare and adequate control of all dogs on the premises are provided or are likely to be provided; and
  - (b) nuisance to any other persons is unlikely to occur; and
  - (c) requirements under laws relating to public health and environmental protection are likely to be satisfied.
- (2) A general manager is to issue a licence specifying –

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- (a) the maximum number of dogs that may be kept on the premises; and
  - (b) . . . . .
  - (c) any conditions as the general manager may determine; and
  - (d) the expiry date of the licence.
- (3) If a condition of the licence relates to the breed or kind of dog to be kept under the licence, a person must not keep or permit to be kept any dog over the age of 6 months of a breed or kind to which a licence applies otherwise than in accordance with the licence.

Penalty: Fine not exceeding 5 penalty units.

- (4) A person must not keep more than the maximum number of dogs specified in the licence.

Penalty: Fine not exceeding 5 penalty units.

**56. Period of licence**

Unless it is earlier cancelled, a licence expires on the date specified in the licence.

**57. Renewal of licence**

- (1) A licence is renewable on payment of the appropriate fee.
- (2) A general manager may refuse to renew a licence if of the opinion that –

- (a) the provisions of this Act or any other relevant Act are not being complied with; or
- (b) the situation or condition of the premises is creating a nuisance; or
- (c) it is in the public interest that the licence not be renewed.

**58. Cancellation of licence**

- (1) A general manager may cancel a licence if satisfied that –
  - (a) the provisions of this Act or any other relevant Act are not being complied with; or
  - (b) any condition of the licence is not being complied with; or
  - (c) the situation or condition of the premises is creating a nuisance; or
  - (d) it is in the public interest that the licence be cancelled.
- (2) Before cancelling a licence, the general manager is to –
  - (a) give to the holder of the licence one month's notice in writing to show cause why the licence should not be cancelled; and

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- (b) give consideration to any representations which the holder may make in that respect.
- (3) The cancellation of a licence is to be effected by the service of a notice on the holder of the licence notifying that the licence expires at the end of a period, not less than one month, specified in the notice, unless the normal expiry is first reached.

**59. Appeals in respect of licence**

- (1) The applicant or the holder of a licence may apply to the Magistrates Court (Administrative Appeals Division) within 14 days after being notified of a refusal, cancellation or decision for a review of –
  - (a) the refusal of a general manager to grant an application for a licence; or
  - (b) the refusal of a general manager to renew a licence; or
  - (c) the cancellation of a licence; or
  - (d) the decision of the general manager to cancel the licence.
- (2 - 3) . . . . .
- (4) A council is to comply with any directions given by the Magistrates Court (Administrative Appeals Division).
- (5) . . . . .

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**PART 4 – LEGAL PROCEEDINGS**

*Division 1 – Evidentiary and procedural matters*

**60. Evidence of ownership of dog**

- (1) In any proceedings for an offence against this Act –
  - (a) except as provided in section 13(2), a person shown in the register to be the owner of a dog is taken to be the owner of the dog at the material time unless the person proves that another person was the owner at the material time; and
  - (b) if the dog is proved to be in the apparent ownership of any person, that person is taken to be the owner of that dog.
- (2) In any proceedings for an offence against this Act, the fact that the dog immediately before the alleged offence was in company with, or closely following, a person is evidence that the person was the owner of that dog.

**61. Other evidence**

- (1) In any proceedings for an offence against this Act –
  - (a) an averment in a complaint that a specified person was the owner of a dog or that any dog was at any specified time unregistered is evidence of those matters; and

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- (b) the onus of proving that a dog was registered at the material time or was under the age of 6 months is on the person making that assertion; and
  - (ba) a sample from a dog, collected and analysed in accordance with section 19AA or section 19AC, is evidence of the identity of that dog; and
  - (c) a microchip implanted in a dangerous dog is evidence of the identity of that dog.
- (2) Except as provided in section 11(2), a dog without a collar bearing a registration disc is taken to be an unregistered dog.
  - (3) Proof that a person is the occupier of any premises where a dog is kept is evidence that the person is the owner of the dog.
  - (4) In any proceedings for an offence against this Act, a copy of, or extract from, any entry in a register certified by the general manager is evidence of the matters so certified.

**62. Order for destruction of dog**

- (1) If a dog is shown to the satisfaction of a court to be a dog that has attacked a person or an animal or a dog that has killed another animal, the court may order that the dog be destroyed in accordance with this section.
- (2) An order for the destruction of a dog is to state –

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- (a) to whom it is directed; and
  - (b) within what period it is to be put into effect.
- (3) In addition to the order under subsection (1), or instead of such an order, a court may do one or more of the following:
- (a) direct that an order be remitted in specified circumstances;
  - (b) order the seizure and detention of the dog;
  - (c) order the general manager to declare the dog to be a dangerous dog or a restricted breed dog;
  - (d) order that the dog be disposed of;
  - (e) order an authorised person to give effect to the order;
  - (f) give any necessary directions to make the order effective;
  - (g) order that the owner of the dog pay –
    - (i) any costs incurred in making the order effective; and
    - (ii) compensation in respect of any animal or person who suffered any bodily injury or damage to property as a result of the actions of the dog; and

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- (iii) any costs incurred by the council in seizing and detaining the dog;
  - (h) make any other order it considers appropriate.
- (4) An order is to be executed notwithstanding that the ownership of the dog has changed or is not known, unless the court, on application, is satisfied that the changed circumstances are such that the order may be varied.
- (5) An authorised person may –
  - (a) execute an order; and
  - (b) for that purpose, enter on any premises where the dog to which the order relates is believed to be.

**63. Additional orders**

In imposing any penalty under this Act, a court may order that –

- (a) an authorised person may seize a dog if a person who is its owner has been convicted of an offence under this Act in relation to that dog; and
- (b) a general manager is to refuse an application for registration of any dog by that person for a specified period.

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*Division 2 – Infringement notices*

**64. Infringement notices**

- (1) An authorised person may serve an infringement notice on a person if of the opinion that the person has committed a prescribed offence against this Act.
- (2) An infringement notice –
  - (a) is not to relate to 4 or more offences; and
  - (b) is not to be served on a person under the age of 16 years.
- (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

65 - 70. . . . .

**71. Payments**

Any payment made in respect of an infringement notice is payable to the general manager.

**PART 5 – MISCELLANEOUS**

**72. Entering premises**

- (1) An authorised person may enter and remain in or on any premises at any reasonable time to determine –
  - (a) the number of dogs on those premises; and
  - (b) whether or not any dog on those premises is registered; and
  - (c) any other relevant matter relating to any licence.
- (2) An authorised person may require the occupier of premises to produce for inspection by the authorised person on the premises –
  - (a) all dogs of which the occupier is the owner; and
  - (b) any other dogs kept on those premises; and
  - (c) evidence of the registration of dogs kept on those premises.

**73. Entering land**

- (1) An authorised person who has reason to believe that the owner or person in charge of a dog has committed an offence against this Act may –

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- (a) enter onto land owned or occupied by that owner or person, but not any dwelling on that land; and
  - (b) search for and seize any dog on that land.
- (2) An authorised person may apply to a magistrate for a warrant to enter any dwelling on that land to enforce any provision of this Act.
- (3) A magistrate, by warrant, may empower an authorised person and any other person named in the warrant to enter a dwelling by force if –
  - (a) the dwelling is not occupied; or
  - (b) entry into the dwelling has been refused or is likely to be refused.
- (4) A warrant continues in force until the purpose for which it was granted is satisfied.
- (5) Division 4 of Part 3 applies in respect of a dog seized under this section as if it were a dog at large.
- (6) If a dog is seized under this section, the relevant general manager must give the owner of the dog written notice stating –
  - (a) the offence against this Act that it is alleged has been committed; and
  - (b) any steps that the general manager requires to be undertaken before the dog is returned, to prevent the commission of the same or another offence against this Act; and

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- (c) that the dog may be disposed of or destroyed if not claimed within 5 days after the date of the notice.

**74. Injured dogs cared for by organisations**

- (1) If a person authorised by the Royal Society for the Prevention of Cruelty to Animals or the Tasmanian Canine Defence League or any other prescribed organisation takes care of an injured or sick dog, the Society, League or organisation may recover the cost of transport and veterinary services provided for the dog in a court of competent jurisdiction as a debt due to that Society, League or organisation by the owner of the dog.
- (2) If an injured or sick dog referred to in subsection (1), in the opinion of a veterinary surgeon, has to be destroyed –
  - (a) the veterinary surgeon may take any action necessary; and
  - (b) the owner of the dog is not entitled to any compensation for the loss of the dog.

**75. Use of tranquilliser devices**

A general manager may authorise a person, with the assistance of a veterinary surgeon where practicable, to use at any time a tranquilliser device or other device to subdue or apprehend a dog if, in the opinion of the person, it is necessary to do so in the public interest.

**76. Dog property of council**

A dog becomes the property of the council if –

- (a) the owner does not reclaim the dog within 5 working days after notice has been given under section 35(2); or
- (b) the dog is seized pursuant to an order under section 63; or
- (c) the owner of the dog is not identifiable and the dog has been detained under this Act for at least 3 working days.

**77. Name and place of abode**

- (1) An authorised person may demand from a person his or her name and place of abode if the authorised person reasonably believes that the person is committing, has committed or attempted to commit an offence against this Act.
- (2) A person must not –
  - (a) fail or refuse to state his or her name or place of abode; or
  - (b) give a false name or place of abode.

Penalty: Fine not exceeding 5 penalty units.

**78. Misleading information**

A person, in making any application or giving any information under this Act, must not –

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- (a) make a statement knowing it to be false or misleading; or
- (b) omit any matter knowing that without that matter the application or information is misleading.

Penalty: Fine not exceeding 5 penalty units.

**79. Obstruction**

A person must not obstruct, hinder, delay, impede or threaten an authorised person in performing any function or exercising any power under this Act.

Penalty: Fine not exceeding 10 penalty units.

**80. Fees**

- (1) A council may determine any fees payable under this Act.
- (2) A general manager may –
  - (a) waive a fee; or
  - (b) refund part or all of a fee; or
  - (c) discount a fee.

**81. Payment by instalments**

A general manager may allow a fee to be paid by instalments or any other means the general manager may consider appropriate.

**82. Delegation**

The general manager may delegate to any person any of his or her functions or powers under this Act, other than this power of delegation.

**83. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Regulations may be made so as to apply differently according to any matter, condition, limitation, restriction, exception or circumstance specified in the regulations.

**84. Savings and transitional provisions**

The savings and transitional provisions set out in Schedule 1 have effect.

**85. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Premier; and
- (b) the department responsible to the Premier in relation to the administration of this Act is the Department of Premier and Cabinet.

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**86. *Dog Control Act 1987 repealed***

The *Dog Control Act 1987* is repealed.

**87. *Dog Control Regulations 1988 rescinded***

The *Dog Control Regulations 1988* are rescinded.

**SCHEDULE 1 – SAVINGS AND TRANSITIONAL  
PROVISIONS**

Section 84

**1. Interpretation**

In this Schedule –

*commencement day* means the day on which  
this Act commences;

*repealed Act* means the *Dog Control Act*  
*1987*.

**2. Proceedings**

Any proceedings instituted but not yet  
determined under the repealed Act before the  
commencement day may, on and after that day,  
be determined under the repealed Act.

**3. Infringement notices**

Any infringement notice served under the  
repealed Act before the commencement day is,  
on that day, an infringement notice served under  
this Act.

**4. Registered dog**

Any dog registered under the repealed Act  
immediately before the commencement day is,  
on that day, a registered dog under this Act until  
30 June following that day.

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**5. Dog control officer**

A person who was a dog control officer under the repealed Act immediately before the commencement day is, on that day, an authorised person under this Act.

**6. Registration disc**

A registration disc issued under the repealed Act and in force immediately before the commencement day is, on that day, a registration disc under this Act until 30 June following that day.

**7. Dog register**

A register kept under the repealed Act before the commencement day is, on that day, a register kept under this Act.

**8. Exercise area**

An area identified under the repealed Act before the commencement day as an area within which dogs may be exercised off the leash within specific times is, on that day, an exercise area under this Act subject to those times.

**9. Restricted area**

An area declared under the repealed Act as an area into which dogs are not permitted to be taken is, on that day, a restricted area under this

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Act until the period specified in a resolution under section 31(5) or (7) of the repealed Act expires.

**10. Licences**

A kennel licence in force under the repealed Act immediately before the commencement day is, on that day, a licence under this Act until 30 June following that day.

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**NOTES**

The foregoing text of the *Dog Control Act 2000* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 18 December 2019 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Dog Control Act 2000</i>	No. 102 of 2000	4.4.2001
<i>Magistrates Court (Administrative Appeals Division) (Consequential Amendments) Act 2001</i>	No. 73 of 2001	1.7.2002
<i>National Parks and Wildlife Separation (Consequential Amendments) Act 2002</i>	No. 64 of 2002	31.12.2002
<i>Dog Control Amendment Act 2003</i>	No. 74 of 2003	15.12.2003
<i>Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Act 2007</i>	No. 72 of 2007	28.4.2008
<i>Dog Control Amendment Act 2009</i>	No. 72 of 2009	1.7.2010 1.7.2011
<i>Criminal Code Amendment (Dangerous Dogs) Act 2013</i>	No. 43 of 2013	21.10.2013
<i>Dog Control Amendment Act 2017</i>	No. 55 of 2017	20.12.2017
<i>Dog Control Amendment Act 2019</i>	No. 53 of 2019	18.12.2019

**TABLE OF AMENDMENTS**

Provision affected	How affected
Section 3	Amended by No. 64 of 2002, Sched. 1, No. 72 of 2009, s. 4 and No. 55 of 2017, s. 4
Section 4	Substituted by No. 72 of 2009, s. 5 Amended by No. 55 of 2017, s. 5
Section 5	Substituted by No. 55 of 2017, s. 6
Section 7	Amended by No. 53 of 2019, s. 4
Section 9	Amended by No. 55 of 2017, s. 7
Section 11	Amended by No. 55 of 2017, s. 8
Section 12	Amended by No. 55 of 2017, s. 9

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Provision affected	How affected
Section 13	Amended by No. 55 of 2017, s. 10
Section 14	Amended by No. 55 of 2017, s. 11
Section 15	Amended by No. 72 of 2009, s. 6 and No. 55 of 2017, s. 12
Section 15A	Inserted by No. 72 of 2009, s. 7
Section 18	Substituted by No. 55 of 2017, s. 13 Amended by No. 53 of 2019, s. 5
Section 18A	Inserted by No. 55 of 2017, s. 14
Section 19	Subsection (1) substituted by No. 74 of 2003, s. 4 Subsection (2) substituted by No. 74 of 2003, s. 4 Substituted by No. 72 of 2009, s. 8 Amended by No. 55 of 2017, s. 15 and No. 53 of 2019, s. 6
Section 19AA	Inserted by No. 55 of 2017, s. 16 Amended by No. 53 of 2019, s. 7
Section 19AB	Inserted by No. 53 of 2019, s. 8
Section 19AC	Inserted by No. 53 of 2019, s. 8
Section 19A	Inserted by No. 72 of 2009, s. 8
Section 20	Amended by No. 53 of 2019, s. 9
Section 21	Amended by No. 53 of 2019, s. 10
Section 22	Amended by No. 53 of 2019, s. 11
Section 23	Amended by No. 55 of 2017, s. 17
Section 29	Amended by No. 72 of 2009, s. 10 and No. 43 of 2013, s. 7
Section 29A	Inserted by No. 72 of 2009, s. 11
Section 30	Amended by No. 55 of 2017, s. 18
Section 31	Amended by No. 72 of 2009, s. 12
Section 32	Substituted by No. 72 of 2009, s. 13 and No. 55 of 2017, s. 19
Section 32A	Inserted by No. 72 of 2009, s. 13
Section 33	Amended by No. 72 of 2009, s. 14
Section 34	Amended by No. 72 of 2009, s. 15
Section 34A	Inserted by No. 72 of 2009, s. 16
Section 34B	Inserted by No. 72 of 2009, s. 16
Section 34BA	Inserted by No. 55 of 2017, s. 20
Section 34C	Inserted by No. 72 of 2009, s. 16
Section 34D	Inserted by No. 72 of 2009, s. 16
Section 35	Amended by No. 72 of 2009, s. 17
Section 36	Amended by No. 72 of 2009, s. 18
Section 37	Amended by No. 72 of 2009, s. 19
Section 39	Amended by No. 72 of 2009, s. 20
Section 39A	Inserted by No. 72 of 2009, s. 21 Amended by No. 55 of 2017, s. 21
Section 41	Amended by No. 55 of 2017, s. 22
Section 42	Amended by No. 55 of 2017, s. 23
Section 45	Amended by No. 55 of 2017, s. 24
Section 46	Amended by No. 55 of 2017, s. 25
Section 49A	Inserted by No. 72 of 2009, s. 22
Section 50	Substituted by No. 55 of 2017, s. 26
Section 51	Amended by No. 55 of 2017, s. 27
Section 55	Amended by No. 55 of 2017, s. 28

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Provision affected	How affected
Section 59	Amended by No. 73 of 2001, Sched. 1 and No. 55 of 2017, s. 29
Section 61	Amended by No. 55 of 2017, s. 30 and No. 53 of 2019, s. 12
Section 62	Amended by No. 72 of 2009, s. 23
Section 64	Amended by No. 72 of 2007, Sched. 1
Section 65	Repealed by No. 72 of 2007, Sched. 1
Section 66	Repealed by No. 72 of 2007, Sched. 1
Section 67	Repealed by No. 72 of 2007, Sched. 1
Section 68	Repealed by No. 72 of 2007, Sched. 1
Section 69	Repealed by No. 72 of 2007, Sched. 1
Section 70	Repealed by No. 72 of 2007, Sched. 1
Section 72	Amended by No. 55 of 2017, s. 31
Section 73	Amended by No. 72 of 2009, s. 24

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