

Your rights of review

Seeking review of DAS decisions

Many DAS decisions can be reviewed by the ACT Civil and Administrative Tribunal, including a decision to:

- Declare your dog to be 'dangerous';
- Refuse to issue a licence to you to keep a dangerous dog;
- Sell your dog to someone else;
- Destroy your dog if he or she has attacked a person or animal and caused the death of or serious injury to the person, or killed the animal.

You may have as little as 7 days from the date of the DAS decision to seek review. You should seek legal advice as soon as you are advised in writing of the decision, and before lodging an application for the review.

More information

For more information about the law relating to dogs in the ACT, get in touch with the ADO at contact@ado.org.au

DISCLAIMER

While all care has been taken in preparing the information on this fact sheet, it is not a substitute for legal advice. For any specific questions we recommend you seek legal advice. The Animal Defenders Office accepts no responsibility for any loss or damage suffered by people relying on the information on this fact sheet.

About us

The Animal Defenders Office (ADO) is a nationally accredited community legal centre that specialises in animal law.

Our mission is to use the law to protect animals, which includes:

- providing free advice about animals and the law;
- increasing public awareness of how the law affects animals;
- working to reform the law to improve protection for animals.

How to help

The ADO relies solely on the generosity of the public to stay in operation. We do not receive any government assistance, and all our lawyers and staff are volunteers.

If you would like to support us, you can find out how on our website at www.ado.org.au.

Thank you.

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Dog attacks and dogs declared 'dangerous'



Animal Defenders
Office

Using the law to protect animals



Dog attacks—offences

Under ACT law a dog's carer commits an offence if the carer allows the dog to attack or harass a person or animal *without reasonable excuse*.

Dog owners can be held responsible for dog attacks even if not caring for the dog at the time of the attack. So make sure you keep your dog securely confined when you're away from home!

Dog attacks—defences

Whether there is a 'reasonable excuse' for your dog attacking or harassing a person or animal will depend on the circumstances of the case.

'Reasonable excuse' could include:

- if your dog was provoked by the person or animal who was attacked; or
- if your dog was coming to the aid of a person or animal whom your dog could be expected to protect.

It is the responsibility of a person charged with an offence to prove that one or more of these defences applies.

Dog attacks—consequences

Your dog may be seized

If your dog is believed to have attacked a person or animal, DAS can seize and impound your dog while DAS investigates the complaint. DAS may give you the option of 'surrendering' your dog if you don't want your dog back. Note that you **do not have to surrender** your dog. If you do surrender your dog, you no longer own your dog and he or she may be put down.

If your dog is seized, the officer must give you a 'seizure notice'. DAS usually has 28 days from when it seizes a dog to:

- release the dog,
- issue an infringement notice, or
- start court proceedings against the dog's keeper.

DAS can extend the 28 days but must tell you *before* the end of the 28 days if they are going to extend the investigation period.

Declared 'Dangerous Dog'

After DAS investigates an attack, it may decide to declare the attacking dog to be 'dangerous'. In the ACT a 'dangerous dog' declaration applies to the dog for life.

To get a declared dangerous dog out of the pound the dog's keeper must apply for an annual Dangerous Dog Licence (approx. \$800).

If a licence is granted, it will usually include conditions e.g. that the dog cannot be in public without a muzzle and leash (even in off-leash areas), and that the dog must be kept in an enclosure when the keeper is not at home.

'Destruction'

The 'Registrar' (a senior public servant) can decide to destroy a dog involved in a serious attack. A serious attack is where the person who was attacked is killed or seriously injured, or the animal attacked is killed. The Registrar must give the dog's keeper written notice of the decision to 'destroy' the dog. The keeper then has 7 days to apply to ACAT for review of DAS's decision.

Compensation

Under the Act you are liable to pay compensation for damage that your dog causes to a person or property as a result of a dog attack.

Impoundment costs

If you are charged and found guilty of being a keeper or carer of a dog who attacks or harasses a person or animal, you may be required to pay the costs of keeping the dog in the pound during the investigation.

Terminology

ACAT: the ACT Civil and Administrative Tribunal.

carer: in relation to a dog, means a person over 14 years of age who is in charge of the dog at a particular time.

DAS: means the Domestic Animal Services, a government agency that administers the Act.

dangerous dog: means a dog who:
- has been declared dangerous either in the ACT or in another state or territory; or
- is kept or trained as a guard dog.

keeper: in relation to a dog, means either a registered keeper of a dog or the owner of an unregistered dog.

the Act: the *Domestic Animals Act 2000* (ACT).

