



STREET LAW

Factsheet 27: Pets

A significant number of people who are homeless share their journey with their pets. That may be for a number of reasons, including because it can be hard to access safe accommodation that is pet-friendly, the importance of the companionship of a pet for a person's mental health, or even for some people finding themselves sleeping rough, for security and warmth.

It is important to know that there are laws that impact on pet ownership in the ACT, and that failure to comply with these laws could result in fines or even seizure of your pet. This factsheet will cover the main legal obligations for keeping a pet dog or cat in Canberra, as well as where you can get help.

New Dogs / Selling or Giving Away a Dog

If ownership of a dog is transferred in the ACT, there is a requirement to notify the registrar of Domestic Animal Services of the name and address of the new owner, within 14 days. This obligation applies to both the old and new owner, and a fine of up to \$1600 can be levied for non-compliance.

Registration

If you own a dog in the ACT and have been in the ACT for more than 28 days, you must register it in the ACT, even if it has been registered previously in another state or territory. Registration costs \$57.55, or \$20.70 if you receive a Centrelink benefit. From July 1 2021 a dog must be registered every 12 months. You will receive a reminder notice 14 days before the registration expires. If you do not register your dog each year you could be fined up to \$1600. This is a once-off fee, and registration is for the lifetime of the dog, unless you surrender or cancel the registration. Your dog must also be microchipped, and desexed unless you hold a special permit to allow for breeding your dog. Failure to register your dog in the ACT can attract a fine of up to \$2400. Unregistered dogs may be seized by Domestic Animal Services.

Microchipping

If your pet is lost, microchipping can help it to be identified as yours and returned to you. This is a simple process where a tiny chip is inserted under the animal's skin. Dogs and cats rarely display discomfort while this procedure is being done. Microchips can be inserted by any veterinarian in Canberra, as well as by the RSPCA or by Domestic Animal Services (DAS). If you wish to get your dog microchipped by DAS, contact Access Canberra on 13 22 81. It is important to keep your contact details up to date (or put someone you trust as an emergency contact) to help make sure you can be reunited with your pet if they become lost. Microchipping is a legal requirement of dog ownership in the ACT, and dogs that have not been microchipped may be seized by Domestic Animal Services.

Desexing

Desexing your dog is important, and it is a legal requirement that if you do not hold a breeding permit that your dog be desexed if they are over 6 months of age. Keeping a dog that is not desexed (even if you did not know about this law) can attract a fine of up to \$8000. It is also unlawful to sell a dog over 6 months of age that has not been desexed. If you breed a litter of puppies from your dog without a breeding licence, your dog and puppies may be seized by Domestic Animal Services.

You must desex your cat if it is over three months of age unless you have a special permit. It is unlawful to sell a cat that has not been desexed if you do not have a permit.

There are a number of agencies that can help you with subsidised veterinary help if you are worried that you cannot afford to desex your dog or cat. The RSPCA is able to offer flexible payment for desexing, such as Centrepay if you receive a Centrelink benefit.



STREET LAW

You must desex your cat or dog within **28 days** of it coming into your care, unless a veterinary practitioner provides a letter to you that says that de-sexing the dog or cat would be a serious health risk to the animal.

Public Places

When you are in a public place with your dog, they must be under your effective control. This means they need to be on a leash, or in your line of sight, and you are able to prevent them approaching other people and animals. In most public places in the ACT, except for designated dog parks, you need to take all reasonable steps to ensure that your dog is leashed. If your dog is out in a public place without you and you haven't taken reasonable steps to prevent this, you could be liable for a fine of up to \$2400, and your dog could be seized by Domestic Animal Services.

If your dog defecates in a public place or storm water way, you need to dispose of the waste hygienically, such as by picking it up in a plastic bag and putting it in the bin. Fines of \$800 can be issued for not doing this.

Prohibited Places

There are certain locations where it can be against the law to take your pet dog. It is unlawful to take your dog onto the grounds of a primary school, day care centre or kindergarten without the permission of the principal or person in charge of that location. A fine of up to \$2400 may apply. It is also unlawful to take your dog onto high school premises during school hours, or to a field or playing area where sport is being played. You may also not take your dog into a public place within 10m of children's play equipment while children are playing on it, near public barbecues that are being used to cook food, or in designated swimming areas for people near ACT lakes. Fines of up to \$1600 may apply.

The Minister is also able to designate other locations as dog-free zones. These must be marked with signage to let you know you cannot take your dog there, and fines of up to \$800 may apply. Dogs that are found in a prohibited area may be seized by Domestic Animal Services.

Cat Containment Areas

Some areas in Canberra are designated cat containment areas, which means that the Minister has declared that cats roaming in an area are a serious threat to native flora or fauna in the area, and cats need to be confined to their keeper's premises either at all times or during specified times. If your cat is outside your premises in a cat containment area during a time the containment areas is in force, you can be fined up to \$1600, and your cat may be impounded. If you can be identified as the owner of the cat, then you must be served with a notice telling you when, where and why your cat was seized, and letting you know what might happen if your cat is not claimed.

Attacks

A dog is considered to harass a person if it exhibits behaviour that could reasonably cause a person who is not provoking the dog, to be frightened that the dog is about to attack them. Hunting or tormenting another animal is also a form of harassment. If a dog you are caring for attacks or harasses a person or another animal, you can be fined up to \$8000. If your dog causes serious injury to a person or another animal and you either intended the dog to hurt someone or were reckless about whether or not someone might get hurt, a fine of up to \$16,000, or imprisonment for one year, or both, can apply. If your dog is provoked by the person or animal they attack, or if the dog is protecting someone, or if the person who is attacked is on your premises without lawful excuse, these may be defences to prosecution for dog attack/harassment.

If a Court finds that your dog did harass or attack a person or other animal, the Court may make an order that your dog be destroyed, or be subject to any other order the Court thinks is necessary to protect the safety of other people or animals, including declaring your dog to be a dangerous dog. Penalties can apply even if you did not mean for your dog to harass or attack someone, so it is very important to make sure you are in control of your dog and take reasonable steps to make sure they are not posing a risk to anyone. If your dog has been declared a dangerous dog and attacks someone causing serious injury, there can be a penalty of up to \$80,000 and/or five years imprisonment. You may also be



STREETLAW

liable for loss and expense caused to another person by your dog, even if no criminal charges are brought against you. This means you can be sued for expenses incurred by another person because of damage caused by your dog. This includes if your dog attacks another dog and it is injured or killed. You may be liable for vet bills, or replacement of the other animal and possibly other costs. These expenses can be thousands of dollars.

It is a legal requirement that if you are with your dog and they attack someone, that you provide your name, address and contact details and render reasonable assistance if asked. Failure to do so can attract a fine of \$8000.

Registrars, ACAT and Control Orders

If your dog has been seized by Domestic Animal Services, they must provide you with a notice of seizure that sets out when, where and why the dog was seized, where it may be claimed, any costs that may apply for release of the dog to you, and the period of time you have to claim the dog before it can be sold or destroyed.

If your dog has attacked someone and caused serious injury to a person, or another animal is killed, the registrar *must* destroy the dog unless they can be reasonably satisfied the dog is not likely to be a danger to the public or another animal. A registrar may order that a dog be destroyed if the dog causes a less serious injury to another person, or a serious injury to another animal, or is otherwise aggressive and menacing. If the registrar is considering destroying your dog, they must provide notice to you in writing.

If you do not want your dog to be destroyed, it is important to seek urgent legal advice as a strict **7 day time limit** exists to apply to the ACT Civil and Administrative Tribunal (ACAT) for a review of this decision, from the date you received this notice. If the registrar decides not to destroy the dog, they may still issue what is called a control order. They have to give you a copy of this order.

A control order can set out special legal obligations on you to ensure that your dog poses no risk to public safety. If your dog has not been registered, microchipped or desexed it can require that these things are done, as well as anything else the registrar considers necessary for public safety. Breach of a

control order can be a very serious matter that could lead to the dog being seized and/or destroyed, and it can also result in a fine of up to \$8000. If you have complied fully with a control order so that your dog is safe, it is possible to apply to the registrar to have the control order revoked.

Assistance Animals

Assistance animals are animals which provide special assistance to people who have a disability. They are not pets, but the laws around when an animal is considered an assistance animal can be complex. See Disability Discrimination Factsheet 3 and contact the Disability Discrimination Legal Service at Canberra Community Law if you wish to speak to a lawyer about your assistance animal.

Contact Information & Services

Canberra Community Law- Street Law Program:
02 6218 7900, level 1/21 Barry Dr, Turner ACT 2602
email streetlaw@canberracommunitylaw.org.au

Domestic Animal Services: 13 22 81 during business hours and ask for Domestic Animal Services

Services that can assist with desexing or veterinary help

Pets in the Park: 1st Sunday of every month from 2:00PM - 4:00PM, Pilgrim House, 69 Northbourne Ave, Canberra City – talk to the Early Morning Centre for a referral

Rainbow Paws: Phone 0416 646 050,
email info@rainbowpaws.org

RSPCA ACT: Phone (02) 6287 8100,
12 Kirkpatrick Street Weston (off Cotter Road)
ACT 2611 Australia

Centrepay and Vetpay options available to help with fees for desexing and veterinary assistance.