



Fact Sheet

Dogs – Your Responsibilities

All sections referred to in this fact sheet refer to the *Domestic Animals Act 2000* (ACT) unless otherwise stated.

Registering your dog

Even if your dog was registered in another state or territory, any dog kept in the Australian Capital Territory (ACT) must be registered in the ACT, if it (section 14(2)):

- a) is older than 55 days;
- b) has been kept by the person in the ACT for 28 days or more (though not if it is being cared for temporarily); or
- c) the owner of the dog has been an ACT resident for 28 days or more

If there is a change of ownership of a dog (section 16):

- a) the former keeper must tell the registrar in writing of the name and address of the new owner within 14 days; and
- b) the new keeper, for a period likely longer than 28 days, must tell the registrar in writing that he or she is the keeper of the dog within 14 days.

If there is a change of address of the keeper, or of where the dog is kept, the keeper must tell the registrar in writing of the new address within 14 days (section 16).

If you are younger than 16 and live with a parent or guardian, you must attach a statement of written consent from your parent or guardian with the application for registration (section 6(2)).

An application for registration can be made in person at Domestic Animal Services (DAS) in Symonston, or you can register the dog online through the [Access Canberra Smartform](#).

Microchipping your dog

All dogs must be microchipped in the ACT. Microchips are tiny identification chips inserted under your dog's skin. The chip contains readable data about the identification of the dog and its owner. In the event a missing dog is found, this data can be easily accessed to aid in finding the owner. Section 7 of the [Domestic Animals Regulation 2000 \(ACT\)](#) requires a dog to be microchipped if:

- it is at least 12 weeks old;
- has been sold; or
- is a dangerous dog.

Getting your dog microchipped is a simple process. Dogs rarely show signs of discomfort when the chip is inserted underneath its skin. Microchips can be inserted by any veterinarian in Canberra, as well as by the [RSPCA](#) or by DAS in Symonston. If you wish to get your dog microchipped by DAS, call Access Canberra on [13 22 81](#) before attending the shelter.



Dogs and public places

Not all members of the community are enthusiastic about dogs. Some people may have legitimate reasons to avoid them. Dogs should not interfere with people or private property. It is relatively easy to restrain a dog by having effective control over your dog by using a leash while you are walking it in public. In the ACT, dogs must be kept on a leash in public areas (section 44).

There are many places in the ACT, including dog parks and nature walks, where you can take your dog off a leash and allow it to roam. However, a dog is not to be taken into prohibited places unless the keeper has a special assistance permit (sections 42(1) – (4), section 43). Prohibited areas are marked by signs and can include schools, children play areas and sporting events. The ACT Government has made [a useful directory](#) of places you can take your dog and any restrictions that apply to certain areas of Canberra.

The *Domestic Animals Act* also provides general rules about taking a dog into public spaces. For example, a person must not take a dog into public areas or storm water drains unless he or she has hygienic equipment to dispose of any faeces dropped by the dog (sections 46(1)-(2)). A person also commits an offence if a dog is in a public place without a carer (section 44(3)).

De-sexing your dog

De-sexing your dog is important. It often improves the behaviour and general health of dogs as they develop and grow older. De-sexing reduces the number of abandoned or stray dogs, while also preventing dog attacks (on people and other animals) brought about by aggressive reproductive behaviour.

Due to the importance of protecting the community from dog attacks, it is a strict liability offence to keep a dog that has not been de-sexed (sections 74(1)-(3)). This means that even if you were unaware or had no intention to keep a dog that was not de-sexed, you can still be prosecuted.

A dog must be de-sexed (sections 74(1)-(5)) unless:

- it is younger than six months;
- was born before 21 June 2001; or
- the owner holds a permit or breeding license issued by the Registrar of Domestic Animal Services.

It is an offence to sell a dog that hasn't been de-sexed, is 6 months old or older, and where you don't hold a permit for the dog, unless a vet has certified in writing that de-sexing would be a serious health risk for the dog (section 74A).

You can apply to the registrar for a permit (fee payable) to keep a dog that has not been de-sexed (section 75). An application form can be obtained from DAS.



How many dogs can you have?

Under section 18 of the *Domestic Animals Act*, it is a strict liability offence to keep four or more dogs in a residential area without a multiple dog licence.

If you are interested in keeping multiple dogs in a residential area, you [may make an application to the registrar](#) to approve a multiple dog licence. The registrar will refuse any such application unless the residential area can appropriately accommodate for the amount of dogs. The registrar may consider, for example, the size of the yard, the arrangements to dispose of waste and the security of the premises (section 20). The registrar may also impose certain conditions stated on the licence.

Is your dog a dangerous dog?

In the ACT, dogs are not registered as dangerous by breed. The registrar will declare a dog to be dangerous based on an analysis of that dog's prior behaviour and its history or training (section 22). If a dog has been determined to be dangerous, the registrar must provide the owner with written notice of the decision. An adult may apply to the registrar for a licence to keep a dangerous dog. The approval of a licence to keep a dangerous dog will come with certain conditions which must be adhered to (section 21).

If your dog has been declared a dangerous dog, you have a responsibility to ensure that the dog is not found unattended, or that it be in a public place without a muzzle (section 27). You must also place signs on your premises warning of the dangerous dog. Each sign must be easily seen at any entry point (section 28). There may also be other conditions specified in the licence. For example, the conditions may include:

- Confining of dog to the premises where the dog is kept;
- Requirements about the dog leaving the premises;
- Requiring the keeper and dog to complete a course approved in writing by the registrar in behavioural or socialisation training for the dog.

It is a strict liability offence to keep a dangerous dog, except in accordance with a licence (section 23(1)).

Dog attacks and harassment

A keeper or owner of a dog must not provoke or encourage it to attack another person or animal. In the event a dog attacks or harasses another person, the keeper or carer must provide assistance if requested. If serious injury was caused, the carer or keeper must report the incident to the registrar as soon as possible and within 5 days (section 50B).

In the ACT, the carer or keeper of a dog may commit an offence if an act or omission resulted in a dog attacking or harassing another person or animal (section 49A). 'Harass' means that the dog's behaviour reasonably caused a person to fear an imminent attack, or if it hunts or torments another animal.



This offence is one of strict liability. However, it is a defence to prosecution if the carer or keeper can prove that the attack or harassment was a result of:

- a) the person or animal provoking the dog;
- b) the dog coming to the aid of another person that the dog could be expected to protect;
- c) the person or animal being on the premises occupied by the defendant without lawful excuse; or
- d) another person had been a carer for the dog at the time of the offence, and the defendant had taken reasonable steps to ensure the carer was able to exercise responsible dog management, care and control (sections 49A(4) - 50).

A dog's carer or keeper may commit a more serious offence if their act or omission resulted in the person or animal sustaining serious injury. The carer or keeper of the dog must intend the attack to cause, or be reckless or negligent about the attack causing, serious injury (sections 50(1)-(2)). The same defence above is available for this offence. A defence is also available to a keeper where the keeper of the dog asked another person to be a carer, and the dog attacked the other person or animal while it was being cared for.

If a person is convicted of an offence resulting in serious injury, the court may order that the dog be destroyed.

If you or your dog has been attacked by another dog, you may request that DAS issue a warning, issue a fine, or that the keeper or carer of the dog be prosecuted.

Appealing a decision

A number of the decisions made by the registrar as set out above are reviewable decisions, which means they are reviewable by the ACT Civil and Administrative Tribunal (ACAT). For example, if your dog has caused a death or serious injury in an attack on another person, the dog may be ordered to be destroyed (section 53B). Before destroying the dog, the registrar must give the dog's keeper written notice of the decision. The keeper may then, within 7 days after the notice is given, apply to ACAT under section 120 of the *Domestic Animals Act* to have the decision reviewed (section 53B(5)). On appeal to ACAT, the tribunal will review the registrar's decision, and may confirm, alter or set aside the decision to have the dog destroyed.

Schedule 1 to the *Domestic Animals Regulation* has a full list of reviewable decisions. See ACAT for [more information](#) on the process of review.

Where can I go to for more information?

For further information on any of the above, check out the [Transport Canberra and City Services](#), the [Access Canberra](#) website, [DAS](#) or the [RSPCA](#).

Disclaimer: The law described in this fact sheet is current at 30 June 2018. This fact sheet has been designed to give readers plain English background information in planning and environmental law in the ACT. It is brief, for general information purposes only and does not replace the need for professional legal advice in individual cases. To request free initial legal advice, please contact us on (02) 6243 3460. While every effort has been made to ensure the information is accurate, the EDO ACT does not accept any responsibility for any loss or damage resulting from any error in this fact sheet, or reliance or use of this work. Duplication and reproduction of the information is permitted with acknowledgment of the EDO ACT. This fact sheet was produced with the assistance of funds made available by the ACT Government through the Justice and Community Services Directorate.