

**Legislative Council—No 278**

As introduced and read a first time, 15 November 2017

South Australia

**Dog and Cat Management (Dog Attacks)  
Amendment Bill 2017**

A BILL FOR

An Act to amend the *Dog and Cat Management Act 1995*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Dog and Cat Management (Dog Attacks) Amendment Act 2017*.

#### 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Dog and Cat Management Act 1995*

#### 3—Insertion of section 44A

After section 44 insert:

#### **44A—Duty to exchange details where dog involved in certain incidents**

- (1) A person who owns or is responsible for the control of a dog must, if the dog is involved in a prescribed incident—
  - (a) give such assistance to any person or animal harmed in the prescribed incident as is reasonable in the circumstances; and
  - (b) take reasonable steps to provide the prescribed information in respect of the dog to—
    - (i) if a person is harmed in the prescribed incident—each such person; or
    - (ii) if another dog is harmed in the prescribed incident—the person responsible for the control of the harmed dog at the relevant time; or
    - (iii) if any other animal is harmed in the prescribed incident—the person in whose charge the harmed animal was at the relevant time.

- (2) If a prescribed incident involving a dog occurs—
- (a) each person harmed by the dog in the prescribed incident; or
  - (b) a person who was, at the relevant time, responsible for the control of a dog harmed by the dog in the prescribed incident; or
  - (c) the person who was, at the relevant time, in charge of an animal harmed by the dog in the prescribed incident,

must take reasonable steps to provide to the person who owns or is responsible for the control of the dog—

- (d) if a dog was harmed in the prescribed incident—the registration number of the dog; and
- (e) in any case—the person's name and address.

- (3) A person who refuses or fails to comply with subsection (1) or (2) is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) In proceedings for an offence against subsection (3), it is a defence for the defendant to prove that the defendant did not know, and could not reasonably have been expected to have known, the prescribed incident to which the charge relates occurred.

- (5) In proceedings for an offence against subsection (3) consisting of an alleged refusal or failure to comply with subsection (1), it is a defence for the defendant to prove that the dog was, in respect of the prescribed incident to which the charge relates, being genuinely used in the reasonable defence of a person or property.

- (6) For the purposes of this section, it is irrelevant whether a dog involved in a prescribed incident caused the incident or was merely responding to the provocation of another dog or other animal.

- (7) In this section—

*animal* includes bird;

*harm* means physical harm;

*prescribed incident*, involving a dog, means—

- (a) an incident in which the dog attacks or harasses a person and by doing so causes harm to the person; or
- (b) an incident in which the dog fights with, attacks or harasses another dog (being a dog for whose control another person is responsible at the relevant time) and in the course of which the other dog is harmed (however caused); or
- (c) an incident in which the dog attacks or harasses any other animal that is in the charge of a person and by doing so causes harm to the animal; or
- (d) any other incident of a kind prescribed by the regulations,

but does not include an incident of a kind declared by the regulations not to be included in the ambit of this definition;

***prescribed information***, in respect of a dog, means—

- (a) the name and address of the owner of the dog; and
- (b) the name and address of the person (if not the owner) who was, at the time of the prescribed incident, responsible for the control of the dog; and
- (c) the registration number of the dog (if any); and
- (d) any other information required by the regulations.

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