

TASMANIA

**CRIMINAL CODE AMENDMENT (DANGEROUS
DOGS) BILL 2013**

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CRIMINAL CODE AMENDMENT (DANGEROUS DOGS) BILL 2013

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
27 August 2013

(Brought in by the Minister for Justice, the Honourable Brian Neal Wightman)

A BILL FOR

An Act to amend the *Criminal Code Act 1924* and the *Dog Control Act 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 *Criminal Code Amendment (Dangerous Dogs) Act 2013*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

Criminal Code Amendment (Dangerous Dogs) Act 2013
Act No. of

s. 3

Part 1 – Preliminary

3. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

PART 2 – CRIMINAL CODE ACT 1924 AMENDED

4. Principal Act

In this Part, the *Criminal Code Act 1924** is referred to as the Principal Act.

5. Section 167C inserted

Schedule 1 to the Principal Act is amended by inserting the following section after section 167B in Chapter XVII:

167C. Causing death or grievous bodily harm by dangerous dog or restricted breed dog

- (1) A person who has care or charge of a dog is guilty of a crime if –
 - (a) the dog is a dangerous dog or a restricted breed dog; and
 - (b) the dog attacks and kills, or causes grievous bodily harm to, another person; and
 - (c) the person with care or charge of the dog knew, or was reckless as to whether or not, the dog is a dangerous dog or a restricted breed dog; and
 - (d) at the time of the attack, the person with care or charge of the

*No. 69 of 1924

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s. 5

Part 2 – Criminal Code Act 1924 Amended

dog failed to take reasonable steps to ensure the dog was under effective control; and

- (e) the person knew, or ought to have known, that a failure to keep the dog under effective control could expose any person to a risk of death or grievous bodily harm.

Charge: Causing death or grievous bodily harm by dangerous dog or restricted breed dog.

- (2) For the purposes of subsection (1), a person is taken to have care or charge of a dog if, at the relevant time, the person –
 - (a) is the owner of the dog; or
 - (b) has control, possession or custody of the dog; or
 - (c) is the operator or manager of the premises where the dog is held for commercial purposes.
- (3) One or more persons may have care or charge of a dog at any one time.
- (4) In this section –

attack has the same meaning as in the
Dog Control Act 2000;

dangerous dog means a dog that has been declared to be a dangerous dog under section 29(1)(a) of the

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Dog Control Act 2000 due to the dog causing, or there being reasonable cause to believe that the dog is likely to cause, serious injury to a person;

effective control has the same meaning as in the *Dog Control Act 2000*;

restricted breed dog has the same meaning as in the *Dog Control Act 2000*.

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s. 6

Part 3 – Dog Control Act 2000 Amended

PART 3 – DOG CONTROL ACT 2000 AMENDED

6. Principal Act

In this Part, the *Dog Control Act 2000** is referred to as the Principal Act.

7. Section 29 amended (Declaration of particular dangerous dog)

Section 29 of the Principal Act is amended by inserting after subsection (1) the following subsection:

- (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.

*No. 102 of 2000