

24 SEPT. 2019

DEAR MINISTER SHELTON, LOCAL GOVERNMENT MINISTER
FROM: DIANE BURKHALTER

TASMANIA

1538 No. 112

Dog Control

TAS. 1987

Division 3—Seizure of dogs

I WOULD LIKE TO DRAW YOUR ATTENTION TO (6)* WHICH SAYS THAT A SEIZED DOG CANNOT BE RETURNED TO THE OWNER UNLESS THE OWNER PAYS THE REGISTRATON** FEE (IF THE DOG IS NOT REGISTERED).

IN LOOKING AT 64(4) NSW ACT 1998*** (BELOW), THE SAME REQUIREMENT EXISTS; THE OWNER MUST PAY REGISTRATION FEE IF THE DOG IS NOT REGISTERED IN ORDER TO RECOVER THE DOG.

HOWEVER, THERE IS A MINOR DISCREPANCY BETWEEN THE TWO PROVISIONS; 64(4) STIPULATES THAT OWNER MUST MAKE APPLICATION THAT THE DOG BE REGISTERED, WHEREAS THE TASMANIAN ACT DOES NOT HAVE THIS STIPULATION.

FROM A PRACTICAL STANDPOINT, NO DOUBT OPERATORS OF COUNCIL'S DOG POUNDS DO IN FACT ENSURE THAT OWNERS MAKE APPLICATIONS FOR THE DOG TO BE REGISTERED PRIOR TO RETURNING DOG SAME AS NSW ACT.

AT ANY RATE, I TRUST THAT YOU WILL AT SOME CONVENIENT POINT IN TIME SEE TO IT THAT THIS MINOR TECHNICALITY BE RECTIFIED TO BE IN ACCORDANCE WITH 64(4) — OWNER MUST MAKE APPLICATION FOR THE DOG TO BE REGISTERED.

PLEASE ACKNOWLEDGE RECEIPT OF THIS CORRESPONDENCE. THANKS MUCH.

REGARDS
DIANE BURKHALTER

* (6) The owner of a dog seized under this section shall not be entitled to the return of the dog unless—
(a) he pays—

(i) any dog release fees which may be prescribed in relation to the seizure and detaining of the dog;

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(ii) the reasonable cost of maintaining the dog during the period of detention; and
(iii) any other fees or charges relating to the dog which ought to have been paid, but had not been paid, under this Act; and

* * (b) in the case of an unregistered dog, he registers the dog by paying the appropriate registration fee.

(7) A dog seized under this section shall, subject to this section, be delivered up to a person who produces satisfactory evidence that he is entitled to the possession of the dog.

NOTE: (b) SAME 2000 ACT—MUST PAY FEE

NSW
Companion Animals Act 1998 No 87

Current version for 1 December 2018 to date (accessed 22 February 2019 at 14:36)
Part 7 > Section 64

64 Unclaimed seized or surrendered animal may be sold or destroyed

(4) An unregistered animal that is required to be registered cannot be claimed until an application for registration of the animal has been properly made (and any registration fee that is payable has been paid). The regulations may create exceptions to this subsection.