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From: PRESIDENT <president@dhot.com.au>
Sent: Friday, 27 September 2019 3:21 PM
To: Local Government Division (DPaC) <lgd@dpac.tas.gov.au>
Subject: DOG CONTROL AMENDMENT BILL 2019

The amendments proposed in relation to the effective control of greyhounds are welcome, and recognises the increasing number of greyhounds being adopted and housed in a domestic setting.

Similarly, the amendments introducing penalties for owners who fail to prevent their dog from injuring or killing sensitive wildlife in declared sensitive areas, and increasing existing penalties for taking a dog into a prohibited area that contains sensitive habitat, are applauded. Having said that, it would be anticipated that, in identifying declared areas, consideration would be given to balancing the interests of those who manage their dogs responsibly, and not use it as a mechanism to remove all access to areas such as beaches and semi urban bushland. Control of activities in areas such as these should remain the province of the Council concerned.

The amendments proposed to Section 19 of the Act are worthy of comment. The amendment to subsection 6 does not add anything. It is arguable that it is already a separate offence for a dog to rush at or chase a person (subsection 1) and to attack or bite any person or animal (subsection 3) without causing any actual injury. In the absence of any injury, this can be problematic as it is not unusual for those not familiar with dog behaviour to react in a way that excites a dog or makes it fearful, and may cause it to engage in behaviour that could be described as rushing at, or attacking, when that may not be the case. Also, it is not unknown for a false accusation of this type to be made maliciously, making it difficult to defend.

The defence contained in subsection 7 requires the defendant in any proceedings to establish that the dog, among other things, was being teased, abused or assaulted. It is suggested that extending that defence to cover the situations described above would provide some protection for the dog and its owner in cases where no actual injury has occurred.

Thank you for the opportunity to comment on the Bill.

Carol Hughes
President
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(Operating the Dogs' Homes of Tasmania)