

REPUBLIC OF NAURU

DOG MANAGEMENT AND CONTROL (AMENDMENT) BILL 2018

EXPLANATORY MEMORANDUM

The *Dog Management and Control (Amendment) Bill 2018* is a Bill to amend the *Dog Management and Control Act 2017*.

This memorandum provides an explanation of the Bill and is only intended to indicate the general effect.

EXPLANATION OF CLAUSES

Clause 1 provides that once enacted the short title of the Bill will be the *Dog Management and Control (Amendment) Act 2018*.

Clause 2 provides that this Bill commences upon certification by the Speaker.

Clause 3 is the enabling provision for the amendment of the *Dog Management and Control Act 2017*.

Clause 4 amends section 3 of the *Dog Management and Control Act 2017* by inserting and defining a new term. The new term is 'dog fight' or 'dog fighting' which is necessary given the main purpose of the amendment.

Clause 5 is a new section 10A which prohibits cruelty to dogs by any person and makes it an offence to cause unnecessary suffering to a dog. Cruelty for the purposes of this provision means:

- to cause unnecessary, unjustifiable or unreasonable pain; or
- to abuse or torture.

Penalty – if found guilty, a person would be liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 3 years or to both.

Clause 6 inserts a new Part 4A.

Clause 7 inserts a new section 20A. This provision prevents a person from doing any of the following in relation to inciting dog fights:

- import, own, keep, sell, breed or train or cause to import, own, keep, sell, breed or train a dog for the purposes of dog fighting;
- supply to another person any dog for the purposes of having the dog participate in a dog fight;

- organise or attempt to organise a dog fight;
- knowingly receive money for admission to a dog fight;
- publicise a proposed dog fight;
- make or accept a bet on the outcome of a dog fight;
- participate in a dog fight;
- film and circulate by electronic means a recording of dogs fighting;
- supply any premises for use for a dog fight.

Penalty – if found guilty, a person would be liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 3 years or to both.

Clause 8 amends section 21(2) of the Act. This clause requires dog owners, within 3 days of receipt of a notice issued against him or her by the Authority, to:

- destroy the dog; or
- take steps to ensure that the dog is not a danger to any other animals or persons.

Penalty – if found guilty, an owner would be liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 3 years or to both.

The steps a dog owner needs to take to ensure the dog is not a danger, includes:

- keeping the dog on a leash; and
- constructing a fence to keep and prevent the dog from straying.

Clause 9 amends section 41 of the Act by clarifying and expanding the powers of authorised officers to include matters relating to dog fights or dog fighting. The powers of authorised officers are now, to:

- enter and search such premises to determine whether there is an unlicensed dog on the premises;
- seize by any necessary means a dog running at large and not wearing a tag;
- seize and destroy any dog that is the subject of any breach of this Act;
- detain a seized dog in a pound or other place determined by Quarantine;

- serve notice of the seizure of the dog on the owner of the dog or any other person appearing to own the dog or have custody of it;
- sell or destroy any dog that has been seized under this section and which has not been claimed by its owner within 4 days of its seizure;
- summarily destroy any dog found at large and which has attacked any person or animal or which the officer has reasonable grounds to believe to may have so attacked any person or animal;
- de-sex dogs to keep the population of dogs under control;
- destroy stray dogs;
- destroy any diseased dogs;
- enter and search such premises to determine whether there are dogs kept, trained, bred or used for dog fighting; and
- seize by any means necessary a dog kept, trained, bred or used to dog fight.