Mrs Giulia Jones MLA
Chair
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Mrs Jones,

I write in relation to comments made by the Standing Committee on Justice and Community Safety in Scrutiny Report 24 published on 20November 2018 in relation to Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2018 (the Bill).

I am grateful for the committee’s comments on the proposed Bill and note the committee’s recommendation that I respond.

I thank the committee for their comments over provisions in the Bill which may potentially limit the protection *against unlawful and arbitrary interference with privacy* protected under Section 12 of the Human Rights Act 2004. I provide the following response:

Many victims of dog attacks have complained they are not informed about the status of an investigation into the attack. They have felt that their safety has been compromised and their future freedom of movement may be limited out of fear of further attacks.

Currently under the Act, as noted in the Committee’s Report, notice to affected neighbours is permitted under Section 55B of the Domestic Animals Act 2000 at the discretion of the Registrar. The Registrar may give notice if the Registrar believes it is in the interest of public safety. Under the Act the Registrar may give notice to people occupying the property adjacent to or nearby a premises where a dog is kept, or being cared for that has been declared dangerous, receive a control order or nuisance notice.

The Bill proposes to make a simple amendment to the current notification arrangement. The Bill proposes to make it mandatory for the Registrar to give notice to the complainant and people occupying property adjacent or nearby premises to where the dog is kept, at the conclusion of an investigation into a dog attack.

This change will provide victims and concerned neighbours with the required information as to their and their families’ safety. I agree with the committee’s assessment that it is not intended that private information, not otherwise known to those receiving information under the Bill, be included in reporting on the outcome of an investigation, however I disagree that the place for scoping what information is provided in a written notice of an investigation is within the Bill itself. I believe that the place for such scoping is within directorate policy documents.

I acknowledge the committee’s concerns that the obligation to disclose the outcome of the investigation may involve disclosure of personal information and potentially limit the protection against unlawful and arbitrary interference with privacy, protected under section 12 of the Human Rights Act. I feel that this limitation is fair and reasonable in order to ensure the protection of family and children, freedom of movement, and the right to liberty and security of the person for the wider local community. While I feel that the information that is provided within the written notice should be direct and should avoid providing too much information that impinges on the rights of the dog owner, I do not believe that the Bill is the place for such direction to the public service. I do urge the Minister to ensure that the rights of the affected individual are considered when considering what information is provided in the notice.

The Explanatory Statement has been revised to further expand on the human rights considerations and I will table the amended Explanatory Statement in the Assembly. I trust that this explains the situation and addresses the Committee’s concerns.

Yours sincerely

Nicole Lawder MLA

 December 2018