

# APA Conference 2017

## Case Law Updates

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# Civil Orders

- Dog attack – public place – dog on human
- Defendant dogs version of events
- Victims version of events
- Other witnesses

# Civil Orders

- What type of order?
- Defences – Sections 86 and 44(4)

# Civil Orders

## Section 44(4)

*'it is a defence to a charge of an offence against this section if it is proved that the dog was at the time of the offence being genuinely used in the reasonable defence of a person or property, or for driving or removing an animal found trespassing'*

# Civil Orders

## Section 86

*'It is a defence to a charge of an offence against this Act if it is proved –*

- (a) that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence; or*
- (b) if the offence involves a dog – that the dog was at the time of the alleged offence in the possession or control of another person without the defendant's consent.'*



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# Paul Rocky Warren and Mid Murray Council v Mark Andrew Jettner





# Paul Rocky Warren and Mid Murray Council v Mark Andrew Jettner

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# Background

- Long period of time
- Wandering at large
- Bulk registered
- Voluntary cooperation
- Repeated warnings
- Crown land and animal cages
- Seizure
- Expiation Notices and election to be prosecuted
- Charges
- Outcome

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