

DOG CONTROL ACT 2000

INFORMATION FOR OWNERS AND COUNCIL OFFICERS

INFORMATION SHEET
July 2010

Dog Control Act 2000

The *Dog Control Act 2000* (the Act) provides for the control and management of dogs. It gives councils certain powers in relation to the management of dogs within their local government area.

2009 amendments

Amendments to the Act were made in 2009 with the aim of increasing public safety and highlighting the responsibilities of dog owners.

The majority of these amendments commence on 1 July 2010. The amendments (aside from a requirement to microchip all dogs, which is covered in a separate information sheet) are unlikely to impact most responsible dog owners, as they impose stricter requirements on dogs declared to be dangerous dogs and on restricted breed dogs.

An up-to-date copy of the *Dog Control Act 2000* can be obtained from www.thelaw.tas.gov.au

General dog control issues

Keeping a dog under effective control

All dog owners have an obligation to keep their dogs under effective control.

This means that when the dog is in a public place, such as on a road or in a road related area, it must be held on a lead not more than two metres long by a person able to control the dog. For example, a small child should not be put in control of a large dog.

When a dog is in an area where it is not required to be on a lead, including in an exercise area, it must still be kept under effective control. This means that the dog must be in sight of and close proximity to the person controlling it, and it must be immediately responsive to commands.

No person may have in their charge at any one time more than two dogs on a lead on a footpath or more than four dogs in a public place.

Failure to comply with these requirements is an offence and may be punished by a fine of up to five penalty units.¹

¹ As of 1 July 2010, one penalty unit is equal to \$130

Dog rushing or chasing

If a dog rushes at or chases a moving vehicle or bicycle in a public place, the person in charge of the dog may be liable for a penalty of up to five penalty units. If the person in charge of the dog urges it to rush or chase, an additional penalty of up to 10 penalty units may be imposed.

It is also an offence if a dog, that is not under the effective control of a person on private premises or under the effective control of a person in a public place, rushes at or chases any person. Again, the penalty is up to five penalty units, and a court may also order that the owner pay compensation for any damage caused or costs incurred or that the dog be destroyed.

An offence of rushing or chasing does not occur if the dog is under effective control on private premises, such as if it is securely confined to those premises by being kept behind a gate or fence.

An offence of rushing or chasing also does not occur if the dog is under effective control in a public place (as described under Keeping a dog under effective control, above). For example, a dog being held on a lead might rush at a person nearby, but if properly restrained it is prevented from actually injuring them.

Who is the owner of a dog?

The person in whose name a dog is registered is taken to be the owner of the dog.

If an unregistered dog is found, the person who ordinarily keeps the dog is taken to be the owner.

If a dog is a child's pet, the child's parent or guardian is taken to be the owner.

A person who is in company of a dog, or whom a dog is closely following, is also taken to be the owner of the dog.

Responsibilities of owner

The owner of a dog is responsible for registration of the dog, ensuring that it is collared and on a lead in public places and that it is properly restrained when in or on a vehicle.

An owner is also responsible for keeping a dog under effective control and not allowing a dog to be at large. An owner is responsible for the actions of a dog, for example if it rushes at, chases or attacks a person or animal.

An owner can be held liable for the actions of a dog and can be fined or penalised for dog control offences. Owners can also be liable to pay compensation for injury or damage caused by a dog in their charge.

An owner's failure to properly control a dog may in some circumstances result in the dog being destroyed.

Dog attacks

It is an offence for a person in control of a dog to allow the dog to bite, menace or harass a person. The menacing or harassing does not have to actually result in injury for an offence to be proven. If a dog attack results in a bite causing minor injuries to a person or animal, the person in control of the dog is guilty of an offence. Both of these offences are punishable by fines of up to five penalty units.

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However, if a dog attack results in a bite causing more serious injuries to a person or animal that require medical or veterinary attention, the offence is punishable by fines of up to 20 penalty points.

In addition to these penalties a court may also order that the owner of the dog pay compensation for any damage or costs caused. The court may order that the dog be destroyed. A serious attack could also be the basis for a general manager to declare a dog to be a dangerous dog (see separate "Dangerous and Restricted Breed Dogs" information sheet).

The owner of a dog that has attacked a person must notify the council of the attack within 24 hours. Failure to do so may result in a fine of up to five penalty units.

Off-lead exercise

Dogs are allowed to be off-lead in signposted exercise areas and while undergoing obedience training. Dog owners can contact the local council to find out where local off-lead exercise places are.

Dog owners should note that even in signposted exercise areas, dogs must still be kept under effective control. This means that the dog must be in sight of and close proximity to the person controlling it, and it must be immediately responsive to commands.

Dogs in vehicles

When a dog is in or on a vehicle, the owner or person in charge of the dog must restrict it sufficiently so that it is unable to leave the vehicle or attack any person or animal outside the vehicle. Failure to do so is an offence punishable by a fine of up to five penalty units.

When in open vehicles, dogs should be restricted in such a way that the restraint does not allow the animal to reach over the side of the vehicle.

Using a restraint that permits a dog to be strangled or otherwise injured, should it fall from the vehicle, may be an offence under the *Animal Welfare Act 1993*. Animal welfare offences are punishable by fines of up to 100 penalty units and/or a term of imprisonment of up to 12 months.

Collection of dog faeces

A person in charge of a dog must immediately remove and dispose of any faeces left by their dog in a public place.

Aside from the unpleasantness of dog droppings in our streets, parks and public spaces, they also contain harmful nutrients and bacteria and can carry a roundworm transmittable to humans. Children and sportspeople using playing fields could be put at risk of infection.

Dog droppings also add to the E.coli levels which can lead to beaches being closed after rainfall. If a person is in charge of a dog, failure to immediately remove and dispose of any faeces left by that dog is an offence and may result in a fine of up to three penalty units.

Disclaimer: This information is provided as a brief and general guide to the main requirements of the dog control legislation. The information is not professional legal opinion and should not be relied upon as such.