

DOG CONTROL ACT 2000

DANGEROUS AND RESTRICTED BREED DOGS

INFORMATION SHEET

July 2010

Dog Control Act 2000 – dangerous and restricted breed dogs

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

Amendments to the Act were made in 2009 in response to widespread community concern about dog attacks, which can result in horrific injuries and, in extreme cases, the death of the victim. The Government introduced new controls with the aim of increasing public safety and highlighting the responsibilities of dog owners. Changes were made to the requirements relating to dogs declared to be dangerous dogs, and a category of restricted breed dog has also been introduced.

Dangerous dogs

If a dog has caused a serious injury to a person or animal, a council's general manager may declare the dog to be a dangerous dog. A general manager may also declare a dog to be dangerous if he or she believes that a dog is likely to cause serious injury to a person or another animal – the general manager does not have to wait for an attack or serious injury to occur.

When a dog is declared a dangerous dog, the owner or person in charge has to meet stronger control provisions.

Restricted breed dogs

Dogs of a breed which have been banned from importation into Australia may be declared restricted breed dogs. Of the breeds banned from importation, only the American pit bull terrier or pit bull terrier is understood to be in Tasmania.

The restricted breed dogs are the dogo Argentino, the fila Brasileiro, the Japanese tosa, the American pit bull terrier or pit bull terrier, and the Perro de Presa Canario or Presa Canario. These breeds were banned from importation into Australia over 15 years ago due to the threat they pose to public safety. Cross-breeds are not included.

Council officers will determine whether a dog is a restricted breed dog on the basis of approved guidelines which will include key characteristics of dog breeds such as height, weight, coat, colouration, tail carriage, and facial and body features.

Owners can appeal the declaration of their dog as a restricted breed dog to the Magistrates Court (Administrative Appeals Division) within 28 days of the service of notice of the declaration. In such an appeal the onus is on the owner to prove that the dog is not a restricted breed.

Obligations of owners of dangerous and restricted breed dogs

De-sexing and microchipping

Once a dog is declared to be a dangerous or restricted breed dog, it must be de-sexed and microchipped within 28 days. Dogs already declared to be dangerous prior to 1 July 2010 must be de-sexed within 28 days of that date.

The owner of the dog is responsible for the costs of de-sexing and microchipping and must ensure that the microchip is not removed from the dog without approval. Failure to ensure that a microchip is not removed is an offence punishable by a fine of up to 20 penalty units.¹

More information about de-sexing and microchipping can be found at www.dpac.tas.gov.au/lgd.

Control of dangerous and restricted breed dogs in public places

When a dangerous or restricted breed dog is in a public place, the owner or person in charge of the dog must ensure that the dog is

- muzzled so as to be unable to bite a person or animal
- held on a lead that is not more than two metres long, and which is sufficient to control and restrain the dog
- under the control of a person at least 18 years of age, and
- wearing an approved collar at all times (an approved collar has distinctive markings and is available through councils).

Failure to meet any of these requirements may incur a penalty of up to 20 penalty units.

Sale and purchase of dangerous and restricted breed dogs

A person who wishes to purchase or become the owner of a restricted breed dog must apply to their council for approval to have ownership transferred to them.

All dogs declared to be dangerous or restricted breed dogs in other states will be recognised as such in Tasmania and approval will be required before they can be imported into the state.

A dangerous or restricted breed dog may only be sold or given away after the buyer or new owner has received prior approval from their council. The seller must notify their council within 24 hours of completion of the sale of the dog and failure to notify the council of such a sale may incur a penalty of up to 20 penalty units.

Loss, straying or death of a dangerous or restricted breed dog

If a dangerous or restricted breed dog goes missing, strays or dies, or is lost, the owner or a person on behalf of the owner must notify the council as soon as possible and failure to do so may incur a penalty of up to 20 penalty units.

A dangerous or restricted breed dog must not be allowed to stray or be abandoned, and abandonment is also an offence under the *Animal Welfare Act 1993*.

Attacks by dangerous or restricted breed dogs

If a dog declared to be a dangerous or restricted breed dog attacks a person or animal, the owner is guilty of an offence and may be punished by a fine or imprisonment. A restricted breed dog that attacks a person or animal may subsequently be declared a dangerous dog.

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

A person found guilty of an attack by an already-declared dangerous dog will be automatically banned from owning or being in charge of any dog for a period of five years.

Dangerous dog enclosures and secure confinement of restricted breed dogs

When not under the control of a person, a dangerous dog must be kept in a childproof enclosure that meets certain requirements. Owners of dangerous dogs should refer to the *Dog Control (Regulations) 2010* for the full requirements. These Regulations will be available in July 2010.

The childproof enclosure must be a full enclosure and:

- have a minimum height of 1.8 metres and a minimum width of 1.8 metres
- have a floor area of at least 10 square metres for each dog in the enclosure
- have walls, roof and door or gate made of brick, timber, concrete, iron or mesh, or a combination of those materials, of sufficient strength and durability to prevent the escape of a dog
- have a sufficient weatherproof sleeping area for each dog in the enclosure
- have a sealed, graded concrete floor
- be situated so as not to require a person to pass through it to gain access to other parts of the property
- if fitted with a door or gate, be fitted with a self-closing and self-latching mechanism for the door or gate, be locked from the outside when a dog is inside the enclosure, and have a clearly legible sign saying "Dangerous Dog" displayed on the door or gate, and
- be sufficient to prevent any dog in it from escaping.

The council may detain a dangerous dog until a suitable enclosure has been built and the dog owner will be responsible for the costs of holding the dog. If a suitable enclosure is not built, the council may destroy the dog and recover all costs from the owner.

When on private premises a restricted breed dog does not have to be kept in such an enclosure, but must be securely confined to those premises.

Warning signs

A warning sign that meets certain requirements (example below) must be erected at each entrance to a property that houses a dangerous or restricted breed dog. Councils can advise where the appropriate signs can be obtained.



Dog owners should contact their council with questions regarding dangerous or restricted breed dogs.

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.