

## Dangerous Dogs

### How is a dog declared Dangerous?

Councils must comply with certain procedures before declaring a dog dangerous.

They must:

1. Send a written notice to the owner of the dog of the officers' intention to declare the dog dangerous. This notice sets out the requirements (see below) that the owner must comply with should the dog be declared dangerous. It also advises the owner that they have seven days from the date of the notice to supply a written objection to the declaration.
2. If no objection is received within that seven-day period the officer may proceed with the declaration. If a written objection is received the officer must consider the objection before proceeding.
3. The officer must give written notice to the owner of the dog whether the declaration is proceeding or not. This notice must set out:
  - The requirements the owner must comply with;
  - The date by which the owner must comply with the requirements;
  - The owner has 28 days to appeal the Declaration through the Local Court;
  - The circumstances under which the dog can be seized and destroyed if certain requirements are not complied with.

### Restrictions of a Dangerous Dog

The owner of a dog that is declared to be dangerous under the Act must ensure that each of the following requirements are complied with while the declaration is in force:

1. The dog must be desexed within 28 days after it is declared a dangerous dog;
2. A person, under the age of 18 years, must not, at any time, solely be in charge of the dog;
3. **Enclosure requirements:** While the dog is on a property, where the dog is ordinarily kept, the dog must be kept in an enclosure that complies with the requirements prescribed by the regulations of the Act. The owner has 3 months from the date on which the dog is declared dangerous to comply. (Note: a certificate of compliance in relation to the prescribed enclosure must be obtained by the owner of the dog);
4. Until such time as the approved enclosure is provided, the dog must be kept in an enclosure that is sufficient to restrain the dog and prevent a child from having access to the dog;
5. One or more signs must be displayed on the property, where the dog is ordinarily kept, showing the words "Warning Dangerous Dog" in letters clearly visible from the boundaries of the property. The sign must be no smaller than

40 cm × 40 cm, made of durable materials and the letters must be at least 50 mm high and 10 mm wide;

6. **Distinctive collar must be worn:** The dog must at all times wear a collar of the kind prescribed by the regulations of the Act;
7. **Dog must be kept on a lead and muzzled:** Whenever the dog is outside its enclosure, the dog must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person, and must be muzzled in a manner that is sufficient to prevent it from biting any person or animal. A dog is not considered to be under the effective control of a person if the person has more than two dogs (one of which is the dangerous dog) under his or her control at the one time;
8. The owner of the dog must notify Council;
  - Within 24 hours if the dog (with or without provocation) has attacked or injured a person or an animal;
  - Within 24 hours if the dog cannot be found;
  - When the dog has died; and
  - When there is a change in the address of where the dog is ordinarily kept

An owner of a dangerous dog, who does not comply with any of these requirements, is guilty of an offence. A maximum penalty of \$16,500 applies for the breach of any of these conditions.

If a dog that is declared dangerous is sold or given away, the new owner must be fully informed about the dangerous dog order. The dog must not be sold to a person under the age of 18 years