FACT SHEET

Animal Management

DECLARED DANGEROUS DOGS

The Dog Control Act 2000 provides for the control of dogs in Tasmania and gives Councils certain powers in relation to the management of dogs within their local municipal areas.

The State Government made amendments to the Act in 2009 which became effective as of 1st July 2010, and are intended to increase public safety in respect of dog attacks.

These amendments affect all dangerous dogs, whether declared prior to 1st July 2010 or after that date.

WHAT IS A DANGEROUS DOG?

A dangerous dog is any dog declared to be dangerous by the Council because it has caused serious injury to a person or animal.

The General Manager of a council may also declare a dog to be dangerous if there is reasonable cause to believe that a dog is likely to cause serious injury to a person or animal.

APPEALS – The owner of a dangerous dog may appeal the decision of the Council to declare the dog dangerous. Appeals are to be made within 14 days of the declaration notice being served on them, and are to be lodged with the Administrative Appeals Division of the Magistrates Court.

WHAT ARE THE OBLIGATIONS OF KEEPING A DANGEROUS DOG?

Many of the conditions of keeping a dangerous dog have not changed since first introduced in 2000, however recent significant amendments now mean the dog/s have to be de-sexed and kept in a childproof enclosure.

The following requirements must be met by owners wanting to keep a declared dangerous dog-

MICRO-CHIPPING – A dog must be micro-chipped within 28 days of notice of the Declaration. Council is to be notified of the micro-chip number within 7 days of it being inserted.

DE-SEXING - A dog must be de-sexed within 28 days of notice of the Declaration. Dogs declared dangerous prior to 1st July 2010 must be de-sexed within 28 days of the 1st July 2010.
Council is to be provided a copy of the de-sexing certificate within 7 days of the de-sexing procedure.

COLLARS – A dangerous dog must wear an approved collar at all times. An approved collar is reflective, red and green in colour, and has been approved by the Director of Local Government.
These collars are only available from councils.

WARNING SIGNS – An approved sign must be erected at each entrance to the property where a dangerous dog is kept.
These signs are only available from councils.

CONTROL OF DANGEROUS DOGS :

PUBLIC PLACES - When a dangerous dog is in a public place it must be muzzled, on a lead no longer than two metres and which is strong enough to restrain the dog, and the dog is to be under the control of a person at least 18 years of age.

PRIVATE PREMISES – When a dangerous dog is not in a public place it is to be kept in a childproof enclosure at all times. The enclosure must meet the following prescribed requirements.

- be fully enclosed;
- be childproof;
- have a minimum height of 1.8 metres and a minimum width of 1.8 metres:
- have a floor area of at least 10square metres for each dog in the enclosure:
- have the walls, roof and the door or gate made of brick, timber, concrete, iron or mesh, or a combination of these 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 on which it is situated; and
- 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;
- be sufficient to prevent any dog in it from escaping.
- If the walls, roof or door or gate of an enclosure are made of mesh, the mesh must be –
  (a) chain mesh of at least 3.15mm gauge, with a maximum spacing of 50mm; or
  (b) weldmesh of at least 4mm gauge, with a maximum spacing of 50mm.
- There may be a gap of not more than 50mm at the top and bottom of a wall or door or gate of an enclosure to provide ventilation and drainage.

In addition to the requirements of the Dog Control Act 2000, Council's Dog Management Policy stipulates that;

- the enclosure shall be at least 9 metres from any dwelling house on another property
- the enclosure shall be at least 2 metres from any boundary of the premises on which the yard is constructed

- the enclosure shall be constructed in such a way as to provide effective methods of cleaning and disinfection
- there shall be a raised suitable sleeping area for the dog(s)
- adequate ventilation and insulation shall be provided to maintain a comfortable internal temperature, freedom from condensation, and an adequate supply of fresh air
- a sanitary method of disposal of excreta and waste shall be provided.

WILL PLANNING AND BUILDING APPROVAL BE REQUIRED?

Contact to Council's Planning and Building Departments is required to determine whether an enclosure is able to be built in the location that you are proposing it to be built.

SEIZURE OF DANGEROUS DOGS

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

LOSS, STRAYING OR DEATH OF A DANGEROUS DOG

If a dangerous dog goes missing, strays or dies, the owner or a person on behalf of the owner must notify Council as soon as possible. Significant penalties apply if the owner does not advise Council.

SALE OR PURCHASE OF A DANGEROUS DOG

A dangerous dog may only be sold or given away after the prospective new owner has been given prior approval from the Council where they live. Any person wishing to become the owner of a dangerous dog must apply to the Council in writing for approval to keep the dog.

The owner selling or giving away the dog must notify their Council of the new owner and address, within 24 hours of the transfer.

ATTACKS BY DECLARED DANGEROUS DOGS

A declared dangerous dog that attacks a person or animal may be seized and destroyed by the Council. However the owner may appeal the decision to destroy the dog.

The owner will be guilty of an offence and may face penalties up to $6,500.00 and up to 12 months imprisonment.

The owner will be prohibited from owning any dog for a period of 5 years immediately following any conviction relating to a subsequent attack.

RENTAL PROPERTIES

Permission will be required by the owner to keep a dangerous dog.

Housing Tasmania tenants will not be granted permission to keep dangerous dogs under current Housing Tasmania Policies

NEED MORE INFORMATION OR ASSISTANCE?

To find out more, please:

- Visit Council's website at *www.gcc.tas.gov.au*; or
- Email Council at *gccmail@gcc.tas.gov.au*; or
- Phone us on (03) 6216 6800; or
- Visit us at the Council offices, 374 Main Road, Glenorchy.