



## **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 micro-chip 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](http://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.

### ***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.

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 units.

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.

### ***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 micro-chipping***

Once a dog is declared to be a dangerous or restricted breed dog, it must be de-sexed and micro-chipped 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 micro-chipping and must ensure that the micro-chip is not removed from the dog without approval. Failure to ensure that a micro-chip is not removed is an offence punishable by a fine of up to 20 penalty units.

More information about de-sexing and micro-chipping can be found at [www.dpac.tas.gov.au/lgd](http://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.

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.