

What is the difference between a dangerous & menacing dog? What must I do as an owner of a dangerous or menacing dog?

What is a declared dangerous dog?

An authorised Council officer or a local court may declare a dog as dangerous if it:

- has **attacked or killed** a person or animal,
- has repeatedly **threatened to attack** or repeatedly **chased a person or animal**, or
- is kept or used for illegal hunting purposes, or
- has been declared a dangerous dog under a law of another State or a Territory that corresponds with the Act.

What is a declared menacing dog?

An authorised Council officer or a local court may declare a dog as menacing if it:

- has **displayed unreasonable aggression** towards a person or animal,
- has **attacked a person or animal without causing serious injury or death**, or
- has been declared a menacing dog under a law of another State or a Territory that corresponds with the Act.

I have a dog to guard my house. Is it dangerous or menacing?

Provided your dog does not become a danger to other people or animals, (including displaying unreasonable aggression), it is ok to have a dog to protect your home. Special provisions apply to static guard dogs and at no time is it acceptable to hold an attack trained dog within the Federation Council.

What must I do if I have received a Notice of Intention to declare my dog to be a dangerous or menacing dog from Council?

Owners have 7 days from the date of issue of the Notice of Intention to lodge an objection with Council. Owners may provide evidence in support of an objection which may include a behavioural assessment from a professional behavioural assessor and must be considered by Council.

Note: Sections 36(3)(b) and 58B(4)(b) of the Act authorise an officer to seize a dog that is subject to a Notice of Intention to declare the dog to be a dangerous, menacing or restricted dog, provided the dog is not microchipped and lifetime registered at the time the Notice of Intention is issued, regardless of whether or not the 7 day compliance period has expired.

Federation Council aims to have a community that is well educated and proactively engaged in the cessation of dangerous and menacing dog incidents. Council will use due diligence when enforcing the provisions of the Act following any reports of a dangerous or menacing dog incident. Failure to comply with these requirements, may result in a penalty notice being issued and imprisonment. In addition to this, your dog may, under certain circumstances, be seized and destroyed.

To locate a professional behavioural assessor contact your local Vet or refer to your local Yellow Pages.

I have evidence that a dog is dangerous or menacing. What should I do?

Notify Federation Council.

What control requirements must I comply with as the owner of a declared dangerous dog?

If you own a dog that has been declared dangerous, you must ensure that:

- your dog is micro-chipped and lifetime registered.
- your dog is de-sexed (or permanently sterilized).
- your dog is not, left in the sole charge of a person under 18 years of age.
- your dog is contained in an enclosure that meets the requirements of **clause 24 of the Companion Animals Regulation 2008**.
- you obtain a certificate of compliance from Federation Shire, certifying that the enclosure meets the regulatory requirements.
- you prominently display dangerous dog warning signs.
- your dog wears a prescribed collar at all times.
- your dog wears a muzzle and is securely leashed whenever it is outside the enclosure where it is ordinarily kept. Note: If your dog has been declared as a dangerous dog because it is being kept or used for hunting, it is exempt from the requirements to be muzzled and securely leashed when outside the enclosure where ordinarily kept only when it is hunting.
- you notify the local council for the area in which you intend to keep your dog, if this council area is different to the council area where your dog was kept when it was declared dangerous.
- you notify Federation Council immediately;
 - if the address or location at which your dog is ordinarily kept changes
 - if your dog, attacks or injures a person or animal, other than vermin (within 24 hours).
 - if your dog cannot be found (notify within 24 hours)
 - if your dog dies (must notify as soon as practicable).
- you do not transfer ownership of your dog. It is an offence to accept ownership of a dangerous dog;
- you do not attempt to sell or give away your dog. It is also an offence to sell, advertise for sale, give away or transfer ownership of a proposed dangerous or menacing dog.

What control requirements must I comply with as the owner of a declared menacing dog?

The same control requirements apply to a declared menacing dog as those which apply to a declared dangerous dog, with the exception of the enclosure requirement, which is as follows for a **declared menacing dog**:

During any period that the menacing dog is on property on which the dog is ordinarily kept, and is not under the effective control of a person of or above the age of 18 years, the dog must be enclosed in a manner that is sufficient to restrain the dog and prevent a child from having access to the dog.

What if I fail to meet the appropriate control requirements?

Council encourages owners to advise them if they are having difficulty complying with the Act. Council Officers will provide guidance and support on matters concerning owners. Failure to meet the appropriate control requirements for proposed dangerous or menacing dogs, may impact on the safety of the community. Owners may be issued with a penalty notice. Penalties range from \$5,500 up to \$77,000 and up to 5 years imprisonment for offences related to Dangerous and Menacing dogs.

For more information contact Federation Council.