

DANGEROUS OR MENACING DOGS

A Dog can be declared Dangerous or Menacing:

The local government can declare a dog dangerous or menacing under the *Animal Managements (Cats and Dogs) Act 2008*

Part 4 Regulated dog declarations

89 Power to make declaration

- 1) Any local government may, by complying with the requirements of this part—
 - a) declare a particular dog to be a declared dangerous dog (a **dangerous dog declaration**); or
 - b) declare a particular dog to be a declared menacing dog (a **menacing dog declaration**); or
 - c) declare a particular dog to be a restricted dog (a **restricted dog declaration**).
- 2) A dangerous dog declaration may be made for a dog only if the dog—
 - a) has seriously attacked, or acted in a way that caused fear to, a person or another animal; or
 - b) may, in the opinion of an authorised person having regard to the way the dog has behaved towards a person or another animal, seriously attack, or act in a way that causes fear to, the person or animal.
- 3) A menacing dog declaration may be made for a dog only if a ground mentioned in subsection (2) exists for the dog, except that the attack was not serious.
- 4) A restricted dog declaration may be made for a dog only if the local government is satisfied the dog is of a breed mentioned in [section 63](#)(1).
- 5) The declaration may be made even if the dog is not in the local government's area.
- 6) A declaration under this section is a **regulated dog declaration**.
- 7) In this section— **seriously attack** means to attack in a way causing bodily harm, grievous bodily harm or death.

How was your dog able to attack or cause fear?

Was your dog off leash when it attacked or caused fear?

Douglas Shire Council Local Law No. 2 (Animal Management) 2020

Part 3 Control of animals

Division 1 Animals in public places

12 Control of animals in public places¹¹

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
 - a) unless the animal is under the effective control of someone; and
 - b) if the animal is a declared dangerous animal¹²—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

Did your dog escape from your yard?

Division 2 Restraint of animals

14 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.
- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.
- (3) The owner of the animal must ensure that it is not wandering at large.

Schedule A – Obligations of owner while proposed declaration notice is in force

1. Mandatory Conditions
When in a public place a proposed regulated dog must be – <ol style="list-style-type: none">1. Muzzled; and2. Under the effective control of someone who has the control of no more than 1 dog at the same time

Schedule B – Requirements for keeping declared menacing dog

1. Mandatory conditions
<ol style="list-style-type: none">1. The dog must be implanted with a Prescribed Permanent Implantation Device (PPID).2. The dog must, at all times, wear a collar with an attached identifying tag. The tag must:<ul style="list-style-type: none">• be made of metal or plastic• be in the shape of a disc• have a yellow background• be at least 25mm in diameter• be engraved with the words 'Regulated Dog' and a 24 hour contact telephone number for the owner or responsible person for the dog.3. In a public place and must be under the effective control of someone who has the control of no more than 1 dog at the same time.4. An enclosure for the dog must be maintained at or on the address in the registration notice for the dog and must be childproof and stop the dog from leaving the enclosure. The enclosure must:<ul style="list-style-type: none">• allow access to the front entrance of the house so that a member of the public seeking access to the front entrance does not have to enter the enclosure• be at least 10m² and must not include any area that is a swimming pool or area surrounding a swimming pool or all or part of a building usually used for residential purposes• have walls at least 1m high above ground level if the dog is 8kg or less or walls at least 1.8m high above ground level if the dog is more than 8kg• consist of firm and strong materials with walls designed to prevent children from climbing into the enclosure. The walls may include a perimeter fence for the relevant place or an exterior wall of a structure if it complies with all other requirements of the enclosure.• include a weatherproof sheltered area appropriate for the dog• include a gate which must be childproof, self-closing and self-latching; and comply with the requirements for the enclosure and which must not be a vehicle access gateThe enclosure may have another gate that is not self-closing and self-latching if it is not a vehicle gate, complies with requirements for the enclosure and is kept securely locked whenever it is not in immediate use.5. A sign/notice must be placed at or near each entrance to the place where the dog is usually kept notifying the public that a regulated dog is kept there and must:<ul style="list-style-type: none">• be at least 360mm in height and 260mm in width• consist of firm and strong materials with a yellow background and black border• contain the following information — 'BEWARE—MENACING DOG' and 'declared under the <i>Animal Management (Cats and Dogs) Act 2008</i>, chapter 4'. The sign must be indelible, legible, printed in black with the wording 'BEWARE—MENACING DOG' approximately 50mm in height and the remainder of the sign's content approximately 15mm in height.6. The dog must not be usually kept at a place other than the place stated in the registration notice as the address for the dog.7. The owner must advise the local government of any change in their residential address within 7 days after making the change. If the new residential address is in another local government area, the permit holder must also give notice to the other local government.

Schedule C – Requirements for keeping declared dangerous dog

1. Dog must be desexed
If the dog is not desexed the owner must ensure the dog is desexed within 3 months of the date the dog is declared a dangerous dog
2. Mandatory conditions
<ol style="list-style-type: none">1. The dog must be implanted with a Prescribed Permanent Implantation Device (PPID).2. The dog must, at all times, wear a collar with an attached identifying tag. The tag must:<ul style="list-style-type: none">• be made of metal or plastic• be in the shape of a disc• have a yellow background• be at least 25mm in diameter• be engraved with the words 'Regulated Dog' and a 24 hour contact telephone number for the owner or responsible person for the dog.3. The dog must be muzzled in a public place and must be under the effective control of someone who has the control of no more than 1 dog at the same time.4. An enclosure for the dog must be maintained at or on the address in the registration notice for the dog and must be childproof and stop the dog from leaving the enclosure. The enclosure must:<ul style="list-style-type: none">• allow access to the front entrance of the house so that a member of the public seeking access to the front entrance does not have to enter the enclosure• be at least 10m² and must not include any area that is a swimming pool or area surrounding a swimming pool or all or part of a building usually used for residential purposes• have walls at least 1m high above ground level if the dog is 8kg or less or walls at least 1.8m high above ground level if the dog is more than 8kg• consist of firm and strong materials with walls designed to prevent children from climbing into the enclosure. The walls may include a perimeter fence for the relevant place or an exterior wall of a structure if it complies with all other requirements of the enclosure.• include a weatherproof sheltered area appropriate for the dog• include a gate which must be childproof, self-closing and self-latching; and comply with the requirements for the enclosure and which must not be a vehicle access gateThe enclosure may have another gate that is not self-closing and self-latching if it is not a vehicle gate, complies with requirements for the enclosure and is kept securely locked whenever it is not in immediate use.5. A sign/notice must be placed at or near each entrance to the place where the dog is usually kept notifying the public that a regulated dog is kept there and must:<ul style="list-style-type: none">• be at least 360mm in height and 260mm in width• consist of firm and strong materials with a yellow background and black border• contain the following information — 'BEWARE— MENACING DOG' and 'declared under the <i>Animal Management (Cats and Dogs) Act 2008</i>, chapter 4'. The sign must be indelible, legible, printed in black with the wording 'BEWARE— MENACING DOG' approximately 50mm in height and the remainder of the sign's content approximately 15mm in height.6. The dog must not be usually kept at a place other than the place stated in the registration notice as the address for the dog.7. The owner must advise the local government of any change in their residential address within 7 days after making the change. If the new residential address is in another local government area, the permit holder must also give notice to the other local government.