

# Things you should know - declared dangerous dogs

The *Domestic Animals Act 1994* empowers councils to declare a dog to be 'dangerous' if the dog has caused serious injury or death to a person or animal, if the dog is a menacing dog and its owner has received at least 2 infringement notices for failing to comply with restraint requirements, if the dog has been declared dangerous under corresponding legislation in another State/Territory, or for any other reason prescribed.

Serious injury to a person or animal is an injury requiring medical or veterinary attention in the nature of a broken bone, a laceration, the total or partial loss of sensation or function in a part of the body, or an injury requiring cosmetic surgery.

## Declared dangerous dogs

A dangerous dog declaration has effect throughout Victoria, and it cannot be revoked, amended or otherwise altered.

A dog that is kept for the purpose of guarding non-residential premises, or a dog that has been trained to attack or bite any person or any thing when attached to or worn by a person, is automatically a dangerous dog under the *Domestic Animals Act 1994*.

This information does not apply to guard dogs on non-residential premises – for specific information on these dogs refer to the brochure "Things you should know about guard dogs on non-residential premises".

## Penalties for failing to comply with dangerous dog laws

In a second Bill to parliament September 2011, the Government introduced additional laws governing the keeping of Dangerous dogs.

Owners of:

- restricted breed dogs (both registered and unregistered);
- dangerous dogs declared due to attack;
- attack trained dogs;
- guard dogs; and
- declared menacing dogs;

can be jailed for up to 10 years, or for up to 5 years if their dog endangers someone's life, under the *Crimes Act 1958*.

Penalties for failing to comply with the keeping requirements for a dangerous dog in relation to:

- notification of where the dog is housed
- enclosure requirements, and
- requirements for wearing a collar and being kept on a lead and muzzled when off their property

can be imposed on owners.

Where the owner of a dog is under the age of 18 years, the parent or guardian of that owner will be deemed the legal owner of the dog and subject to any penalties/prosecutions.

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## Requirements for keeping declared dangerous dogs

Owners of dangerous dogs have imposed on them a series of obligations to make sure that members of the public are not attacked by such a dog. There are penalties for non-compliance. This document provides an overview of the requirements relating to dangerous dog provisions in the Act and the prescribed requirements in the Domestic Animals Regulations 2005.

### Microchip identification

The owner of the dog must ensure that the animal is implanted with an ISO microchip in accordance with the Regulations (unless already microchipped prior to 20 May 2003).

This microchip identification number, along with other information as specified in the Regulations, must be supplied to the council with which the dog is registered within 7 days of the dog being microchipped.

### Desexing

As of 10 April 2006, it is a requirement to desex all dangerous dogs that have been declared due to attack. Newly declared dogs (due to attack) must be immediately desexed unless the owner obtains a certificate from a veterinarian stating the dog cannot be desexed for health reasons.

### Collar

Whilst a microchip is a permanent form of identification it is not visible. Dangerous dogs must also wear a prescribed collar at all times.

The collar is specially designed to be visible from a distance and is reflective at night. This means that at all times, whether on the owner's property or not, a dangerous dog can be recognised from a distance, warning a person of the potential danger of the dog.

Collars for dangerous dogs must:

- consist of red stripes alternately spaced with yellow stripes each being of a width of 25 mm and set diagonal to the rim of the collar at an angle of 45 degrees

- at least one of the two colours reflect light in the dark
- be made of durable materials
- be able to be securely fastened
- have a minimum width of:
  - 25 mm for a dog weighing less than 20 kgs
  - 40 mm for a dog weighing between 20 kgs and 40 kgs
  - 50 mm for a dog weighing more than 40 kg.



Figure 1. Example of a Declared Dangerous Dog collar

### Signs

It is important for a person with a valid reason to enter the premises (e.g. emergency services personnel) to know a dangerous dog is present. The owner of a dangerous dog must display prescribed warning signs at all entrances to the premises where the dog is kept warning people that a dangerous dog is kept on the premises.

This warning sign must:

- be square with sides of at least 40 cm
- be made of durable metal
- have at least one colour that is reflective
- comply with the Domestic Animals Regulations 2005.

For details of suppliers of dangerous dog warning signs, contact your local council, or phone the DEPI Customer Service Centre on 136 186.

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Figure 2. Example of a warning sign

## Housing

When indoors or in an outdoor enclosure, the dog must be housed in such a way that it cannot escape, and that prevents it from injuring visitors to the premises. The dwelling and enclosure must both be constructed in such a manner that a person cannot have access to them without the assistance of an occupier of the premises who is of or over 18 years of age. The owner must also ensure there is an outdoor enclosure that must:

- be fully enclosed
- have a weatherproof sleeping area
- have a minimum floor area of ten square metres per dangerous dog
- have a minimum height of 1.8 metres
- have a minimum width of 1.8 metres
- contain walls, a floor, a drain, a roof and a gate which comply with the detail below.

The walls of the enclosure must be fixed to the floor or constructed to be no more than 50 mm from the floor.

The walls, roof and gate of the enclosure must be constructed of:

- brick, timber, iron or similar solid materials
- chain mesh manufactured from 3.15 mm wire to form a uniform 50 mm mesh or weldmesh manufactured from 4 mm wire with a maximum mesh spacing of 50 mm.

A combination of the above may be acceptable. The mesh size and construction detail is specified so that the enclosure will be escape proof and so that people, particularly small children, cannot fit body parts such as hands into the enclosure with the dog.

The floor of the enclosure must be constructed of sealed concrete and be graded to a drain for the removal of effluent.

The gate on the enclosure must contain a lock and it is a requirement that the enclosure is kept securely locked when the dog is in the pen.

## Restraint

A dangerous dog must be muzzled and on a lead whilst it is outside the owner's dwelling and the dog's enclosure.

## Dangerous dogs found at large

If a dog that has previously been declared as a dangerous dog (due to attack) is found wandering at large, it can be seized and impounded, and euthanased after 24 hours. Owners must contact the council within 24 hours of impoundment if they wish to prove there were mitigating circumstances for the dog being at large (if this can be proven, the owner may be able to reclaim the dog).

## Notification

The owner of a dangerous dog must notify the Council within 24 hours if:

- the dog is missing
- the ownership of the dog changes
- the owner's address changes
- the place where the dog is kept changes.

This keeps the Council informed of the location of dangerous dogs at all times. The Council will inspect the premises to ensure the Regulations are being adhered to.

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Councils have the power to charge higher registration fees for dangerous dogs that have been declared due to attack, than the standard maximum pet registration fees.

The Domestic Animals Regulations 2005 provide for and ensure a state-wide standard relating to the management of dangerous dogs. The uniform identification of dangerous dogs, and the identification of premises where they live is important for easy identification of these dogs.

It is also vital for effective state-wide education programs, directed particularly at children.

## Further Information

The *Domestic Animals Act 1994* is State legislation which is enforced by Municipal Councils.

The *Domestic Animals Act 1994* and Domestic Animals Regulations 2005 are available online at [www.depi.vic.gov.au/animalwelfare](http://www.depi.vic.gov.au/animalwelfare) or hard copies (at a cost) from Information Victoria, 505 Little Collins Street, Melbourne, phone 1300 366 356.

To access more information about domestic animal control and animal welfare in Victoria, visit the DEPI website at [www.depi.vic.gov.au/animalwelfare](http://www.depi.vic.gov.au/animalwelfare)

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