

Enclosure requirements for restricted and dangerous dogs as prescribed by the regulations

Section 28 of the Companion Animals Regulation 1999 requires the enclosure:

- To be fully enclosed, constructed and maintained so that the dog cannot escape under, over or through the enclosure.
- To be constructed so that a person cannot have access to it without the assistance of an occupier of the property who is above the age of 16 years.
- To be designed to prevent children from having access to the enclosure.
- Not be located on the property in such a way that people are required to pass through the enclosure to gain access to other parts of the property.
- To have a minimum height and width of 1.8 metres.
- To have an area of not less than 10 square metres for each dangerous or restricted dog kept on the property.
- To have walls that are fixed to the floor and constructed to be no more than 50 mm from the floor.
- To have walls, a fixed covering and a gate that are constructed of brick, timber, iron or similar solid materials, or chain mesh manufactured from at least 3.15 mm wire or weldmesh manufactured from at least 4 mm wire with a maximum mesh spacing of 50 mm, or a combination.
- Have a floor that is constructed of sealed concrete and graded to fall to a drain for the removal of effluent.
- To provide a weatherproof sleeping area.

Owners of restricted dogs and those dogs declared dangerous are to comply with the prescribed enclosure requirements within 3 months from date of the declaration and must obtain a compliance certificate for the enclosure from council.

For further explanation of these requirements see sections 51 and 56 of the Companion Animals Act 1998 and Clause 28 of the Companion Animals Regulation 1999 or contact your local council.

The legislation can be viewed online at www.legislation.nsw.gov.au

Failure to comply can result in heavy fines to the owner of the dog.

Offence under Companion Animals Act 1998	Imprisonment provision (max penalty)	Maximum Penalty amount
Restricted or dangerous dog attacks/harasses/chases person or animal	No	\$33,000
Restricted or dangerous dog attacks or bites a person due to failure to comply with control requirements	2 years (and possible immediate destruction of dog)	\$55,000
Restricted or dangerous dog attacks or bites a person and has previously attacked	2 years (and possible immediate destruction of dog)	\$22,000
Fail to comply with control requirements for restricted or dangerous dog	No	\$16,500
Sell or advertise restricted dog	No	\$16,500
Accept ownership of restricted dog	No	\$16,500
Breed or advertise available to breed restricted dog	No	\$16,500
Dangerous or restricted dog encouraged to attack	6 months	\$11,000

For more information

Contact your local NSW council or visit www.dlg.nsw.gov.au



Bega Valley Shire Council

Bega Valley Shire Council
Zingel Place Bega
Phone (02) 6499 2222
www.begavalley.nsw.gov.au

THE INFORMATION CONTAINED IN THIS BROCHURE IS NOT INTENDED TO BE COMPREHENSIVE, COMPLETE OR TO CONSTITUTE LEGAL ADVICE. WHILE ITS CONTENT IS CORRECT AT THE TIME OF PUBLICATION, CHANGES TO THE COMPANION ANIMALS ACT AFTER THIS DATE MAY IMPACT UPON THE ACCURACY OF THE INFORMATION PRESENTED.

AS SUCH, THIS BROCHURE IS FOR GENERAL INFORMATION ONLY, AND SHOULD NOT SUBSTITUTE PROFESSIONAL ADVICE OR YOUR OWN LEGAL INQUIRIES AS TO THE APPLICATION OF THE COMPANION ANIMALS LAW IN RELATION TO ANY MATTER.

ISBN 1 920766 49 9

©Department of Local Government, June 2007

Produced by [gildadesign](http://gildadesign.com) for the Department of Local Government



Restricted and Dangerous Dogs in NSW

What Owners of Restricted and Dangerous Dogs in NSW Need to Know

Changes to the Companion Animals legislation introduced increased control provisions for restricted and declared dangerous dogs as well as higher penalties for non-compliance. This may include the seizure and destruction of a dog in certain circumstances.

This brochure outlines responsibilities under the Companion Animals Act 1998 (the Act) and the Companion Animals Regulation 1999 for the owners of restricted and dangerous dogs.

Along with greater responsibilities for owners of restricted and dangerous dogs, local councils have a general duty under the Act to take such steps as necessary to ensure they are aware of the existence of all dangerous and restricted dogs that are ordinarily kept in their areas.

Officers authorised under the Act have the power to seize a restricted or dangerous dog if the officer is satisfied that any of the control requirements have not been complied with in relation to the dog. Council law enforcement officers and police apply these requirements.

Owners of restricted and dangerous dogs must notify **the council in the area where the dog is usually kept** within 24 hours if:

- The dog has attacked or injured a person or animal;
- The animal cannot be found;
- The animal has died;
- The owner details change;
- The dog is being kept at a different address in the area of the council
- The dog is being kept outside the council area.

Restricted Dogs

It is an offence in New South Wales to sell, acquire or breed dogs on the restricted dog list.

Restricted dogs in NSW are as follows:

- (a) American pitbull terrier or Pitbull terrier;
- (b) Japanese tosa;
- (c) Dogo Argentino (Argentinean fighting dog);
- (d) Fila Brasileiro (Brazilian fighting dog);
- (d1) Any other dog of a breed, kind or description whose importation into the Australia is prohibited by or under the Customs Act 1901 of the Commonwealth;
- (e) Any dog declared by a council under Division 6 of the Act to be a restricted dog^{##};

- (f) Any other dog of a breed, kind or description prescribed the Regulations for the purposes of this section.

##Council declared restricted dog refers to any dog where the council is of the opinion that a dog is of a breed or kind of dog on the restricted dog list or a cross-breed of any such breed or kind of dog.

Council declared restricted dogs

If a council issues a dog owner with a 'Notice of Intention to Declare a Dog to be a Restricted Dog' under Division 6, the owner has 28 days in which to complete the process where they may elect to have the dog's breed and temperament assessed. If you receive such a notice you should contact your local council for further information. **Please note: this process does not apply to Declared Dangerous Dogs.**

Dangerous Dogs

A dog is "dangerous" if it has, without provocation attacked or killed a person or animal, or, repeatedly threatened to attack or repeatedly chased a person or animal.

A dog may also be declared "dangerous" if it has displayed unreasonable aggression towards a person or animal.

"Dangerous dogs" in NSW are dogs that are the subject of a declaration made by a council or a court under the Act.

Council must have given notice to the owner of a dog of the council's intention to declare the dog to be dangerous.

Owner responsibilities

The owner of a restricted or declared dangerous dog must ensure that each of the control requirements listed under sections 51 and 56 of the Act and the relevant parts of the Regulation are complied with. Council can advise you of these requirements in full.

All restricted and dangerous dogs must by law be desexed.

It is an offence to sell or give away a dangerous or restricted dog or sell or give away a dog subject to a notice of intention to declare dangerous or restricted.

The dog must not at any time be in the sole charge of a person under 18 years of age.

While the dog is on the property on which the dog is ordinarily kept, the dog must be kept in an enclosure that complies with the requirements prescribed by the regulations (see over page).

Warning Signs

One or more signs must be clearly displayed on the property showing the words "Warning Dangerous Dog" in letters clearly visible from the boundaries of the property.

Whenever the dog is outside its prescribed enclosure, the dog:

- Must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and held by (or secured to) the person.
- Must be muzzled in a manner that is sufficient to prevent it from biting any animal or person.

Collar

Dangerous and restricted dogs must at all times wear a distinctive red and yellow striped collar of the prescribed design. Council can advise you of suppliers.

Failure to comply

An owner can be issued with a fixed penalty notice of \$1320 for failure to comply with any of the above control requirements. A maximum penalty of \$55,000 or two years imprisonment or both can be applied if a dangerous or restricted dog attacks or bites another person or if an incident is the result of the owner's failure to comply with any one of the control requirements of sections 51 or 56 of the Act. Dependent on the circumstances, these offences may also result in the seizure and destruction of a dog.

Restricted dog owners need to know that their dog(s) may be seized and destroyed in the following circumstances:

- If an authorised officer is satisfied that any of the control requirements outlined in section 56 of the Act have not been complied with.
- If the dog becomes a restricted dog because of a declaration by an authorised officer. Seizure and destruction may occur regardless of whether the requirements of section 56 of the Act have been, or are capable of being complied with in relation to the dog.