

Conditions for keeping a declared menacing dog



Dedicated to a better Brisbane

Animal Management (Cats and Dogs) Act 2008 (the Act)

Animal Management (Cats & Dogs) Regulation 2019 (the Regulation)

Condition 1 – Identification (the Act, Schedule 1, Section 2 and Section 2A)

- a) The dog must be implanted with a Prescribed Permanent Implantation Device (PPID).
- b) At all times, the dog must wear the *distinctive collar* with the regulated dog *identifying tag* provided by Council.

Distinctive collars

Replacement collars may be purchased from Council.

The distinctive collar must:

- Be made of a durable material
- Have a buckle or other fastener to securely attach the collar to the dog
- have diagonal stripes at an angle of 45 degrees that are at least 25mm wide and alternatively coloured red and yellow. At least one stripe being reflective and visible in low light.

Identifying tags

The identifying tag must be attached to the dogs collar at all times. Replacement identifying tags are provided free of charge upon request.

Condition 2 – Enclosure (the Act, Schedule 1, Section 4 and the Regulation, Section 10)

- a) An enclosure for the dog must be maintained at or on the address stated in the registration notice for the dog.
- b) The dog must, unless there is a reasonable excuse, be usually kept in the enclosure.
- c) The enclosure must:
 - i) be childproof
 - ii) stop the dog from leaving the enclosure
 - iii) not be built or situated in a way that would require a member of the public seeking access to the front entrance of a dwelling to go into the area enclosed for the dog
 - iv) not include any area that is
 - a swimming pool, area surrounding a swimming pool; or
 - all or part of a building usually used for residential purposes
 - v) have walls that:
 - are at least 1m high above ground level if the dog weighs 8kg or less; or
 - are at least 1.8m high above ground level if the dog weighs more than 8kg

- consist of firm and strong materials designed to:
 - prevent a child from climbing over, under or through the walls into the enclosure; and
 - prevent the dog, or part of the dog, from protruding over, under or through the enclosure

Note: if the walls include a perimeter fence or an exterior wall of a structure, the perimeter fence and exterior wall must comply with the requirements for the enclosure walls;

- vi) include a gate that:
 - is childproof, self-closing and self-latching; and
 - complies with all other requirements for the enclosure.
 - Another gate that is not self-closing and self-latching may be included, provided it:
 - is not a driveway gate or other vehicle entry gate; and
 - complies with all other requirements identified within this condition; and
 - is kept securely locked whenever it is not in immediate use
- vii) include a weatherproof sheltered area appropriate for the dog

Condition 3 – Public Notice (the Act, Schedule 1, Section 5 and the Regulation, Section 11 and Section 12)

- a) A sign must be placed at or near each entrance of the address stated in the registration notice for the dog, notifying the public that a regulated dog is kept at the place.
- b) The sign must:
 - i) consist of firm and strong materials; and
 - ii) have a yellow background and black border; and
 - iii) be at least 360mm high and at least 260mm wide; and
 - iv) contain the following legible and permanent wording in black:
 - BEWARE – MENACING DOG (as at least 50mm high lettering); and
 - ‘declared under the *Animal Management (Cats and Dogs) Act 2008*, Chapter 4’ (as at least 15mm high lettering)

Note: Council will provide owners of with one sign that complies with the legislative requirements. The dog owner is responsible for obtaining additional signs, should the property have more than one entrance or if the sign issued by Council becomes lost, stolen or damaged. Additional or replacement signs can be purchased from Council.

Condition 4 – Place where the dog is usually be kept (the Act, Schedule 1; Section 6)

- a) 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.

Condition 5 – Notice of change of address (the Act, Schedule 1, Section 8)

- a) The owner of the declared menacing dog must advise Brisbane City Council of any change in residential address within 7 days after making the change. If the owner's new residential address is in another local government area, the owner must also give notice to the other local government.

Note: In accordance with Section 98 of the Act, failure to comply with the conditions imposed for keeping a declared menacing dog may result in a Maximum Penalty of up to 150 penalty units being imposed.

ADDITIONAL LEGISLATIVE REQUIREMENTS

In addition to the conditions for keeping a declared menacing dog, you must comply with the following requirements under the Act:

1. Dog Registration (the Act, Section 44 and Section 57)

- a) The owner or person who becomes an owner of a dog, must register the dog within 14 days of starting to keep the dog

Maximum penalty for non-compliance is 20 penalty units

- b) The owner of a dog must, before the period of registration for the dog expires:
 - give the local government notice of any changes
 - pay the registration fee for the dog

Maximum penalty for non-compliance is 20 penalty units

2. Prohibition on Supply of the Dog (the Act, Section 67)

- a) The declared menacing dog or proposed menacing dog must not be supplied to another person, unless:
 - the other person is given a notice stating that the dog is a regulated dog or a proposed declared dog, as the case may be, or
 - there is a reasonable excuse.

Supply includes doing any of the following things, if doing the thing affects possession of the dog, other than the mere temporary custody of it:

- exchange, give away or sell;
- offer or agree to supply;
- cause or permit a supply; or
- possess for supply.

Maximum penalty for non-compliance is 150 penalty units.

3. Abandoning a declared dog (the Act, Section 68)

- a) The declared dog must not be left for an unreasonable period, having regard to community health and safety, unless there is a reasonable excuse.

Maximum penalty for non-compliance is 300 penalty units.

4. Effective control (the Act, Section 193)

- a) When the regulated dog is away from its registered address, a person must have it under effective control.

A relevant person for a dog that is a regulated dog exercises *effective control* of the dog if all of the following apply:

- the person is physically able to control the dog; and
 - the person is in control of only that dog; and
 - either:
 - the person is restraining the dog by holding the dog by a leash, lead or other restraining device that is appropriate to restrain the dog in a way that ensures the dog is not a risk to a person or an animal; or
 - the dog is securely tethered to a fixed object in a way that ensures the dog is not a risk to a person or an animal and is under the continuous supervision of the person; or
- b) the dog is being kept in an enclosed part of a vehicle and is enclosed or restrained in a way that prevents the dog, or any part of the dog, moving outside the enclosed part of the vehicle; or
- c) the dog is participating in, or being exhibited or trained at, an exhibition, race meeting, race trial or obedience trial supervised by a body that is:
- recognised by the State as an appropriate body to supervise the exhibition, meeting or trial and published on the department's website; or
 - recognised by the local government in whose local government area the exhibition, meeting or trial is held as an appropriate body to supervise the exhibition, meeting or trial and published on the local government's website.

ADVICE

Muzzling

Council highly recommends that a muzzle is utilised at all times in public places (i.e. when you are walking your dog or taking it to a dog off leash park) to prevent any future incidents from occurring.

Desexing

All desexed dogs in Brisbane are provided a discount on their annual dog registration fees. To receive the discounted registration fees, you must provide proof of desexing (i.e. a veterinary certificate) to Brisbane City Council. The certificate can be emailed to AnimalServices@brisbane.qld.gov.au with 'desexing certificate – [[COMP_ACTION_REF]]' in the subject line of your email.

Collars

Replacement collars are available for purchase from Council. Phone Council's 24-hour Customer Contact Centre on 3403 8888 to request a replacement collar.

Tags

Replacement regulated dog tags are available from Council free of charge. Phone Council's 24-hour Customer Contact Centre on 3403 8888 to request a replacement tag.

Signs

Replacement menacing dog signs are available for purchase from Council. Phone Council's 24-hour Customer Contact Centre on 3403 8888 to request a replacement sign.