

Control of dangerous dogs

(adopted 01/08/08)

1 Definition of a dangerous dog

- 1.1 RSPCA Australia defines a dangerous dog as any dog which aggressively attacks a person or other animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death.
- 1.2 Exceptions to this definition should be considered where a dog has been clearly provoked into attacking a human or other animal in self-defence, defence of a human or their property, or where a dog kept as a companion animal instinctively attacks an animal normally considered as prey.

2 Breed

- 2.1 RSPCA Australia considers that any dog of any size, breed or mixture of breeds may be dangerous and thus dogs should not be declared dangerous on the basis of breed.
- 2.2 However, it is recognised that there is a strong genetic component in a dog's propensity for aggressive behaviour, their trigger point for aggression and their capacity to inflict serious injury. These factors should be taken into consideration when choosing a suitable dog and in their subsequent socialisation and training.

3 Responsibility

Responsibility for the behaviour of a dog rests with the owner. This principle is firmly established in existing Dog Acts (or their equivalent).

4 Legislation

Provisions for the control of dangerous dogs should be incorporated into existing Dog Acts (or their equivalent). As these provisions will be administered by local government officers it is important that the legislation is drawn in such a way as to provide simple straightforward definitions, direction and courses of action. Local government officers should be provided with sufficient support, training and information to allow them to administer such legislation in a fair and appropriate manner.

5 Declaration of a dangerous dog

- 5.1 Declaration of a dangerous dog should be made by the relevant municipal authority on the basis of known behaviour of the dog in accordance with the above definition. A statutory declaration supported by appropriate evidence of the dog's behaviour is the minimum required to initiate the declaration of a dangerous dog.

- 5.2 Written notification must be provided to the owner of the intention to declare a dog as dangerous, setting out the reasons for the decision and terms of the proposed declaration.
- 5.3 Where an owner objects to such a declaration they must be given the opportunity to appeal the decision within a reasonable time (minimum of 28 days). A range of evidence such as veterinary reports, independent behavioural assessments, statements from community members, police etc may be submitted to support such an appeal.

7 Management of declared dangerous dogs

7.1 Identification

All declared dangerous dogs must be permanently identified by microchip (see policy statement **A6.3**). In addition all declared dangerous dogs must wear an approved collar which is coloured in such a way as to clearly indicate to an observer that the dog has been declared dangerous. All access points to a property on which a declared dangerous dog is confined must also be marked by an approved sign which clearly indicates to all adults and children that a declared dangerous dog is on the property.

7.2 Registry

All declared dangerous dogs must be registered with a specific national registry.

7.3 Control

All declared dangerous dogs in public places must be under effective physical control via an appropriate leash and be required to wear an effective (properly fitted) muzzle.

7.4 Desexing

All declared dangerous dogs must be desexed.

7.5 Confinement

- a When on its owner's property, a declared dangerous dog must be maintained in an escape-proof enclosure or indoors.
- b Where a declared dangerous dog is held in an enclosure, it must be of adequate size to provide the opportunity for the dog to move freely about and must contain appropriate shelter, enrichment, and accommodation. The enclosure should be sited near the owner's house to enable direct access to the enclosure and for the confined dog to be visible from the house at all times.
- c Declared dangerous dogs should be given the same provision for regular exercise as other dogs (see policy statement **A7.6**).

7.6 Notification

When an owner of a declared dangerous dog moves residence/locality they must notify the municipal authorities at the previous and new locations, or, if the move is within the resident municipality, the change of address must be notified.

7.7 Right of property access

Local government officers should have right of access to residential properties on which a declared dangerous dog is confined for the purpose of ensuring that all legislative requirements are being met by the owner.

8 Importation of dogs to Australia

The importation of dogs to Australia must comply with the *Customs (Prohibited Imports) Regulations 1956*. If a dog being held in quarantine is considered by an experienced animal handler to be exhibiting behaviour indicative of a dangerous dog, then the dog must be submitted to a comprehensive behavioural examination by a qualified behavioural specialist whilst in quarantine. If the dog fails such an examination the owner should be given the options of returning the dog to the country of origin or euthanasia.

9 Menacing dogs

9.1 The category of 'menacing dog', may be used in legislation to apply to dogs that have repeatedly exhibited threatening behaviour (such as rushing at or chasing a person without provocation), but do not meet the definition of a dangerous dog.

9.2 Declaration of a dog as a 'menacing dog' must be subject to the same process and opportunity for appeal as that specified for a dangerous dog (see section 5).

9.3 All declared menacing dogs in public places should be required to be under effective control via an appropriate leash. Declared menacing dogs should not be subject to the additional restrictions placed upon declared dangerous dogs other than being confined on their owner's property such that they cannot continue to pose a threat.

9.4 Declared menacing dogs should be required to undergo behavioural consultation with a qualified behavioural specialist to prevent their behaviour from escalating to that of a dangerous dog.

See also - Policy A7 Dog management