

How do I know if my dog is a restricted dog? What provisions apply to restricted dogs?

It is an offence in New South Wales under the under the Companion Animals Act 1998 to sell, acquire or breed dogs on the restricted dog list as follows:

- American pit bull terrier or pit bull terrier,
- Japanese tosa,
- Dogo Argentino, (Argentinean fighting dog);
- Fila Brasileiro, (Brazilian fighting dog);
- any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the *Customs Act 1901* of the Commonwealth, or
- Any other dog declared by council under Division 6 of the Act to be a restricted dog or
- Any other dog of a breed, kind or description prescribed by 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.

What to do if you have received a 'Notice of Intention to Declare a Dog to be a Restricted Dog'.

If Federation Council issues a dog owner with a 'Notice of Intention to Declare a Dog to be a Restricted Dog' under Division 6, owners will have 28 days in which to complete the process which may include having the dogs breed and temperament assessed. If you receive such a notice, you are advised to contact Federation Council for further information and guidance.

General responsibilities for owners of restricted dogs

All restricted dogs **must** be de-sexed, micro-chipped and registered by law.

A restricted dog must never be in the sole charge of a person under the age of 18 and 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 that is being held by (or secured to) the person.

All restricted dogs must be muzzled in a manner that is sufficient to prevent it from biting any person or animal.

Restricted dogs must wear a prescribed distinctive red and yellow striped collar at all times.

Owners of restricted dogs must notify Federation Council within 24 hours if:

- the dog has attacked or injured a person or animal
- the dog 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

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 a restricted dog'.

What enclosure requirements must I comply with as the owner of a restricted dog?

When on the property to which it is ordinarily kept, the dog must be kept in an enclosure that complies with the requirements prescribed by the regulations.

The prescribed enclosure requirements under Section 24 of the Act must be complied with within 3 months from the date of declaration and must be certified with a compliance certificate. The enclosure must:

- be fully enclosed, constructed and maintained so that the dog is not able to escape under, over or through the enclosure, and
- 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 18 years, and
- be designed to prevent children from having access to the enclosure, and
- not be located on the property in such a way so that people are required to pass through the enclosure to gain access to other parts of the property, and
- have a minimum height of 1.8 m and width of 1.8 m, and
- have an area of not less than 10 square metres for each dangerous or restricted dog kept on the property, and
- have walls that are fixed to the floor and constructed to be no more than 50 mm from the floor, and
- have walls, a fixed covering and a gate that are constructed of:
 - brick, timber, iron or similar solid materials, or
 - mesh that is manufactured from at least 3.15 mm wire to form a maximum mesh spacing of 50 mm, or weldmesh manufactured from at least 4 mm wire with a maximum mesh spacing of 50 mm or a combination of these materials and
- have a floor that is constructed of sealed concrete and graded to fall to a drain for the removal of effluent, and
- provide a weatherproof sleeping area and
- include a self-closing and self-latching mechanism on the gate and
- be kept locked when the dog is in the enclosure, and
- must display the prescribed warning signs.

What if I fail to meet with the appropriate control requirements?

Failure to comply with the prescribed control requirements can result in heavy fines to the owner and may result in the dog being seized or destroyed.

An owner can be issued with a fixed penalty notice of \$1320 for failure to comply with any of the above control requirements. More serious offences may incur a maximum penalty of \$77,000 and five years' imprisonment.

Authorised officers have the power to seize and destroy a restricted dog if:

- the officer is satisfied that any of the control requirements outlined in Section 56 have not been complied with or
- the dog becomes a restricted dog because of a declaration of an authorised officer 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 or,
- the dog attacks or bites a person or animal (other than vermin) without provocation

For more information or clarification regarding Restricted dogs, please contact Federation Council Officers or visit www.dlg.nsw.gov.au

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