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Information Sheet

The Law and your Dog—A Guide for Owners

Owning a dog can provide great companionship and pleasure, however deciding to become a dog owner also means you take on responsibilities, not only toward the dog to feed, care and exercise it, but to the community in general in the way the dog is controlled and behaves.

Most dog owners are responsible to their pets and to the community. A well loved and trained dog is not likely to become an annoyance to anyone. Unfortunately, a minority neglect their dogs, and as a result, some rules are necessary to ensure that dogs and humans can live in harmony.

The laws relating to dogs are contained in the **Dog And Cat Management Act 1995**, which came into effect in June 1995. Copies of this Act are available from State Information. The **Dog and Cat Management Board** has the principle function of overseeing the administration and enforcement of the Act and assisting and liaising with Local Government and the community to achieve a high standard of quality and consistency in the management of dogs and cats in this State.

PERSON LEGALLY RESPONSIBLE FOR A DOG

Either the actual owner of the dog or a person responsible for the control of the dog can be charged with various offences under this Act. For example, if you are looking after a dog for a period of time you may be responsible for registering the dog, or, if you are simply walking the dog and the dog attacks someone, you could be held legally liable and may have to pay any associated damages.

REGISTRATION

Local Councils keep a register of dogs in the area, and to make sure the register is accurate, **it is compulsory to register dogs when they reach three months of age.**

If a dog over three months is unregistered, the person who owns or is responsible for the control of the dog is guilty of an offence and may be fined. In addition, that person may receive **a further fine**

for every fourteen days that the offence continues.

The registered owner must be a person eighteen years or over, and that person must inform the Council as soon as possible if:

- the dog is moved to different premises
- the dog dies, or is missing for more than 72 hours
- ownership of the dog is transferred to another person

New owners have fourteen days to register a dog, after which time they can be fined if the dog remains unregistered.

The dog **must wear a collar with a registration disc securely attached when in a public place** as a means of identification. It is a good idea to follow the lead of many responsible dog owners who further identify their dogs by adding a telephone number or address.

It is a defence to any charge if it can be proved that the dog had not been wearing a collar because of a medical condition.

Boarding kennels will not have to register unregistered dogs, but must keep records of dogs held. These records must be made available to the Council upon request.

Breeding or training kennels and businesses do not have to register individual dogs, but must pay a total amount to the Council to cover all dogs kept.

DOG MANAGEMENT OFFICERS

A Council must appoint a Dog Management Officer to handle all matters relating to dogs. The Dog Management Officer must carry and produce an identification card if requested. Officers have the power to:

- require a person to produce a dog, or any certificate or records, for inspection
 - require a person they suspect has committed or is about to commit an offence to give their
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full name and address and produce identification

- seize and detain dogs under certain circumstances.

Officers may also enter and inspect (and use such force as is reasonably necessary to gain entry) any place or vehicle, and a warrant may be obtained if permission is denied. **In urgent circumstances a Dog Management Officer can take any steps that he or she believes, on reasonable grounds, are necessary.**

It is an offence to hinder, obstruct, abuse or refuse to comply with a requirement of a Dog Management Officer. Officers may also cross Council boundaries to carry out various duties.

DOGS 'WANDERING AT LARGE'

A dog is considered to be 'wandering at large' if the dog is in a public or private place without the consent of the occupier and nobody is exercising effective control of the dog.

A person is considered to be exercising effective control if:

- the dog is held or tethered on a chain, cord or leash no longer than two metres, or
- the person is able to see the dog and be close enough to give commands that the dog would obey, or
- the dog is contained in a vehicle or other structure.

Dogs being used for tending stock or for other organised events are not considered to be wandering at large.

DOG ATTACKS

As a member of the public, you have the right to use public land without fear of being attacked or harassed by any dog. Any person may injure or destroy a dog if that action is reasonable and necessary to protect life or property.

This action should only be considered in the most extreme of circumstances or it may be treated as a criminal offence if an animal is killed or injured without just cause.

Any dog attack on a person or animal should be reported to the Council as soon as possible so there can be an investigation and, if appropriate, criminal charges will be laid.

If you have been attacked you may be entitled to claim damages and costs incurred as a result of the attack. In this event it is suggested you seek legal advice.

COMMON OFFENCES

This Act sets out a number of offences that the owner or person responsible for control of the dog can be fined for. These include the dog

- wandering at large
- attacking, harassing or chasing etc. a person or animal (although it may be permissible in the defence of property)
- attacking a person lawfully entering premises
- *being in a school, kindergarten or child care centre without permission*
- *being in a shop (but not a pet shop, veterinary office or dog grooming parlour) or a place where food and drink is sold or prepared
- chasing a vehicle
- *defecating in a public place (unless the person with control immediately removes and disposes of the faeces)

**These offences do not apply to Guide Dogs or Hearing Dogs.*

A person who urges a dog to attack, harass or chase any other person, animal or bird is also guilty of an offence.

BARKING DOGS

The barking of dogs is one of the most common complaints. Whilst barking is a dog's natural way of communicating, and can be protection for the home owner, it is an offence if the dog creates a noise by barking (or anything else) which persistently occurs or continues to such a degree that it unreasonably interferes with the peace, comfort or convenience of a person.

Dog owners are responsible for making sure that their dog barking does not become a problem. Some people are very sensitive to noise and unfortunately, if a complaint is made, regardless of how trivial it may seem to you, it is the responsibility of the Dog Management Officer to act.

The Board's brochure "**Barking Dogs in the Community**" is available from your local Council.

PENALTIES

If a complaint is received a Dog Management Officer may decide to issue a fine called an **expiation notice** or, if the offence is more serious or repeated you may be summonsed to appear in court to answer to a criminal charge.

A Court may, instead of or in addition to any fine, make other orders including that the dog be destroyed, disposed of or controlled in a certain manner. A court may also order the person not to have another dog, or order payment as compensation for any injury, damage or loss suffered as a result of any action of the dog.

DESTRUCTION AND CONTROL ORDERS

Councils have been given powers to make orders for the destruction or control of dogs. This is so complaints and disputes concerning dog behaviour may be dealt with at a local level, without the need to take Court action in all instances.

A **Destruction Order** must give at least one month's notice of the date the dog is to be destroyed, and may specify where the dog is to be kept until destroyed.

There are a number of Control Orders the Council may make and they are:

- a Control (Dangerous Dog) Order
- a Control (Nuisance Dog) Order
- a Control (Barking Dog) Order

These orders may make directions such as the dog is to be kept indoors or enclosed or muzzled, that warning signs be displayed or that steps be taken to stop any nuisance behaviour.

The Council must give seven days written notice of any orders and must allow the owner the chance to have a say on the matter. If no resolution is agreed, the owner may apply to the Courts to have the order removed.

If a person does not comply with any order, a Dog Management Officer may take any reasonable steps to make sure the order is carried out, and the owner can be billed for any expenses. The owner can also face a criminal charge for not complying with an order.

LOST OR SEIZED DOGS

A Dog Management Officer may seize and detain a dog if it is wandering at large, has attacked any person or animal, is unduly dangerous or if the Officer believes it is necessary in the best interest of public safety.

The dog may either be returned to the owner (traceable through the registration disc) or kept in a Council Pound.

It is in the dog's best interests that it be reunited with its owner as soon as possible.

The Dog Management Officer also has the power to injure or destroy a dog under certain circumstances.

If the dog is kept in the Pound, notice of this must be displayed in public at a Council Office or, in areas where there is no council office, the Police station for at least **72 hours**, and the owner must be informed.

If the dog is seized to stop it attacking or because it is dangerous, the Council must then make an order in relation to the dog and, if no orders are made within seven days, the dog must be returned to the owner or person responsible for the dog.

A dog will only be returned if satisfactory evidence of ownership or control of the dog is provided, and any costs of seizure and detention are paid. Further, if the dog is unregistered, it may be necessary to register the dog before it will be released. If a person has a dispute with the Council, he or she may apply to the Courts for release of the dog.

DESTRUCTION OR DISPOSAL OF SEIZED DOGS

If a dog that has been found wandering at large is not claimed within the 72 hour notice period, the dog may be destroyed, given away or sold. The dog can also be destroyed, sold or given away if the owner is notified but refuses to take the dog, or if any money owing is not paid within seven days. Any proceeds from any sale may be kept by the Pound or the Council.

A dog may be destroyed by the pound if it is severely sick, infectious or injured. This should be authorised by a Veterinary Surgeon or Stock Inspector, but if the circumstances are urgent the dog may be destroyed without this authority. If this occurs, every effort must be made to notify the dog owner, who is then responsible for any costs associated.

DOGS ON FARM LAND

If a dog, unaccompanied by a person, is found in a paddock or other place where animals are being farmed, it can be injured or destroyed. Poison baits may also be laid to protect farmed animals, but special rules relate to baiting and it is suggested legal advice be obtained before this action is taken.

Any person who injures or destroys a dog in these circumstances must, as soon as possible, inform the Police and the Council and try to contact the owner of the dog.

SPECIAL BREEDS OF DOGS

Special requirements are designed for what are called **prescribed breeds** of dogs. These are American Pit Bull Terriers, Fila, Braziliero, Japanese Tosa and Dogo Argentina. Any person who gives away or sells, or advertises to sell or give away such a dog is guilty of an offence.

Greyhounds must be muzzled at all times and under the control of a person by means of a chain or cord less than two metres in length, except while the dog is being raced or trained or is on the

premises of the owner or person responsible for its control.

HOW MANY DOGS CAN BE KEPT?

Local Council by-laws may limit the number of dogs that may be kept. Check with your local Council, as fines may apply for keeping more than the allowed number.

WHERE TO GET HELP

YOUR LOCAL COUNCIL

LEGAL SERVICES COMMISSION OF SA

COMMUNITY MEDIATION CENTRES:

Western Mediation Service

19 Green Street
Brompton SA 5007
Telephone (08) 8340 1982

Noarlunga Mediation Service

40 Beach Road
Christies Beach SA 5168
Telephone (08) 8384 5222

Norwood Mediation Service

110 The Parade
Norwood SA 5067
Telephone (08) 8362 1199

OTHER CONTACT POINTS

Dog and Cat Management Board

Local Government House
16 Hutt Street, Adelaide
Telephone (08) 8224 2042

This information is a guide to the law and is not a substitute for legal advice. It is not intended that any person should prefer to rely on the law as stated in this guide rather than choose to consult a lawyer. While care has been taken to ensure the accuracy of material contained in this publication, no responsibility will be accepted for any errors or omissions.