

# FAQs

## Restricted Breed Dogs

Bureau of Animal Welfare  
Department of Primary Industries, Victoria

### **Government proposals for restricted breed dogs**

The Minister for Agriculture has announced that the government has ended the restricted breed dogs' amnesty that allows owners to register their dogs. This will be effective from 30 September 2011 and any dogs not registered before 30 September 2011 will be able to be seized.

### **How do I report a dog attack?**

#### **a. Attack to person, another person or animal/pet**

Call the Local Council or the Government hotline (1300 10 080).

#### **b. To Property**

Report the matter to the Police.

Council can also assist with regard to dogs being at large or trespassing on your property

### **What do I do if someone is being attacked by a dog?**

#### **a. Right now**

Report it to the Police or call 000 for urgent assistance.

#### **b. There is an immediate/imminent danger**

Report it to the Council immediately or call 000 for urgent assistance.

### **I am at risk of being attacked by a dog**

#### **a. An immediate risk**

Call the Local Council.

#### **b. General risk**

Call your local Council for review of the risks and advice on avoiding dog attacks or the Government hotline (1300 10 080). Review the DPI website on dog care and preventing dog attacks at <http://new.dpi.vic.gov.au/pets/dog-care>.

### **I want to report a dangerous dog for failing to comply with its prescribed restrictions**

Report it to your local Council for investigation or the Government hotline (1300 10 080). Heavy penalties can be applied for offences of attacking again, being at large and not being kept according to the law on confinement and management of such dogs. The dog can be seized by the Council and after investigation may be destroyed.

When walking a dangerous dog, the dog must be muzzled and on a chain, cord or leash when in public places. Dangerous dogs must always wear a characteristic red and yellow striped collar.

When walking a restricted breed dog, the dog must be muzzled and on a chain, cord or leash when in public places. A restricted breed dog must not be in the control of a person under 17 years of age and there is no requirement for a restricted breed dog to wear a characteristic collar.

Declared dangerous, menacing and restricted breed dogs must be identified by microchip and the details of the dog and its owner must be placed on the Victorian Declared Dog Registry.

Owners must notify the Council within 24 hours if the dog is missing, the dog is relocated or the owners address changes or the ownership of the dog changes.

### **Dangerous Dog – guarding non-residential premises**

Entrances to premises must be identified by signs identifying that a dangerous dog is kept on site. Guard dogs must be contained by a 1.8 metre high chain wire or solid fence and the gates must be closed.

### **Dangerous Dog – kept on a residential premises**

Entrances to premises must be identified by signs identifying that a dangerous dog is kept on site. The dog can be kept inside the dwelling, but the owner must also have a fully enclosed cage with a concrete floor for the dog. This enclosure must have a lockable gate and the gate must be locked while the dog is inside the enclosure.

### **Restricted Breed Dog – kept on a residential premises**

Entrances to premises must be identified by signs identifying that a restricted breed dog is kept on site. The dog can be kept inside the dwelling, but the owner must also have 1.8 metre high fencing in the backyard that the dog cannot dig under, go through or jump over. This fence is considered the enclosure for the dog and any gates to this enclosure must be self-closing, self-latching and lockable. The gates must be locked while the dog is inside the enclosure.

Full details of the standards for enclosures can be found in the Domestic Animals Regulations 2005.

### **I am concerned about a dog that I feel is a danger to me**

#### **a. My neighbour's dog tries to jump the fence and attack me.**

Call the Local Council or the Government hotline (1300 10 080).

#### **b. There is a dog that tries to attack me when I walk down the road**

A dog is considered to have attacked if the dog bites a person or animal, chases a person or rushes at a person. To rush at a person, the dog must have come within three (3) metres of the person and displaying aggressive behaviour such as growling, raised hackles or bared teeth.

It is an offence for a dog to attack and the dog can be seized by the Council and upon investigation restrictions may be placed on the owner in relation to keeping the dog on their premises in the future eg. Dangerous or menacing dog declaration.

#### **c. I have been chased by a dog**

If a dog chases you or rushes at you aggressively and menacingly (approaches within 3 metres displaying aggression, snarling, growling or raised hackles) this is a menacing offence that should be reported to the local Council for investigation. Attempt to identify the owner by photograph or car registration number or observing where they reside.

### **I know of a dog that has been attacked**

#### **a. by a person– dog cruelty**

Report this to the RSPCA inspectorate phone 03 9224 2222

#### **b. by an animal (not a dog)**

Report this to the RSPCA inspectorate phone 03 9224 2222 for advice if the animal is injured or if there are circumstances where the welfare of the dog should be protected or is at risk.

#### **c. by a dog**

Report this to your Local Council as a dog attacking another dog is an offence under the Act.

### **What sort of fencing could I put up to stop my dog from escaping my property?**

Refer to the *Domestic Animals Regulations 2005* for fencing recommendations for dangerous and restricted breed dogs. Chain mesh or solid fences up to 1.8 metres height will exclude most dogs. Concrete footings to prevent digging and in-hanging tops to fences can stop dogs climbing over fences. Seek advice from your Local Council on planning permits and recommendations for fencing.

### **My neighbour has a pit bull terrier that does not appear to be registered or kept according to the law. What can I do?**

Call the Local Council or the Government hotline (1300 10 080). An Authorised Officer will inspect the premises and review the breed of the dog. If it is of a restricted breed then an official declaration process and restriction of the dog will be initiated.

### **What is a restricted breed dog?**

A dog that is of one of the following breeds is a restricted dog breed – American Pit Bull Terrier (or Pit Bull Terrier), fila Basilio, Japanese Tosa, dog Argentino, Perro de Presa Canario (or Presa Canario).

Only the American Pit Bull Terrier (or Pit Bull Terrier) and one dogo Argentino is known to be in Victoria.

After the 30 September 2011 cross breeds of these restricted breeds are considered a restricted breed dog.

The Minister will publish in the Government Gazette on 1 Sep 2011 an *Approved Standard for Restricted Breed Dogs in Victoria*. Any dog that meets the general appearance and characteristics of this standard will be declared a restricted breed dog.

### **What is a dangerous dog?**

It is a dog that the Council has declared as dangerous because it has attacked and bitten a person and caused serious injury, or if it has menaced people more than once.

A dog is automatically deemed a dangerous dog if it is left to guard a non-residential premises or is a dog that has been trained to attack or bite a person or clothing attached to or worn by a person.

### **What do I do if my dog attacks someone?**

Restrain the dog and make it secure from causing further danger. Render assistance to the victim; dial 000 for medical or Police assistance. Notify the local Council of the circumstances.

### **Am I liable if my dog attacks someone?**

Yes. Penalties for attacks by a dog on a person or other animal can be up to \$4,886 with seizure and destruction of the dog. You are also liable for compensation for any damage caused by your dog as ordered by the court.

### **My dog has attacked a person/an animal**

#### **a. Will it be euthanased?**

If it is causing immediate danger to the public of attack or has resulted in an attack and the dog cannot be identified, a Council may destroy the dog.

An Authorised Officer of Council may immediately destroy a dog, if the Officer believes that the dog is behaving in a manner that could result in the dog causing serious injury or death to a person or other animal.

A court or Council can order destruction of the dog if its owner or person in charge at the time is found guilty of the attack.

A dog at large near livestock can be destroyed by the landowner or their agent.

#### **b. How do I stop my dog from being euthanased?**

You should seek legal advice to ensure that the processes in the Domestic Animals Act 1994 are being complied with by the Council.

### **If my dog attacks a person and they are injured or die, will I go to jail?**

Not if the dog attacked of its own accord. But if you set your dog to deliberately attack a person or animal you can be sentenced to a maximum of 6 months in prison.

If the dog is already a dangerous dog, and the owner is found guilty of this dog attacking or biting in court, the Magistrate can sentence you to a maximum of 6 months in prison.

### **If the council takes no action after I make repeated complaints, who can I complain to?**

The Victorian Ombudsman has power to investigate such matters.

<http://www.ombudsman.vic.gov.au/www/html/18-contact-us.asp>

**Telephone:** 9613 6222 (international callers 0011 + 61 + 3 + phone number)

**Toll Free:** 1800 806 314 (regional only)

TTY via the National Relay Service ([www.relayservice.com.au](http://www.relayservice.com.au))

(a phone solution for people who are deaf or have a hearing or speech impairment)

on 133 677 or 1300 555 727

**Facsimile:**

9614 0246

[Interpreter service](#)

via telephone - 131 450

On-site - 1300 655 082

**Email:**

[ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

**Where can I find information about restricted breed dogs?**

From your local Council or the DPI Customer Service Centre Phone 136 186 or review the DPI web page on restricted breed dogs at <http://new.dpi.vic.gov.au/pets/about-pets/legislation-and-regulation/restricted-breed-dogs>

**Where can I find information about dangerous dogs?**

From your local Council or the DPI Customer Service Centre Phone 136 186 or review the DPI web page on dangerous dogs at <http://new.dpi.vic.gov.au/pets/about-pets/legislation-and-regulation/menacing-and-dangerous-dogs>

**How can I find out if a dog has been declared dangerous?**

Contact your local council with the details of the dog in question. They can inspect the dog and refer to their registration database or access the Victorian Dangerous Dogs Register to see if the dog has been declared as a dangerous dog.

**What do I do if I think I have been sold a restricted breed dog?**

Contact the Council and advise them of your concern. It is an offence for a person to sell, give or otherwise transfer the ownership to you without advising you in writing of its status.

You also have rights under consumer affairs legislation if the breed of the dog has been misrepresented. Contact the Consumer Affairs Victoria Helpline on ph 1300 55 81 81.

**My dog has been declared dangerous, what do I do now?**

Council must first notify you that they propose to declare your dog dangerous in writing, at this point you have the right of both verbal and written appeal to the Council to review their proposal and request that they not declare your dog.

If the Council chooses to declare your dog dangerous, you have the right to appeal this decision at the Victorian Civil and Administrative Tribunal within 28 days of receiving the declaration.

Telephone: (03) 9628 9830

Toll Free: 1800 133 055 (Country callers only)

**My dog has been declared a restricted breed, what do I do now?**

The Authorised Officer must notify you in writing that your dog has been declared a restricted breed. At this point, you have the right to request from Council the reason why your dog has been declared a restricted breed.

You can appeal the declaration that your dog a restricted breed dog by appealing this decision at the Victorian Civil and Administrative Tribunal within 28 days of receiving the declaration.

Telephone: (03) 9628 9830

Toll Free: 1800 133 055 (Country callers only)

**I am a veterinarian (veterinary nurse) – do I have to report a dog that I think is of a restricted breed.**

There is no obligation to report to council any dog that you believe to be of a restricted breed. It would be advisable to inform the owner that their dog may be considered to be of a restricted breed and that if they are concerned they should contact their local council for more information.