

Charges under the Domestic Animals Act 1994

The City of Ballarat files charges in the Magistrates Court of Victoria against the owner or person in care and control of a dog which attacks or bites and causes serious injury to a person or animal. The Magistrate will determine what penalties to impose and is able to order that you reimburse the victim for veterinary and medical fees incurred by the attack, can impose a fine and a conviction.

The charges issued depend upon the evidence collated and can include the following:

- Owner of a dog did fail to register with the Council of the Municipal district in which the dog was kept, in breach of section 10(1) of the *Domestic Animals Act 1994*
- Owner or person in care and control of a dog that was not securely confined to the owner's premises, between sunrise and sunset in breach of section 24(1) of the *Domestic Animals Act 1994*;
- Owner or in care and control of a dog that was not securely confined to the owner's premises, between sunset and sunrise in breach of section 24(2) of the *Domestic Animals Act 1994*
- Person in care and control of a dog that did attack a person or animal and cause serious injury/ death in breach of section 29(3) of the *Domestic Animals Act 1994*
- Owner of a dog that did attack a person or animal and cause serious injury/ death in breach of section 29(4) of the *Domestic Animals Act 1994*

Declarations

Dogs involved in non-serious or serious attacks on people or other animals may be declared Menacing or Dangerous by Council.

Under section 41A of the Domestic Animals Act, Council may declare a dog menacing if:

- a) the dog has rushed at or chased a person; or
- b) the dog bites any person or animal causing injury to that person or animal that is not in the nature of a serious injury; or
- c) the dog has been declared a menacing dog under a law of another State or a Territory of the Commonwealth that corresponds with this Division.

If Council proposes a dog be declared Menacing -they will then notify the owner and allow the owner to make a written and/or oral submission to explain why their pet should not be declared a Menacing dog and have to live by the stipulated conditions.

When declaring a dog to be a menacing dog, council may include a requirement for the dog to be:

- muzzled when outside the owner's premises
- under effective control of a person by means of a chain, cord or leash whenever it is outside the owner's premises.

Under section 34 of the Domestic Animals Act Council may declare a dog dangerous if:

- a) if the dog has caused the death of or serious injury to a person or animal by biting or attacking that person or animal; or
- b) if the dog is a menacing dog and its owner has received at least 2 infringement notices in respect of the offence in section 41E; or
- c) if the dog has been declared a dangerous dog under a law of another State or a Territory of the Commonwealth that corresponds with this Division; or
- d) if there has been a finding of guilt or the serving of an infringement notice (which has not been withdrawn and the penalty has been paid under the Infringements Act 2006) in respect of 2 or more offences under section 29(5), (6), (7) or (8) in respect of the dog; or (d) for any other reason prescribed.

If Council proposes a dog be declared Dangerous Council will notify the owner and allow the owner to make written and oral submissions before making the declaration. A Dangerous declaration cannot be revoked, amended or otherwise altered, unless the owner applies to the Victorian Civil and Administrative Tribunal.

Owners of dangerous dogs have a series of obligations imposed on them to make sure that members of the public are not attacked by their dog.

In public places a dangerous dog must be:

- muzzled
- on a lead, chain or cord.

The dog must always wear a red and yellow striped collar and the premises it is on must have dangerous dogs signs posted at the entrances.

The dog must be confined behind an escape-proof 1.8 metre solid or mesh fence if guarding — unless it is in the owner's house from which it cannot escape and any person entering is under supervision of a person over 18 years of age. Outside the private dwelling the dog must be kept in an enclosure that can be locked and the dog cannot escape from.