

Sensible solutions for dangerous dogs.

21. Seize and detain dogs, responsibilities, reporting, penalties & appeals.

Owner's declaring/revealing a dangerous dog.

An owner who should reasonably be expected to recognize that their dog might be dangerous must declare the dog to the Authority within 7 days.

1. The Authority must assess the dog and either declare the dog a potentially dangerous dog, a dangerous dog, or not declare the dog at that time.
2. The Authority must reassess the dog within 12 months if it is not declared at the first instance.

Responsibilities of breeders, dog trainers, behaviorists, and veterinarians.

1. A breeder, dog trainer, behaviorist, veterinarian, or other person with knowledge of dog temperament and behavior who suspects a dog might be dangerous must advise the owner of their concerns.
2. If the owner, in the opinion of the said person, fails to take measures to reduce the risk of the dog behaving dangerously, the said person must report the dog to the Authority.

The making of a report under this section.

1. Does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct.
2. Does not constitute liability for defamation; or
3. Does not constitute grounds for civil proceedings for malicious prosecution or for conspiracy.

Appeals.

The owner of a dog, or the person in charge, may appeal a decision to declare a dog a potentially dangerous dog or a dangerous dog.

The initial appeal shall be to the Authority.

If refused, a second appeal can be made through an independent assessor, appointed by the Court, or by the Court.

Costs of such secondary appeal, including expert assessment etc., to be borne by the plaintiff.

1. The dog subject to the potentially dangerous or dangerous declaration must be kept according to the conditions of their declaration/registration unless and until the declaration is nullified. If the dog is unable to be kept in its original environment until the determination, the dog shall be kept by the Authority.

2. A first appeal must be determined by the Authority within one month, and an appeal through the courts within 3 months.

3. It shall be an offense to sell or otherwise dispose of a dog (except by euthanasia) subject to an appeal against a potentially dangerous or dangerous dog declaration without the permission of the authority. It shall not be an excuse that the dog escaped or was stolen and is missing.

It is the owner's or person in charge's responsibility to keep the dog secure.

If the owner or person in charge suspects they are unable to keep the dog secure, it must be surrendered to the Authority.

Dogs not to be allowed to wander at large.

The owner or person in charge of a dog is guilty of an offense if the dog is at large.

Penalty.

First offense X penalty units.

1. First offense – potentially dangerous dog – 4 x X penalty units.

2. First offense - dangerous dog – 8 x X penalty units.

3. Subsequent offenses 2 x X penalty units.

4. Subsequent offenses – potentially dangerous dog – 8 x X penalty units.

5. Subsequent offenses - dangerous dog – 16 x X penalty units, and the dog may be seized.

Power to seize and detain dogs.

A dog management officer may seize and detain a dog in any of the following circumstances.

If the dog is wandering at large.

1. If the officer reasonably believes it necessary to seize the dog to prevent or stop the dog attacking, harassing or chasing a person or an animal or bird owned by or in the charge of a person (whether or not actual injury has been or may be caused).
2. If the officer reasonably believes that the dog is unduly dangerous.
3. If the officer reasonably believes it necessary to detain the dog to ensure that an order under this Act for the destruction or disposal of the dog is carried out.
4. If a dog management officer reasonably believes that it is dangerous or impracticable to seize a dog because of its savagery or other sufficient cause, the dog may be injured or destroyed, and the dog management officer may not be held liable.
5. If a dog is injured or destroyed under subsection (b), the dog management officer must take reasonable steps to inform a person who owns or is responsible for the control of the dog.
6. An inspector under the relevant State/Territory animal welfare legislation may exercise the powers of a dog management officer under this Division in relation to a dog found wandering at large while the inspector is acting in the ordinary course of his or her duties under that Act.

That's it – Gawie Manjaro – MK.

