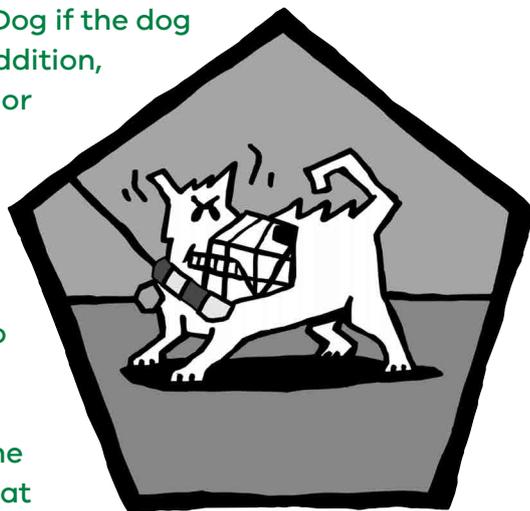


Things you should know about menacing dogs

A Council in Victoria may declare a dog to be a Menacing Dog if the dog causes a non serious bite injury to a person or animal. In addition, a Council may declare a dog to be Menacing if it rushes at or chases a person.

“Rush at” means that the dog has approached a person within 3 metres in a menacing manner, this includes displaying aggressive behaviour such as snarling, growling and raising the hackles. The power for Councils to declare dogs to be Menacing Dogs is found in Section 41A of the *Domestic Animals Act 1994*. A Magistrate can also order a Council to declare a dog to be a Menacing Dog if the owner has been found guilty in Court for their dog rushing at or chasing a person.



Penalties for failing to comply with menacing dog laws

Owners of:

- restricted breed dogs (both registered and unregistered)
- dangerous dogs declared due to attack;
- attack trained dogs
- guard dogs
- declared menacing dogs

can be jailed for up to 10 years if their dog kills someone, or for up to 5 years if their dog endangers someone's life, under the *Crimes Act 1958*.

Penalties for failing to comply with the keeping requirements for a dangerous dog in relation to:

- notification of where the dog is housed
 - enclosure requirements, and
 - requirements for wearing a collar and being kept on a lead and muzzled when off their property
- can be imposed on owners.

Where the owner of a dog is under the age of 18 years, the parent or guardian of that owner will be deemed the legal owner of the dog and subject to any penalties/prosecutions.

Menacing Dogs must not be confused with Dangerous Dogs or Restricted Breed Dogs. A Menacing Dog Declaration is a tool that Council may use in the event that a dog rushes at or chases a person or causes a non serious injury, to allow the owner to prove they can be responsible with their dog in the future. This is still considered an attack, as the person has been threatened by the dog. The owner of a declared Menacing Dog must comply with requirements to prevent the dog from attacking (or causing serious injury) in future.

A Menacing Dog Declaration can be upgraded to a Dangerous Dog Declaration if the owner of the Menacing Dog has been issued with two infringement notices for failing to comply with requirements such as leashing or muzzling their dog while in public places. A Menacing Dog Declaration can be revoked by Council if the owner takes a course of action to remedy the reasons for the dog rushing at or chasing a person. The course of action must satisfy the Council that this incident will not be repeated.

If an owner does not agree with the declaration, the owner may appeal Council's declaration of a Menacing Dog through the Victorian Civil and Administrative Tribunal within 28 days of the declaration.

Things you should know about menacing dogs



Microchip identification

The owner of a Menacing Dog must ensure that the dog is implanted with an International Standards Organisation (known as "ISO") compliant microchip in accordance with the Domestic Animals Regulations 2015 (unless the dog is already implanted with a non-ISO microchip prior to 20 May 2003). Please note that any new registration of a dog or cat with a Council requires the dog or cat to be microchipped before registration can be accepted by the Council.

The microchip identification number must be supplied to the Council in which the dog is to be registered within 7 days of the dog being declared a Menacing Dog.

Restraint

The Council may require a declared Menacing Dog to be muzzled when outside the owner's premises to prevent the dog from being able to bite. Council may also require the dog to be under effective control of a person by means of a chain, cord or leash whenever it is outside the owner's premises.

Notification of council

The owner of a Menacing Dog must notify the council that registered the dog within 24 hours if:

- the dog is missing
- the ownership of the dog changes
- the owner's address changes or the place where the dog is kept changes.

If there is a change in the municipality where a dangerous, menacing or restricted breed dog is kept, owners must inform both the Council of the municipal district in which the dog was previously kept and the Council of the municipal district in which the dog is being kept within 24 hours of the change.

For more information relating to Menacing Dog Declarations please contact your local council, or the Department of Economic Development, Jobs, Transport and Resources on 136 186.

The *Domestic Animals Act* is State legislation which is implemented by Municipal Councils. A complete copy of the *Code of Practice for the Management of Dogs and Cats in Shelters and Pounds* can be downloaded from www.vic.gov.au/apets



**responsible
pet ownership**

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