

Things you should know about restricted breed dogs

Restricted Breed Dogs are defined as dogs that are/or fall within the Victorian “Approved Standard” for an American Pit Bull Terrier (or Pit Bull Terrier), Perro de Presa Canario (or Presa Canario), Dogo Argentino, Japanese Tosa, or Fila Brasileiro.

Within the “Approved Standard”, American Staffordshire Terriers are not considered Restricted Breed Dogs, if the owner has one of the following certificates stating that the dog is an American Staffordshire Terrier—

- a certificate signed by a veterinary practitioner
- a pedigree certificate from the Australian National Kennel Council
- a pedigree certificate from a national breed council registered with the Australian National Kennel Council, or
- a pedigree certificate from a member body of the Australian National Kennel Council.

Current owners may keep their restricted breed dogs as long as the dogs were:

1. in Victoria prior to 1 September 2010, AND
2. registered (as any breed) with the local council prior to 30 September 2011.

This document provides an overview of the requirements relating to a restricted breed dog, as prescribed in the *Domestic Animals Act 1994*, and the *Domestic Animals Regulations 2015*. There are penalties for non compliance.

Of special note:

- It is a criminal offence (with a maximum 6 months jail or 60 penalty units) for any person, whether or not they are the owner, to breed a restricted breed dog. The offence is committed if the person deliberately or recklessly allows the breeding. It applies whether or not both dogs are restricted breeds, and when the breeding results in progeny (whether or not any progeny is a restricted breed dog) either born alive or stillborn.
- A magistrate has the power to disqualify a person from owning a dog, or to place conditions on dog ownership, for a period up to 10 years. This can apply in relation to the owner or person in control of a dangerous or restricted breed dog that attacks or bites.
- After a dog is declared as a Restricted Breed, owners may apply to VCAT for a review of the declaration, but this must be done within 14 days.
- Where an authorised officer has declared a dog to be a restricted breed dog, it is presumed in proceedings under the Act (and in VCAT), in the absence of evidence to the contrary, that the dog is a restricted breed dog (and the onus is on the owner to prove otherwise). This applies only where the authorised officer who made the declaration has completed a course of training approved by the Minister for that purpose.
- Authorised officers have the power to take a sample from a dog to help to determine whether the offence for breeding from a restricted breed dog has been committed.
- Authorised officers have the power (with the approval of the Secretary) to apply to a magistrate for a warrant to enter residential premises and seize a dog. This is for the purpose of determining whether the dog is the progeny of a restricted breed dog (even if the dog itself may not be a restricted breed dog). A dog seized in accordance with the warrant must be returned to its owner within 3 days.

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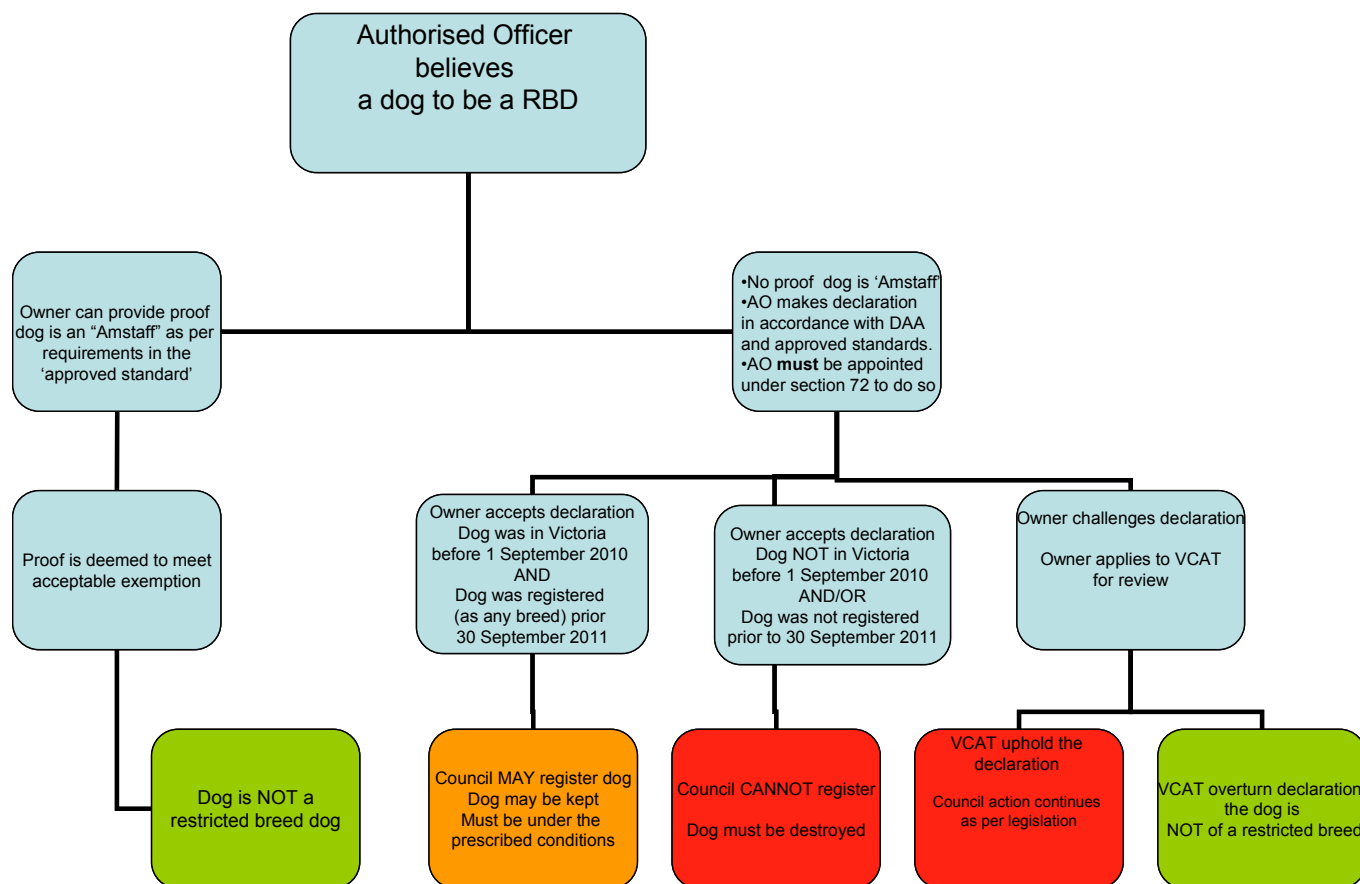


Figure 1. Declaration process for Restricted Breed Dogs

What happens if a dog is declared a Restricted Breed?

Authorised Officers (from the local council) have the power to declare that a dog is a Restricted Breed. Within 7 days of making a declaration, an Authorised Officer must serve written notice of the declaration on the owner of the dog, either personally or by registered post. The notice will contain information about how owners can apply for a review of the decision, if desired, along with the housing and ownership requirements that apply to Restricted Breed Dogs that can be kept.

Figure 1 provides a flow chart describing the declaration process including specific information about outcomes for dogs and owners.

Prescribed conditions for the keeping of restricted breed dogs

Note: 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.

Desexing

Restricted breed dogs must be desexed unless the owner obtains a certificate from a veterinarian stating the dog cannot be desexed for health reasons.

Microchip identification

The owner of a restricted breed dog must ensure that the animal is implanted with an ISO microchip in accordance with the Regulations (unless already microchipped prior to 20 May 2003). This microchip identification number, along with other information as specified in the Regulations, must be supplied to the council with which the dog is registered within 7 days of the dog being microchipped.

Collar

Whilst a microchip is a permanent form of identification it is not visible. Restricted breed dogs must also wear a prescribed collar at all times. The collar is specially designed to be visible from a distance and is reflective at night. This means that at all times, whether on the owner's property or not, a restricted breed dog can be recognised from a distance, warning a person of the potential danger of the dog.



Collars for restricted breed dogs must:

- consist of red stripes alternately spaced with yellow stripes each being of a width of not less than 20 mm and not more than 30 mm and set diagonal to the rim of the collar
- have at least one of the two colours able to reflect light in the dark
- be made of durable materials
- be able to be securely fastened
- have the facility to attach a leash
- have a minimum width of:
 - 25 mm for a dog weighing not more than 40 kgs; or
 - 50 mm for a dog weighing more than 40 kg.

Warning signs

It is important for a person with a valid reason to enter the premises (eg emergency services personnel) to know a restricted breed dog is present. The owner of a restricted breed dog must display prescribed warning signs at all entrances to the premises where the dog is kept warning people that a restricted breed dog is kept on the premises.

This warning sign must:

- be a rectangle with a height of 10cm and a width of 30cm
- be made of durable material
- have a light turquoise background
- have black bold 72 font, Times New Roman Text
- have a 3 point black border around sign
- have at least one colour that is reflective.

An example is given in Figure 2.

For details of suppliers of restricted breed dog signs, contact your local council, or phone the DEDJTR Customer Service Centre on 136 186.



Figure 2. Example warning sign

Housing on premises

When indoors or outdoors on the premises, the dog must be housed in such a way that it cannot escape, and that prevents it from injuring visitors to the premises. The dwelling and outdoor enclosure (or backyard where this forms the outdoor enclosure) must be constructed in such a manner that a person cannot have access to them without the assistance of an occupier of the premises who is of or over 18 years of age.

The owner must also ensure there is an outdoor enclosure or backyard that must:

- have a weatherproof sleeping area
- contain lock/s that have self closing and self latching mechanisms on any gates into the enclosure, which can be (and are) locked when the dog is in the enclosure
- be constructed and maintained in a manner which prevents the dog from being able to dig or otherwise escape under, over or through the perimeter of the enclosure
- not be situated on premises in such a manner that people have to pass through the enclosure
- have a minimum floor area of 10 square metres per restricted breed dog
- have a perimeter fence with a minimum height of 1.8 metres.

An authorised officer *may* also require that this perimeter have an inward facing overhang of 0.7 metres angled at 35 degrees to the horizontal plane. In addition, you may be required to use the following construction materials for an outdoor enclosure:

- brick, concrete, timber, iron or similar solid material
- chain mesh manufactured from 3.15 mm wire to form a uniform 50 mm mesh, or weldmesh manufactured from 4 mm wire with a maximum mesh spacing of 50 mm.

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A combination of the above may be acceptable. The mesh size and construction detail is specified so that the enclosure will be escape proof and so that people, particularly small children, cannot fit body parts such as hands into the enclosure with the dog.

Restraint off premises

A restricted breed dog must be muzzled and leashed when outside the owner's premises, and must be under the control of a person aged 18 or over.

Notification and ownership requirements

The owner of a restricted breed 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.

A person must not own more than 2 restricted breed dogs unless that person has a permit to do so from the council of the municipal district in which the dogs are kept.

Transfer of ownership of a declared restricted breed dog

Declared restricted breed dogs must NOT be sold, given away or transferred to the ownership of another person. The exception is when the owner decides to surrender the dog to a council pound or shelter or if the owner has died. If the owner has died, the dog may be passed to an immediate family member of the deceased who is over 18 years of age.

Attacks by restricted breed dogs

Under the Crimes Act 1958, owners of restricted breed dogs (both registered and unregistered) 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.

For more advice or information

Call your local council if you have questions about your rights and responsibilities as a dog owner. Your council will also deal with queries or concerns about restricted breed dogs.

A copy of the Approved Standard can be viewed at www.vic.gov.au/pets

For general information about responsible pet ownership, and contact details for relevant pet organisations, visit www.vic.gov.au/pets or call the Customer Service Centre on 136 186 (for the cost of a local call).

The *Domestic Animals Act 1994* is State legislation, which is implemented by municipal councils.

The *Domestic Animals Act 1994* and the *Domestic Animals Regulations 2015* are available online at www.vic.gov.au/pets

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