

Your Dog and the Law



Good dogs are the result of care, love, good breeding and good training.

Good behaviour in a dog is not just an accident or a natural occurrence. It takes time, patience and understanding to achieve.

As a dog owner, you are responsible for your pet's behaviour within the community. A well trained dog is unlikely to annoy anyone.

Problem dogs are often the result of poor socialisation, lack of training and at times, neglect. Well intentioned owners who don't fully understand the needs of their dog can lead to behavioural problems.

Your Responsibilities as an Owner

It is important that all dog owners have a basic understanding of their responsibilities. There are laws which relate to the keeping of dogs, and the Act that assists with the management of dogs in our community is the *Dog and Cat Management Act 1995*.

Registration and identification

It is your responsibility under the Act to ensure that your dog is registered from 3 months of age in the name of a person over 16 years of age. When in a public place, your dog must wear a collar with a current registration disc and preferably, a second tag with the contact details of its owner attached.

If your dog is lost, and found without its collar, a microchip implant will assist in its quick return. A microchip is a small electronic chip, the size of a rice grain inserted under the skin of your dog. The unique number of the chip is linked to the owner's details stored within an online database essentially enabling a link between your contact details and your dog. A rebate on your council registration fee for your dog applies as long as the details of ownership on the microchip database are current.

Some councils limit the number of dogs that may be kept on property. Please contact your local council for more information on their by-laws relating to the number of dogs you may keep.

Change of address

Moving house can be stressful for pets. With the household routine disrupted there may be a greater chance of your dog escaping. Ensure that you inform your vet, local council and the microchip database company of your new address details before you move. It is your responsibility under the Act (Section 37 (1)), to notify the council of your change of address or contact details.

Dogs in a public place

Dogs being exercised on footpaths need to be on a leash no longer than two metres. All councils are required to provide an area where dogs may be exercised off-leash, but the dog must still be under effective voice command control. This means your dog must return to you on voice command and must not be out of your sight at any time. If you cannot ensure this then keep it on a lead.

Whenever you take your dog to a public park or beach, take note of the signs outlining dog regulations for that specific area or check with your local council beforehand for dog on-leash, off-leash and exclusion areas.

Your dog is not allowed in a school, kindergarten, childcare centre, or shop without the permission of the principal or manager. When taking your dog on holidays, remember that National Parks have restrictions and these should be ascertained and understood before taking your dog with you. Information regarding National Park restrictions may be accessed through the following website - www.environment.sa.gov.au

Picking up after your dog

There are health risks associated with dog droppings. It is your legal responsibility to immediately clean up after your dog. Many councils have a by-law which states you must carry a receptacle suitable for removing droppings with you at all times while in public places with your dog.

Wandering dogs

The term “wandering at large” applies to a dog if it is in a public place without its owner or the consent of the land owner.

Straying dogs pose a real risk to the community. Car accidents and attacks on people and other animals can occur when a dog is allowed to roam. It is your responsibility to keep your dog within your premises. You must ensure that fencing is adequate to contain your dog.

If your dog is found unaccompanied on land where animals are being farmed, under the Act it may legally be destroyed by the landowner. A person who destroys a dog in these circumstances must inform the police and council as soon as possible, and take reasonable steps to inform the owner of the dog.

Dogs on or in vehicles

The *Dog and Cat Management Act 1995* requires that a dog must be restrained by a leash or a fixed cage or similar enclosure so that it can't fall or escape when travelling in the open tray of a utility, truck or other vehicle.

There are also significant safety and welfare implications for travelling with unrestrained dogs inside the cabin of a vehicle. The use of safety belt harnesses specifically for pets or pet transport carriers is recommended. Under *Australian Road Rules Section 297 (1A)*, a driver must not have a dog in their lap when driving a vehicle.

Enforcing the Law is a Council Responsibility

Barking dogs

While barking is a natural form of communication for dogs, dogs which bark incessantly can be the cause of distress and frustration to neighbours.

Barking becomes an offence if it occurs persistently or continues to such a degree that it unreasonably interferes with the peace, comfort or convenience of another person. Under the Act, local councils have the power to issue expiations and /or Control (Barking Dog) Orders to the owner or person responsible for the control of the dog at that time.

If a barking complaint is made against your dog, the council will investigate to determine if the complaint is valid. If the council is satisfied that the dog is barking excessively, an Order can be issued under the Act. If your dog has been reported to the council for barking, the Council Animal Management Officer will discuss the process with you and provide advice as to how you might remedy the issue.

It is much better to prevent a barking problem than to try and cure it. For more information on barking problems call your council for a free booklet titled 'Barking. Problems Solved' by Dr Joanne Righetti or seek the advice of a qualified dog behavioural trainer.

Dog incident

Everyone has the right to use parks, beaches and other public land without fear of being attacked or harassed by a dog. If you or your pet are attacked or harassed you must report it to the council responsible for the area in which the incident occurred. If safe and practical, take note of the registration disc details of the dog and report this to the council as well.

Report the incident

You will need to report the incident to the local council responsible for the area in which the incident took place. Try to record exactly what happened so that the council will have detailed information for their investigation. If the local council decides it is appropriate, charges will be laid against the person responsible for the dog that initiated the incident. You may be asked to provide a written statement to the officer. The council officer will advise you of the process for claiming damages if necessary.

Your legal position as the person responsible for the dog

Legal responsibility rests on either the owner of the dog or the person in control of the dog at the time of the attack or harassment. For example, if you are caring for someone's dog when it attacks another person or animal, you may be held liable for related damages. This could include veterinary costs or other related damages. The council will advise you of the process if you find yourself in this situation.

Control orders and penalties

The local council can issue Control Orders for the following:

- Barking Dog
- Nuisance Dog
- Menacing Dog
- Dangerous Dog

If one of these orders is placed on your dog, the council will need to establish a strong case for the Order to remain in place. For very serious cases, the council can impose a Destruction Order. Compliance with any order is compulsory as per the *Dog and Cat Management Act 1995*. More information regarding these orders is available by speaking with the Animal Management Officer at your local council.

Wandering dogs

Dogs 'wandering at large' should be reported to council. Once the dog is returned to its owner or the person responsible for its care, that person can be liable to a fine in addition to the cost of any damage caused by the dog while it was wandering.

Lost, found or seized dogs

It is your responsibility to keep your dog secured on your premises, if however your dog goes missing immediately contact your neighbours, council, local vets and the closest animal pound or shelter. If your dog has not been located after these measures, consider placing notices in local shopping centres, schools and other community centres.

Remember, if your dog wears a collar with an ID tag with a current mobile phone contact number and has been implanted with a microchip, there is a much greater chance of your dog being returned to you quickly and safely.

If you find an unaccompanied dog, contact the council in the area in which you found the dog, even if this is not your own residential council. If possible contain the dog in your garden or on a lead, but only if it is safe to do so. The council will arrange to pick up the dog. Some councils have a 24 hour service.

Each council appoints an Animal Management Officer or General Inspector who is responsible for dog control and laws relating to dogs. An officer may seize and detain a dog if it is straying, or has attacked a person or another animal. If the seized dog is identified, the dog's owner will be contacted to collect the dog or it may be held within an approved impound facility. The council will try to reunite the dog with its owner as soon as possible, providing there is no further action pending. A fine applies should your dog be found straying. Be aware that if your straying dog causes a car accident with injuries to passengers, you may be held financially liable for any damages or injuries it may have caused.



Visit **dogandcatboard.com.au** to find out how you can become a responsible dog owner.

For further information regarding the law and your dog or to download a copy of the *Dog and Cat Management Act 1995* visit **www.dogandcatboard.com.au** click on **gooddog** and look for Resources.

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