

ATTACHMENT F

**EXTRACT OF THE COMPANION ANIMALS
ACT 1998 AND THE COMPANION ANIMALS
REGULATION 2008 SETTING OUT THE
ENCLOSURE, SIGNS, COLLAR, LEAD
AND MUZZLE REQUIREMENTS FOR A
DANGEROUS DOG**

Extracts of the section 51 of the *Companion Animals Act*, referred to under the *Companion Animals Regulations*, for the enclosure, signs, collar and lead and muzzle requirements of a dog which has been declared dangerous.

Companion Animals Act 1998 No 87

Responsibilities of owners of dangerous dogs

51 Owner of dangerous dog must comply with control requirements

- (1) The owner of a dog that is declared to be dangerous under this Act must ensure that each of the following requirements is complied with while the declaration is in force:
- (a) – (b) ...

(c) **Enclosure requirements**

While the dog is on property on which the dog is ordinarily kept, the dog must be kept in an enclosure that complies with the requirements prescribed by the regulations. The owner has 3 months from the date on which the dog is declared dangerous to comply. In the case of an existing dangerous dog, the owner has 6 months from the relevant date to comply.

Note. A certificate of compliance in relation to the prescribed enclosure must be obtained by the owner of the dog—see section 58H.

(c1) ...

- (d) One or more signs must be displayed on that property showing the words “Warning Dangerous Dog” in letters clearly visible from the boundaries of the property on which the dog is ordinarily kept or, if the regulations provide for the signs required by this paragraph, complying with the regulations.

(d1) **Distinctive collar must be worn**

The dog must at all times wear a collar of the kind prescribed by the regulations.

(e) **Dog must be kept on lead and be muzzled**

Whenever the dog is outside its enclosure, the dog:

- (i) must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person, and
- (ii) must be muzzled in a manner that is sufficient to prevent it from biting any person or animal.

For the purposes of this paragraph, a dog is not considered to be under the effective control of a person if the person has more than 2 dogs (one of which is the dangerous dog) under his or her control at the one time.

(f)–(h) (Repealed)

(i) – (k) ...

(2) - (4)...

(5) In subsection (1) (c):

existing dangerous dog means a dog that is the subject of a declaration by a council or court under this Part and in force immediately before the relevant date.

relevant date means the date on which this subsection (as inserted by the Companion Animals Amendment Act 2005) commences.

Extracts of the Companion Animals Regulation 2008

Clause 24. Enclosure requirements for dangerous or restricted dogs

- (1) For the purposes of sections 51 (1) (c) ... of the Act, the requirements set out in subclauses (2)–(4) are prescribed as the requirements that must be complied with in relation to an enclosure for a dangerous or restricted dog.
- (2) The enclosure must:
 - (a) be fully enclosed, constructed and maintained in such a way so that the dog is not able to dig or otherwise escape under, over or through the enclosure, and
 - (b) be constructed in such a way so that a person cannot have access to it without the assistance of an occupier of the property who is above the age of 18 years, and
 - (c) be designed to prevent children from having access to the enclosure, and
 - (d) not be located on the property in such a way so that people are required to pass through the enclosure to gain access to other parts of the property, and
 - (e) have a minimum height of 1.8 m and a minimum width of 1.8 m, and
 - (f) have an area of not less than 10 square metres for each dangerous or restricted dog kept on the property, and
 - (g) have walls that are fixed to the floor and constructed to be no more than 50 mm from the floor, and
 - (h) have walls, a fixed covering and a gate that are constructed of:
 - (i) brick, timber, iron or similar solid materials, or
 - (ii) mesh that complies with subclause (4), or
 - (iii) a combination of the materials referred to in subparagraphs (i) and (ii), and
 - (i) have a floor that is constructed of sealed concrete and graded to fall to a drain for the removal of effluent, and
 - (j) provide a weatherproof sleeping area of sufficient dimensions to enable each dangerous or restricted dog kept on the property to shelter from the weather.

- (3) Any gate to the enclosure must:
- (a) contain a self-closing and self-latching mechanism that enables the enclosure to be securely locked when the dog is in the enclosure, and
 - (b) be kept locked when the dog is in the enclosure, and
 - (c) display the warning sign referred to in clause 26.
- (4) Mesh used in the construction of an enclosure must be:
- (a) chain mesh manufactured from at least 3.15 mm wire to form a maximum mesh spacing of 50 mm, or
 - (b) weldmesh manufactured from at least 4 mm wire with a maximum mesh spacing of 50 mm.

Clause 26. Warning signs for dangerous or restricted dogs

- (1) For the purposes of sections 51 (1) (d) ... of the Act, a sign or signs complying with subclause (2) must be situated so that the words "Warning Dangerous Dog" are legible to any person immediately before entering the property by way of any gate, door or other entry point.
- (2) Each such sign must:
- (a) be no smaller than 40 cm × 40 cm, and
 - (b) be made of durable materials, and
 - (c) show the words "Warning Dangerous Dog" in letters that are, in any case, at least 50 mm high and 10 mm wide.

Clause 27. Distinctive collars for dangerous or restricted dogs

- (1) For the purposes of sections 51 (1) (d1) ... of the Act, a collar is of the prescribed kind if:
- (a) it consists of red stripes alternatively spaced with yellow stripes, each stripe being 25 mm wide and set diagonal to the rim of the collar at an angle of 45 degrees, and
 - (b) all of the stripes of at least 1 of the 2 colours are sufficiently reflective so as to be visible in low light, and
 - (c) it is made of durable materials, and
 - (d) it is able to be securely fastened, and
 - (e) it has a device or other facility that enables it to be attached to a leash, and
 - (f) it has a minimum width of:
 - (i) 25 mm for a dog weighing less than 20 kg, or
 - (ii) 40 mm for a dog weighing between 20 kg and 40 kg, or
 - (iii) 50 mm for a dog weighing more than 40 kg.
- (2) A dog must not wear any such collar unless the dog is a dangerous dog or a restricted dog.

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(3) If subclause (2) is contravened:

(a) the owner of the dog, or

(b) if the owner is not present at the time of the offence and another person who is of or above the age of 16 years is in charge of the dog at that time—that other person,

is guilty of an offence.

Maximum penalty: 8 penalty units.

(4) A person does not commit an offence under this clause if the person does not know, or could not reasonably be expected to know, that the collar is of the kind prescribed for the purposes of section 51 (1) (d1) ... of the Act.