

The outdoor enclosure must be constructed of:

- Brick, concrete, timber, iron or similar solid materials; or
- Chain mesh manufactured from 3.15mm wire to form a uniform 50mm mesh, or weldmesh manufactured from 4mm wire with a maximum mesh spacing of 50mm.

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 17 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
- The place where the dog is kept changes

Restricted breed dogs should not be sold or given away to another person in Victoria. However if owners of restricted breed dogs decide to sell or give them away interstate, before doing so owners must advise the person in writing that the dog is a restricted breed dog. The owner of a restricted breed dog must not sell, give or otherwise transfer ownership of the dog to another person who is less than 17 years of age.

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.

Visit

www.dpi.vic.gov.au/animalwelfare
or call **136 186** (for the cost of a local call)



American Pit Bull Terrier/Pit bull Terrier

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 concerns about restricted breed dogs.

For general information about responsible pet ownership, and contact details for relevant pet organisations, visit **www.dpi.vic.gov.au/animalwelfare** or call **136 186** for the cost of a local call.



Things you should know
about restricted breed dogs



The *Domestic (Feral and Nuisance) Animals Act 1994* is State legislation, which is implemented by municipal councils.

The *Domestic (Feral and Nuisance) Animals Act 1994* and the *Domestic (Feral and Nuisance) Animals Regulations 2005* are available at a cost from Information Victoria, 356 Collins Street, Melbourne, phone 1300 366 356.

To access more information about domestic animal control and animal welfare in Victoria, visit the Department's Internet site at <http://www.dpi.vic.gov.au/animalwelfare>

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In response to community concerns about dog attacks, the *Domestic (Feral and Nuisance) Animals Act 1994* was amended in December 2001 to impose requirements on certain restricted breeds of dogs. "Restricted breed" dogs are defined as those dogs prohibited from being imported by the *Commonwealth Customs (Prohibited Imports) Regulations 1956*, including the Dogo Argentino, the Japanese Tosa, the Fila Brasileiro, the Perro de Presa Canario (or Presa Canario) and the American Pit Bull Terrier (or Pit Bull Terrier). Of these, the Pit Bull Terrier and the Perro de Presa Canario are the only breeds currently known to exist in Australia.

As of 2 November 2005, the *Domestic (Feral and Nuisance) Animals Act 1994* makes it an offence to acquire a restricted breed dog.

Persons applying to register their dog must make a declaration as to whether their dog is a restricted breed (a sizeable court penalty applies for a false declaration). Authorised officers (eg from the local council) also have the power to declare that a dog is a restricted breed.

Councils may renew registration of existing registered and declared restricted breed dogs. However, councils cannot accept the registration of new restricted breed dogs unless they were housed in Victoria prior to 2 November 2005, and owners had genuinely believed their dog was not of a restricted breed.

Councils have the power to charge higher registration fees for restricted breed dogs than the standard maximum pet registration fees.

This document provides an overview of the requirements relating to a restricted breed dog, as prescribed in the *Domestic (Feral and Nuisance) Animals Act 1994*, and the *Domestic (Feral and Nuisance) Animals Regulations 2005*. There are penalties for non compliance.

What happens if a dog is declared to be 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. This notice will set out the legal requirements applying to restricted breed dogs that must be complied with within the specified time frames*. If the dog has been declared by the council, the notice will also contain information on how owners can apply for a review of the decision, if desired. An application for review must be made to the Minister for Agriculture, within 30 days of service of the notice, and be accompanied by a non refundable fee (see your local council for details).

An owner's appeal of the decision to declare a dog will be heard by a review panel consisting of three people appointed by the Minister for Agriculture because of their knowledge of or experience in the identification of dog breeds. The decision of the review panel to affirm or set aside a declaration must be determined by a majority rule (ie at least two of the three members must agree).

*Most restricted breed dog ownership requirements (as outlined in this brochure) must be complied with as soon as council serves written notice of the declaration.

However, owners have longer to comply with requirements relating to the enclosure, warning signs and microchipping, and these time frames depend on whether an appeal is made:

- If no appeal is made within 30 days, owners have an additional 30 days to comply with the enclosure, warning sign and microchipping requirements (ie a total of 60 days)
- If an appeal is made within 30 days of the declaration, and the panel affirms the decision, the owner has 30 days from the date of the panel's decision to comply with the enclosure, warning sign and microchipping requirements

Desexing

Currently registered restricted breed dogs must be desexed by 10 April 2006. Newly declared dogs must be immediately desexed unless the owner obtains a certificate from a veterinarian stating the dog cannot be desexed for health reasons.

Mircochip 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 the 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.

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

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

Restricted Breed Dog on Premises

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 17 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 (if they believe the dog has escaped over the enclosure, 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)