



Factsheet - Owning A Dog

Registration

If you own a dog over six months of age, that dog must be registered with your local council. The council sets the registration fee, but may waive the fee, partly or wholly refund the fee or discount the fee. The council generally discounts registration fees for the owners of de-sexed dogs and for pensioners who own dogs. Registrations must be renewed each year by 30th June. All dogs must wear a collar with their registration disc attached unless they are being used to drive stock or for racing or are being showed. If you keep more than 2 dogs over six months of age, or 4 working dogs over six months of age on your property, you must apply for a kennel licence. Dog owners who do not register their dogs or make sure their dogs are wearing a collar and registration disc in public may be penalised.

Control

The owner or person in charge of a dog must make sure the dog is effectively under their control whilst in public. A collar and lead should be used. In some circumstances it is possible to have your dog effectively under your control while they are off their lead. You must not take your dog into shops, shopping centres, school grounds, crèches, and kindergartens or sports grounds where sport is being played. A dog riding in or on a motor vehicle must be restricted enough so it cannot leave the vehicle to attack any person or other animal outside the vehicle.

Dogs Attacking

If your dog attacks or chases people or other animals you may be charged with an offence under the Dog Control Act 2000 ('the Act') and the dog may be seized, even if no actual injury is caused. If your dog has attacked another person you must notify your local council within 24 hours of the attack.

Dangerous Dogs

The council has the power to declare a dog to be dangerous if that dog has caused, or is likely to cause, serious injury to a person or another animal. Dogs that have been declared dangerous must be implanted with a special microchip, which is used to identify and keep track of dangerous dogs. All dangerous dogs must wear a special collar and cannot have their microchip removed without the council's approval. In public, all dangerous dogs must be muzzled, have a sufficient lead and be under the control of a person over 18 years of age. Owners of dangerous dogs must make sure they have placed approved warning signs on every entrance to the premises where the dog is kept. All guard dogs are declared dangerous dogs.

Seizure Of Dogs

An authorised person may seize and detain any dog that is at large. If your dog is seized and is registered then the council will notify you. You will then have 5 working days in which to collect your dog and pay any fees or charges relating to the seizure of the dog. If you fail to do so, the dog becomes the property of the council and it may be sold, destroyed or disposed of. If the dog is unregistered then you must also pay for the registration of the dog before the council will release it.

Destruction Of Dogs

Your dog may be lawfully destroyed by an authorised person or vet if it:

- is likely to cause serious injury to any person;

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DX 70209

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- is likely to cause death or serious bodily injury to any animal;
- has caused injury to a person;
- has caused death or serious bodily injury to an animal; or
- is found distressed or seriously disabled.

This person may enter any premises to destroy the dog. A court may also order that a dog be destroyed if the dog has attacked a person or animal or has killed another animal. Any dog destroyed under the provisions of the Act must be destroyed quickly and without undue suffering.

Barking And Droppings

Dogs that behave in a manner which could injure or be dangerous to the health of any person, or that create a persistent noise, are said to create a nuisance. Persistent barking is the basis of many complaints in this area. Complaints should be made to the local council by lodging a form and paying the required fee. The council will then investigate the complaint and if satisfied there are grounds for the complaint, may issue an infringement notice to the registered owner of the dog, requiring the payment of a fine for the offence. If the infringement notice is ignored, the council will institute court proceedings against the owner of the dog.

A person in charge of a dog must immediately remove and dispose of any droppings left by the dog in a public place. This does not apply to a guide dog accompanying a blind person.

Damage Caused By Your Dog

If your dog causes damage to a person, their clothing or other property then you may be liable for the damage. There is no need for the person who has suffered the damage to prove that the dog was not properly controlled. You should seek legal advice if a claim is made against you.

RELEVANT LEGISLATION

Dog Control Act 2000

CONTACTS

Your Local Council

The information contained in this factsheet is not legal advice. If you have a legal problem you should talk to a lawyer before making a decision about what to do. The information in this factsheet is written for people resident in, or affected by, the laws of Tasmania, Australia only. All questions concerning this factsheet to info@legalaid.tas.gov.au.