

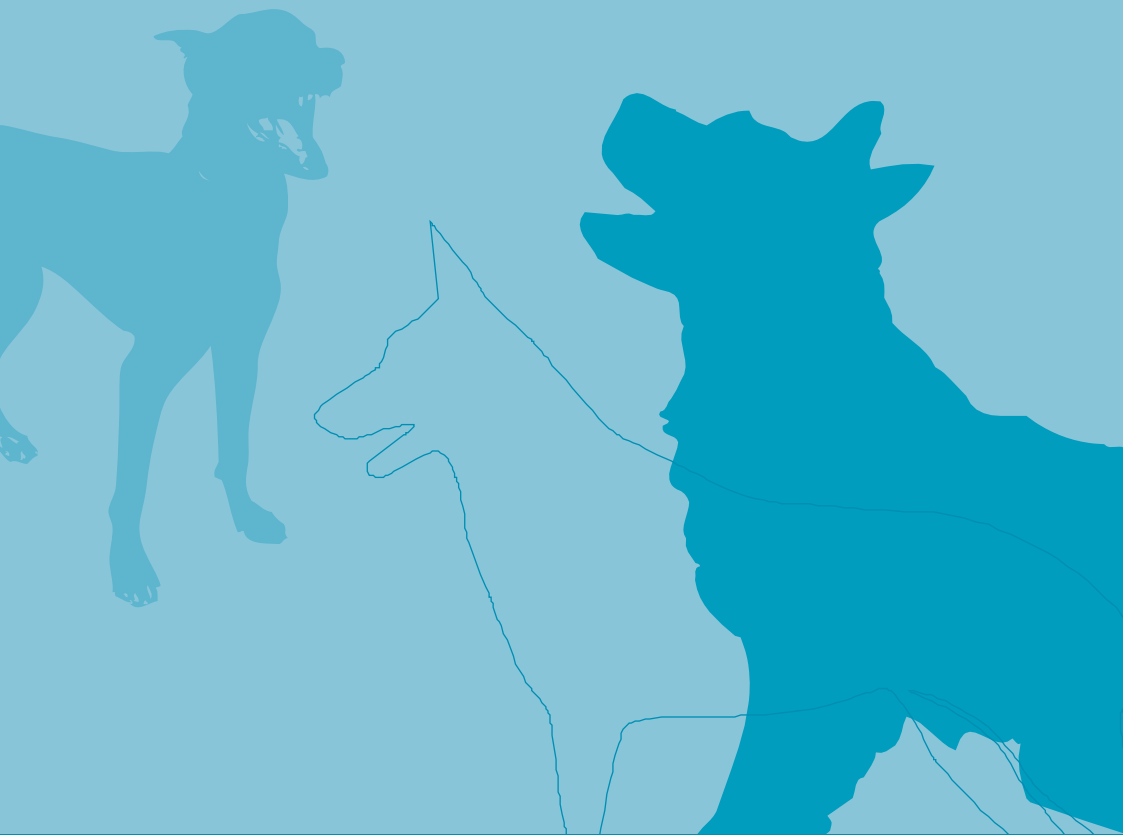
The Dog and Cat Management Board of South Australia



Section 45D Dog and Cat Management Act 1995 attack trained dogs, guard dogs and patrol dogs



Government of South Australia
The Dog and Cat Management Board



INTRODUCTION

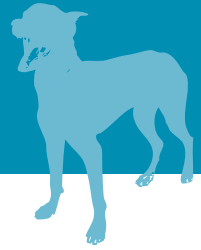
At its December 2005 meeting, the Dog and Cat Management Board discussed specific duties relating to attack trained dogs, guard dogs and patrol dogs, as described by Section 45D of the *Dog and Cat Management Act 1995*. The notice was published in the *Government Gazette* on 30 March 2006 and specified a commencement date of 1 July 2006.

DEFINITIONS

Attack trained dog means a dog trained, or undergoing training, to attack a person on command;

Guard dog means a dog that is kept on premises primarily for the purpose of guarding or protecting a person or property at those premises;

Patrol dog means a dog that, under the control of a person, patrols premises for the purpose of guarding or protecting a person or property at those premises.



APPLICATION

Section 45D (*in full at the end of this brochure*) provides that the Board can require the owners of any or all of these categories of dog to:

- a) microchip the dog;
- b) have the dog branded in accordance with Board requirements;
- c) be confined on private property;
- d) keep a distinctive collar on the dog in accordance with Board requirements;
- e) restrain the dog using a leash in public;
- f) place warning signs at all entrances to the property.

The Board can make exemptions for any or all of the categories of dog from any or all of these requirements. The Board sought input from stakeholders and, in consideration of their comments, determined a series of exemptions, which were included in the gazettal notice. The requirements for each of the categories are summarised in the table below:

	Attack Trained Dogs	Guard Dogs	Patrol Dogs
Microchip	Yes	Yes	Yes
Brand	No	No	No
Confinement	Yes	Yes	Yes
Collar	No	Yes	No
Leash in public	Yes	Yes	Yes
Signs	Yes	Yes	Yes

REQUIREMENTS FOR ATTACK TRAINED DOGS FROM 1 JULY 2006

- Must be implanted with a microchip that meets Australian Standards (AS5018, AS5019) and contains current information.
- No brand is required.
- Must be kept indoors, or in an enclosure that is constructed so as to prevent the dog from escaping.
- No specific collar is required.
- Must be on a lead in public places. (*For retired dogs of the Crown, see Exemptions*)
- A sign must be displayed in areas in which the dog lives stating, '**Attack Trained Dog Kept on These Premises**'. These signs should be a minimum size of 74mm x 105mm, with a yellow background and black writing. The minimum font (*letter size*) should be no smaller than 20mm high.

REQUIREMENTS FOR GUARD DOGS FROM 1 JULY 2006

- Must be implanted with a microchip that meets Australian Standards (AS5018, AS5019) and contains current information.
- No brand is required.
- Must be kept indoors, or in an enclosure that is constructed to prevent the dog from escaping.
- Must wear a fluorescent red and silver collar obtained from the Board or Council.
- May be off leash whilst on the premises they are protecting or within the premises occupied by the owner of the dog.
- Must be on a leash in public places.
- Signs must be displayed stating, '**Warning**' - minimum font (*letter size*) of 60mm, '**Guard Dog Kept on These Premises**' - minimum font (*letter size*) of 40mm and bearing a contact phone number for the owner or handler of the dog which can be accessed at all times - minimum font (*letter size*) of 20mm. The signs must be a minimum size of 450mm x 300mm, with a yellow background and black writing.

REQUIREMENTS FOR PATROL DOGS FROM 1 JULY 2006

- Must be implanted with a microchip that meets Australian Standards (*AS5018, AS5019*) and contains current information.
- No brand is required.
- Must be kept indoors, or in an enclosure that is constructed to prevent the dog from escaping.
- No specific collar is required.
- Must be on a leash in public places.
- Signs must be displayed in areas in which the dog is working stating, **'Warning'** - minimum font (*letter size*) of 60mm, **'Patrol Dog Guards These Premises'** - minimum font (*letter size*) of 40mm. The signs must be a minimum size of 450mm x 300mm, with a yellow background and black writing.

EXEMPTIONS

Exemption from certain provisions of section 45D

Pursuant to section 45E-

- a) a person who owns, or is responsible for the control of, an attack trained dog, a guard dog or a patrol dog is exempt from complying with section 45D(1)(b);
- b) a person who owns, or is responsible for the control of, an attack trained dog or a patrol dog is exempt from complying with section 45D(1)(d);
- c) dogs that have previously been exempted under section 9, if in the care and custody of the person responsible for the dog at the time of the exemption, are exempt from section 45D(1)(e).



LEGISLATION

The relevant sections of the Act are reproduced in full below.

45D - Specific duties relating to attack trained dogs, guard dogs and patrol dogs

- 1) A person who owns, or is responsible for the control of, an attack trained dog, a guard dog or a patrol dog is guilty of an offence if, after the day declared for the purpose under this section, any of the following requirements is not complied with:
 - a) the dog must be implanted with a microchip;
 - b) the dog must be branded in a manner approved by the Board;
 - c) the dog, while on premises of which the person who is responsible for the control of the dog is the occupier, must be kept indoors or in an enclosure that is constructed so as to prevent the dog escaping from it;
 - d) the dog must, at all times, wear a collar that complies with the requirements of the Board (*except while the dog is suffering from injury, disease or sickness to the extent that the wearing of a collar would be injurious to the health of the dog*);
 - e) the dog must, except while confined to premises of which the person who is responsible for the control of the dog is the occupier, be under the effective control of a person by means of physical restraint;
 - f) warning signs (*complying with the requirements of the Board*) must be prominently displayed at all entrances to premises where the dog is usually kept warning people that an attack trained dog, a guard dog or patrol dog (*as the case may be*) is kept on the premises.

Maximum penalty: \$2 500.



- 2) Subsection (1) does not apply while the dog is participating in an organised activity (*being a show, trial or class*) and is under the effective control of a person by command, the dog being in close proximity to the person and the person being able to see the dog at all times.
- 3) For the purposes of this section, the Board may-
 - a) by notice in the *Gazette*, declare a day to be the day from which the provisions of this section apply in respect of dogs within the area of the council specified in the notice; and
 - b) by further notice in the *Gazette*, vary such a declaration.

EXEMPTIONS

45E - Board may exempt persons from specific duties under this Division

- 1) The Board may, on application or of its own motion, exempt a person or class of persons from having to comply with a specified specific duty under this Division.
- 2) An exemption is subject to the conditions (*if any*) imposed by the Board.
- 3) The Board may, at the Board's discretion, vary or revoke an exemption.
- 4) The Board must give written notice of a grant, or a variation or revocation, of an exemption to the applicant.



CONTACT DETAILS

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