

# Dog Control Orders

## Councils may issue Nuisance Dog, Menacing Dog, Dangerous Dog, Destruction or Prohibition Orders under certain circumstances.

If a dog has harassed, chased or attacked a person or owned animal, the local council has the authority to issue a 'control order' that would classify that dog to be a Nuisance, Menacing, or Dangerous Dog.

Control orders may include specific directions to ensure that the dog is kept in a manner which minimizes public risk. If the dog poses too great a public risk, the council may issue a Destruction or Prohibition Order. A Prohibition Order is only issued when a previous control order has proved ineffective or if the owner has, within the preceding five years, owned another dog which was the subject of a control order. A control order provides the local council with the flexibility to determine the degree of management and control that is necessary to contain an unacceptable situation.

**Every dog attack is different, so each control order is designed to overcome a different set of circumstances.**

| Order Type   | Control Nuisance Dog Order | Control Menacing Dog Order | Control Dangerous Dog Order | Destruction Order | Prohibition order |
|--|----------------------------|----------------------------|-----------------------------|-------------------|-------------------|
| Action taken to ensure the behavior is not repeated                | ☒                          | ☒                          | ☒                           |                   |                   |
| Dog to be Indoors or confined so it cannot escape yard             | ☒                          | ☒                          | ☒                           |                   |                   |
| Dog to be on 2 metre lead in public                                | ☒                          | ☒                          | ☒                           |                   |                   |
| Dog to be microchipped   |                            | ☒                          | ☒                           |                   |                   |
| Dog to wear specified collar                                       |                            | ☒                          | ☒                           |                   |                   |
| Dog to be muzzled in public  |                            | ☒                          | ☒                           |                   |                   |
| Dog to be trained  |                            |                            | ☒                           |                   |                   |
| Owner to erect warning signs on the property entrances             |                            |                            | ☒                           |                   |                   |
| Dog to be desexed  |                            |                            | ☒                           |                   |                   |
| Dog may be detained by council until order carried out             |                            |                            |                             | ☒                 | ☒                 |
| Dog to be destroyed  |                            |                            |                             | ☒                 | ☒                 |
| All other dogs owned by the same person to be destroyed or rehomed |                            |                            |                             |                   | ☒                 |
| Owner may not obtain another dog whilst order is in place          |                            |                            |                             |                   | ☒                 |

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If a situation arises where a dog endangers the peace, health or safety of the community, the local council will investigate the situation and may impose a control order on the dog in the interest of public safety. The dog owner will also be given an opportunity to try and rectify the situation and explain from their perspective.

## **Council procedure for making orders**

The law requires the council to make reasonable attempts to provide notice of an impending control order, to the owner or person responsible for the dog. This process allows the dog's owner to advise the council if there are any factors that should be considered before the order is made. The order comes into effect, as soon as it is delivered. The council, however, must not implement a destruction order for at least 28 days, so as to allow the owner the opportunity to appeal.

Orders are also applicable outside the council area in which they were made and it is the dog owner's responsibility to ensure that the new council is aware of the control order.

## **Directions about how to comply with order**

The council may issue written directions to the owner is to comply with the order within the area of the council. Directions (unlike the order itself) only apply in the council area in which they were issued. For example, if a dog digs under fences, the owner could be directed to pave an area one metre wide adjacent to the fence line.

## **Appealing orders**

The dog's owner may appeal to the Administrative and Disciplinary Division of the District Court to refuse to revoke a control order. If at the time of making the order, the council did not provide adequate reasons, the owner can request that these be provided by the council within fourteen days. An appeal, if any, must be made within fourteen days of the order being issued or the reasons being given. Destruction orders will be suspended until the appeal is resolved.

## **Contravention of orders**

Contravention of a control order is an offence and the dog's owner, or person responsible, will bear the costs of the council taking the action specified by the control order. For example, if the dog is the subject of a dangerous dog order, the council could have it desexed and microchipped and the owner will be held responsible for the resulting costs.

## **Revoking orders**

If the problem behaviour, that caused the control order, no longer occurs, the council can revoke the control order and formally notify the dog's owner or person responsible for the animal.

## **Avoiding orders – don't let the incident occur**

Dog attacks are traumatic for everyone concerned, the owner, the victim and the council officer who must investigate it. If a person knows that their dog has an aggressive tendency it is far preferable to address the situation before an incident occurs. This may be something as simple as improving the fencing, keeping the dog on lead in public or locking the dog in the backyard when kids are walking home from school. The best outcome for all concerned is that the attack never occurs.