

Enclosure requirements for regulated dogs (dangerous dogs, menacing dogs and restricted dogs) under the *Animal Management (Cats and Dogs) Act 2008*

Under the *Animal Management (Cats and Dogs) Act 2008* certain enclosure requirements apply to regulated dogs.

A dog that was declared dangerous by a council under a local law before 1 July 2009 must continue to be kept in an enclosure which meets the requirements of the local law until the dog dies or is moved to a new residence.

The following enclosure requirements apply to all other regulated dogs or for a dog declared as dangerous under a local law before 1 July 2009 that is moved to another residence.

General enclosure requirements

The dog must, unless there is a reasonable excuse, be usually kept in the enclosure.

The enclosure must:

- (a) be childproof
- (b) stop the dog from leaving the enclosure.

Also, the enclosure and the area enclosed must comply with the following requirements.

Public access to front entrance of a house

The enclosure must not be built or situated in a way that requires a member of the public seeking access to the front entrance of a dwelling to go into the enclosed area.

Minimum enclosed area

- (1) the area enclosed must be at least 10 square metres
- (2) the area must not include any area that is:
 - (a) a swimming pool or area surrounding a swimming pool
 - (b) all or part of a building usually used for residential purposes.

Minimum height

The walls of the enclosure must be:

- (a) at least 1 m high above ground level (if the dog is 8 kg or less)
- (b) at least 1.8 m high above ground level (if the dog is more than 8 kg).

The weight of the dog is based on its weight at the time it was declared. There may be some leeway in this determination—enquiries should be directed to council as they are responsible for ensuring compliance with the legislation.

Standard for enclosure materials

The enclosure must consist of firm and strong materials.

Enclosure walls

- (1) the exterior of the walls of the enclosure must be designed to prevent a child from climbing into the enclosure
- (2) the walls may include a perimeter fence for the relevant place or an exterior wall of a structure if it complies with the other enclosure requirements listed here.

Weatherproof area required

The enclosure must include a weatherproof area appropriate for a dog.

Gate requirements

- (1) the enclosure must include a gate (the enclosure gate)
- (2) the enclosure must not have a driveway gate or other vehicle entry gate (a vehicle gate)
- (3) the enclosure gate must:
 - (a) be childproof, self-closing and self-latching
 - (b) comply with the other enclosure requirements listed here.
- (4) the enclosure may have another gate that is not self-closing and self-latching if it:
 - (a) is not a vehicle gate
 - (b) complies with the requirements for 'enclosure walls' listed above
 - (c) is kept securely locked whenever it is not in immediate use.

Sign requirements

A sign/notice must be placed at or near each entrance to the place where the dog is usually kept notifying the public that a regulated dog is kept there and must:

- (1) be at least 360mm in height and 260mm in width
- (2) consist of firm and strong materials with a yellow background and black border
- (3) contain the following information—one of:
 - (a) 'BEWARE—MEANACING DOG'
 - (b) 'BEWARE—DANGEROUS DOG'
 - (c) 'BEWARE—RESTRICTED DOG'and
 - (d) 'declared under the *Animal Management (Cats and Dogs) Act 2008*, chapter 4'.
- (4) the sign must be indelible, legible, printed in black with the wording referred to in (3)(a), (b), (c) approximately 50mm in height and the wording in (3)(d) approximately 15mm in height.

People living in units and rental properties

These requirements also apply to people living in units and rental properties.

Enforcement

Your local council is responsible for ensuring compliance with the animal management legislation. Your local council is also responsible for enforcing these requirements, and any enquiries about whether the enclosure on your property specifically complies with these requirements should be discussed with your council. For example, whether the enclosure is childproof is a matter for the council to consider and may need a site inspection by the council.

Review and appeal

In relation to the declaration of dangerous and menacing dogs a person may apply to the chief executive officer of a council for a review of an original decision made by the council. A person then has a right of appeal to the Magistrates Court against the 'review decision'.

Dogs declared dangerous under a local law

Keepers of dogs declared dangerous under a local law before 1 July 2009 can continue to keep the dog in the same enclosure, as long as it continues to meet the requirements of the local law as applied before 1 July 2009. If the dog is moved to a different enclosure or local laws did not specify requirements, the dog must be kept according to the new regulations.

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