

FACTS ABOUT: PROBLEMS WITH DOGS



Northern Territory
Legal Aid Commission

Most Councils in the NT have by-laws that regulate dogs. This fact sheet provides general information on those by-laws that relate to Darwin City Council. To find out more information on laws affecting dog owners in your area contact your local Council or Shire office.

Dog Owners

A dog owner is defined as:

- The registered owner of the dog;
- The person who is in control of the dog at the time;
- The occupier of premises where the dog lives; or
- The parent or guardian of the dog owner if that person is under 17 years of age.

Any person who fits into one of these categories may be prosecuted for an offence, for example: a person who takes a friend's dog for a walk and it bites someone whilst out with them.

Registering Dogs

Any dog more than three months old must be registered with the Council. It is an offence to keep an unregistered dog. A person new to a council area has 1 month to register their dog. A dog may be registered by completing the relevant Council forms and paying a fee. All dog registrations must be renewed each year. A dog identification device is issued and it is an offence for the dog not to wear it.

Premises where more than the allowed number of dogs are kept must also be specially licensed with the Council and a fee is payable.

Upon registration the owner must comply with the conditions set by the Council and a licence must be obtained if you intend to keep more than the number or class of dogs specified by the Council.

Dog Offences

Common dog offences include:

- Having a dog at large and not under effective control;
- Having a dog that chases a vehicle;
- Having a dog that attacks or menaces a person or animal;
- Having a dog that is a nuisance, for example: a dog that barks persistently or defecates repeatedly in a public place; and
- Having a dog that is unregistered.

Dog offences are treated in the same way as parking offences. The alleged offender is given an infringement notice and given time to pay a penalty. If this is not paid, then the offender must attend court and may be liable (if convicted) for further penalties. You can contact the Council for further information about those penalties.

Other Offences

Other dog offences that attract penalties are:

- Allowing an unmuzzled ferocious dog to be loose;
- Enticing or inducing a dog to attack or menace any person or animal;
- Abandoning a dog (whether or not you are the owner);
- Removing an identification device from a registered dog; and
- Having a female dog on heat in a public place.

Noisy Dogs

A person who has problems with continually noisy dogs should first talk to the dog owner. If this is unsuccessful, you can contact the Council for assistance or use the Community Justice Centre for help in working it out with the owner. If the noise continues, you can apply to the Local Court for a Noise Abatement Order. A Noise Abatement Order directs the responsible person to either permanently reduce the noise or ensure that it is reduced at certain times of the day.

The Council may issue an infringement notice or take other action if the nuisance barking is not resolved.

Injury Caused by Dogs

A dog owner is guilty of an offence if their dog attacks or menaces any person or animal, or if the dog owner entices or induces the dog to do so. A dog attack or menace offence carries a maximum penalty of \$5,000.

A dog owner is liable for loss, damage or injury caused by their dog. A person attacked by a dog may be able to commence a civil claim against the dog's owner for compensation for any injuries or loss that they have suffered.

Dog attacks should be reported to your local Council.

Destruction of Dogs

The local Council or a Magistrate can order any dog in the NT to be destroyed. The order is made against the owner of a dog that is diseased, injured, savage or destructive. A person can also apply to the Local Court to have a dog destroyed if they:

- Can show they have suffered loss, damages or injury from a dog's actions;
- Live, or have lived, at premises where a dog has persistently caused a nuisance.

A copy of the order should be given to the dog's owner. If this is not possible (for example, the dog is a stray) the court can still order the dog to be destroyed.

A dog owner cannot take any action against a person who destroys a dog where:

- The dog is so diseased or injured that destroying it is humane;
- The person destroys the dog in accordance with Northern Territory law;
- The person destroys the dog on the request of someone they reasonably believe to be the dog's owner.

Injuring or Killing Dogs

A person who injures or kills a dog can be sued for compensation by the dog's owner. A person who wishes to seek compensation should obtain legal advice. A person who injures or kills a dog has a defence if:

- The dog was attacking them, or someone else, or an animal belonging to them;
- They had reasonable grounds to think the dog was going to attack;
- The attack was unprovoked;
- They were not trespassing.

Areas not covered by Local Government

In areas that are not covered by Local Government By-Laws, police can be called in relation to a dog problem. Police can act on complaints in a number of ways. Police can order that the dog owner deals with the dog in relation to noise and order dogs to be destroyed if they are diseased or injured.

Dog Exercise Areas

Councils have designated dog exercise areas, including some beaches, where dogs may be exercised in that area (other conditions may apply). A map showing these areas is available from Council offices.

There are some areas where it is illegal to take your dogs. These are:

- East Point Reserve – from the area bounded by the entry gateway and Lake Alexander perimeter fence. This includes the beach area;
- Smith Street Mall;
- Market areas – Mindil Beach, Parap, Rapid Creek and Nightcliff during market times.

Mediation

Mediation is available at the Community Justice Centre if you are having difficulty talking to the dog owner about the problem. You can contact the Community Justice Centre on **1800 000 473** to arrange free mediation.

Further Information

You can obtain more information about dogs from your local Council or Shire office. You can also access city council By-Laws via the Department of the Chief Minister's website: www.dcm.nt.gov.au

Contacts

Northern Territory Legal Aid Commission
Call the Helpline toll free 1800 019 343
www.ntlac.nt.gov.au

Darwin
6th floor, 9-11 Cavenagh St, Darwin

Palmerston
Shop 6, Goyder Centre,
25 Chung Wah Terrace, Palmerston

Katherine
20 Second Street, Katherine

Tennant Creek
Shop 3, 163 Paterson St, Tennant Creek

Alice Springs
77 Hartley Street, Alice Springs

Non-English speaking people can access the Legal Aid Helpline by calling the Translating and Interpreting Service (TIS) on 13 14 50 and asking for the interpreter to connect them to Legal Aid on 1800 019 343.

Produced in-house by the Northern Territory Legal Aid Commission. The information in this fact sheet is current as at August 2014.

Disclaimer: This content is provided as an information source only and is not legal advice. It is correct at the time of publication but laws change. If you have a legal problem you should seek legal advice from a lawyer.