POLICY:	DANGEROUS AND MENACING DOGS
DATE ADOPTED:	Director Corporate Services and Finance Report #8.1.1 Policy Committee Meeting 3 July 2024 Resolution No. POL2024-23
	Director Environmental, Planning & Building Services Report #8.2.11 Council 17 November 2021 Resolution Number ORD2020-401
ORIGINAL ADOPTION:	Director Environmental, Planning & Building Services Report # 3 Policy 7 June 2017 Council 21 June 2017 Minute Book No. 12531
FILE REFERENCE: OBJECTIVE:	02.00006 This policy describes how Council will assess the appropriate regulatory response regarding an alleged dog attack.

# 1. BACKGROUND

Attack or harassment by dogs can have serious public safety consequences. Councils are required to promptly investigate incidents and settle complaints. Its purpose is to ensure the consistent and accurate application of relevant legislation.

# 2. APPLICATION

This policy applies to the investigation of an alleged dog attack or dog displaying unreasonable aggression in the Bathurst Regional Council local government area.

# 3. LEGISLATIVE FRAMEWORK AND GUIDELINES

The Companion Animals Act 1998 (the Act) and associated regulation provide the legislative framework for the management of dogs and cats in NSW. The Division of Local Government has issued the *"Guidelines for the Exercise of Functions under the Companion Animals Act (2015)"*(guideline) and this policy must be considered in conjunction with these guidelines. As is stated in the guideline section 9.5.1 : "Authorised officers have discretion in the application of dangerous and menacing dog declaration provisions to suit the individual circumstances of incidents to which they are responding. The dominant factor is public interest and the safety of the community".

Further, Council has adopted an Enforcement Policy which must be given consideration in any enforcement action.

#### 4. ASSESSMENT MATRIX

The assessment matrix which is located at Appendix 1 must be completed by the Authorised Officer investigating an alleged dog attack or dog displaying unreasonable

Doc Ref: 11.00039/109     Reviewed: July 2024     Next Review: July 2026     Page 1 of 6	
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aggression. The Authorised Officer must seek endorsement of the completed risk assessment matrix from a supervisor. The risk assessment matrix must be recorded on the appropriate file in Council's records system.

The risk assessment matrix must be completed based on an unbiased assessment by the Authorised Officer of the available evidence.

The Authorised Officer must then prepare a brief of evidence for review by the Manager Environment (or other senior staff) which includes the completed risk assessment matrix.

Approval to proceed with any regulatory action must be sought from the Director Environmental Planning and Building Services in writing.

#### 5. CONSIDERATION OF REPRESENTATIONS IN RESPONSE TO A NOTICE OF INTENTION TO DECLARE A DOG TO BE DANGEROUS OR A NOTICE OF INTENTION TO DECLARE A DOG TO BE MENACING

The Act requires that Authorised Officers consider all representations made by the owner within 7 days of the issue of a notice of intention.

Representations must be considered by a panel of staff with a demonstrated understanding of the Act and whom have not been directly involved in the investigation. Typically this should include the Director Environmental, Planning & Building Services, a Manager from the Environmental, Planning & Building Services Department and an unbiased staff member.

The Act requires that Council notify the owner within 7 days of making a decision on whether or not to declare the dog dangerous or menacing.

# 6. REVOCATION OF A DANGEROUS OR MENACING DOG DECLARATION

The Act allows an owner to make an application to Council to revoke a dangerous or menacing dog declaration but not until at least 12 months have passed since the declaration was issued.

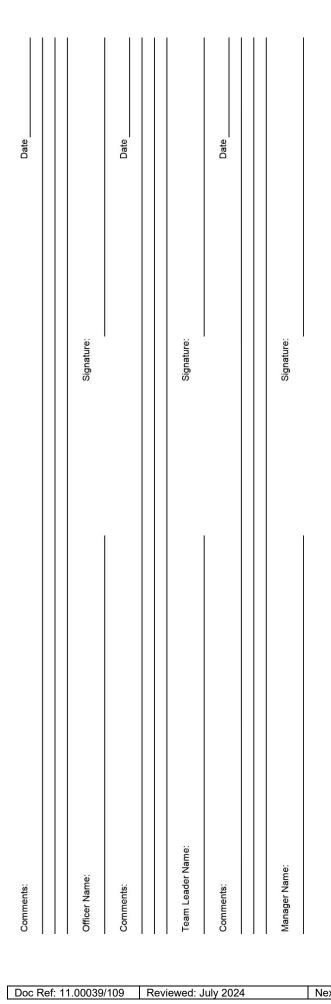
An owner may apply to the Local Court to revoke a Dangerous Dog declaration. A menacing dog declaration can only be the subject of an appeal to the Supreme Court.

Doc Ref: 11.00039/109	Reviewed: July 2024	Next Review: July 2026	Page <b>2</b> of <b>6</b>

OFFICE USE ONLY	File No: 05.00004 and		Dogs Name:			Decree of Injury	5	2 Grievous Bodily Harm 8	1 Serious Injury 6	0 Injury 4	Minor Injury 2	No Injury 0		5			Action to be considered unless mitigating circumstances	Declare the dog dangerous and seek destruction order	Declare the dod as a dangerous dog	Declare the dod as a dangerous dog	Nuisance Dog declaration	low Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council pose for which it was collected. An individual may view their personal information and may correct any errors.	
						History	Previously declared	Previous reports of aggression	Previous reports of straying	No Previous History				4		g process	Action to be consi	Declare the dog	Declare	Declar		atutory obligations. All in personal information and	
Telephone 02 6333 6111 Facsimile 02 6331 7211 council@bafthurst.nsw.gov.au www.bafthurst.nsw.gov.au	DOG ATTACK (HUMAN) RISK ASSESSMENT Section 34 Companion Animals Act 1998		Dogs Name:		Home	Actions of Dog	Mauling/ Multiple Bite 4	Bite (Puncture) 3	Bite (No Puncture) 2	Circle or Rush with 1 No Contact			Criteria Score	3		assist in the decision makin	Risk Level	Unacceptable	High	Medium		ication and/or carry out its sti An individual may view their r	
Civic Centre: 158 Russell Street Correspondence: Private Mail Bag 17 BATHURST NSW 2795	DOG ATTACK (HU Section 34 Com				Work	Provocation	e	Instinct/Natural 2 Prey drive 2	Provoked 1	Unknown 0			Cr	2		NOTE: This table is a guide to assist in the decision making process	Assessment Score	> 65	40 - 64	20 101	< 20	this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.	
		Owner/dog details			Mobile:	Control	Forced exit/entry to 5	Straying 4	Legally Off Leash 3	On Leash 2	On Dog's Property 1	On Dog's Property - 0 Trespassing		1		8		MENT SCORE				The information on this form is being collected to a and will only be used for the bu	
BATHURST	CCS No:	Section 1 Owne	Owners Name:	Address:	Contact Nos: N			VIS	LEI	JBI.	)			Multiplier	Total			TOTAL ASSESSMENT SCORE				The information or	

# **APPENDIX 1 – RISK ASSESSMENT MATRIX**

DOG ATTACK ASSESSMENT Section 34 Comparison Atmate Act 1986     Concert Section 34 Comparison Atmate Act 1986     File No. 65 0004 and Section 34 Comparison Atmate Act 1986     Exercision Activity Activity Activity In Survivity Concert In Survivity Activity In Survivity Activity In Survivity Activity In Survivity Activity In Survivity In Survivity Activity In Survivity In Survivity Activity In Survivity In Survivity Activity In Survivity In Survivi In Survivity In Survivi In Survivity In Survi	BATHURST	COUNCIL		Too russell stree Correspondence: Private Mail Bag BATHURST NSW	158 Kussell Street Correspondence: Private Mail Bag 17 BATHURST NSW 2795		Facsimile 02 6331 7211 <u>council@bathurst.nsw.gov.au</u> www.bathurst.nsw.gov.au	au				
Int Connectidod details Dogs Mame   S Name: S Name: Dogs Mame   S Name: S Name: Dogs Mame   S Name: Control Mohile   S Name: Mohile Mohile   S Name: Control Actions of Dog   S Name: Fored exiteming Nuthiple Bite 4   S Name: Elegality Off Leash 3 Mohile   S Nanging 4 Instrict/Matural 2 Bite (No Puncture)   On Dog S Property: 1 Provoked 1 1   On Dog S Property: 1 Non Contact 3 3   Ulplier 1 2 Unknown 0 Cincle or Rush with   On Dog S Property: 1 2 Unknown 3 3   On Dog S Property: 1 2 No. Contact 3   On Dog S Property: 1 2 3 3   On Dog S Property: 1 2 3 3   On Dog S Property: 1 2 3 3 <td></td> <td></td> <td></td> <td></td> <td>DOG ATTA Sacti</td> <td>CK (AI</td> <td>VIMAL) RISK ASSESSI moanion Animals Act 1998</td> <td>MENT</td> <td></td> <td></td> <td></td> <td></td>					DOG ATTA Sacti	CK (AI	VIMAL) RISK ASSESSI moanion Animals Act 1998	MENT				
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miny to get     5     No Provocation     3     Mauling/ Multiple Bite     4       ing     4     Instruct/Natural     2     Bite (Puncture)     3       iff Leash     3     Provoked     1     Bite (No Puncture)     2       iff Leash     2     Unknown     0     Cicle or Functure)     2       Property     1     0     Cicle or Functure)     2       Property     0     No Contact     1     2       Property     0     No Contact     3     3       Property     1     2     3     3       Property     1     2     3     3       Property     1     2     3     3       Property     1		Contr	-	_	Provocation		Actions of Dog		History		Degree of Injury	
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If Leasth     3     Provoked     1     Bite (No Puncture)     2       aeth     2     Unknown     0     Circle or Rush with     1       Property-     1     0     Circle or Rush with     1       Property-     0     0     Circle or Rush with     1       Property-     0     0     Circle or Rush with     1       Property-     0     Circle or Rush with     1     1       1     2     1     23     3     3       Assessment Score     Risk Level     merceptatore     1     1       65     0     Merceptatore     1     1     20     2     2     1     1     2     2     2     2     2	AI	Straying		_	nstinct/Natural Prey drive	2	Bite (Puncture)	ŝ	Previous reports of aggression	2	Fatality	
reach     2     Unknown     0     Circle or Rush with     1       Property     1     No Contract     No Contract     Secondary     Intervention	ובא	Legally Off Les	sh		Provoked	-	Bite (No Puncture)	2	Previous reports of straving	-	Serious Injury Veterinary Overnight	0
Property     1       "operty-     0       ssing     Criteria Score       1     2       1     2       1     2       1     2       1     3       1     2       1     3       1     2       1     45       1     45       1     45       1     45       1     45       1     45       1     45       1     45       1     45       1     45       1     45       1     45       1     45       1     45       1     1       1     1	.เชว	On Leash		5	Unknown	0	Circle or Rush with No Contact	1	No Previous History	0	Injury Veterinary Treatment	
Open/type     0       ssing     criteria Score       1     2     3       1     2     3       NOTE: This table is a guide to assist in the decision making     1     1       1     Assessment Score     Risk Level     1       1     45     65     Unacceptable     1       45<		On Dog's Prop	erty	-							Injury Other Treatment	
A     Criterial score       1     2     3       NOTE: This table is a guide to assist in the decision making     Assessment Score     Risk Level       <		On Dog's Prope Trespassing	- tu								No Injury	
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Low					20 - 44		Medium		Declare the dog	g as a	menacing dog	1
				 	< 20		Low		Nuisance [	Dog d€	eclaration	



Doc Ref: 11.00039/109	Reviewed: July 2024

lerm	Definition
Forcible Exiting	Dog escapes from property, whether that is by jumping over, digging under, or pushing through the property
Wandering	Dog is out of its property with no responsible person around
Legally Off Leash	Dog is in an off leash area with the owner present
On Leash	Dog is on a leash with owner
On Dog's Property	Dog is an its own property
No Provocation	No factors present or identified that may have caused/led to the attack
Instinct/Natural Prey Drive	Factors present that could be considered as instinctive (e.g. chasing a cat, chicken)
Provoked	Factors present or identified that may have caused/led to the attack
Unknown provocation	Not able to be identified/no withesses to the incident
Mauling or Repeat Lunging	Multiple Puncture wounds/ripping and tearing. Also loss of tissue
Bite (Puncture)	Single bite (in most cases) with puncture wounds
Bite (No Puncture)	Single bite (in most cases) with no puncture wounds
Circle/Rush/No Contact	Dog may not have bitten or may have tried but no contact was made.
Declared Dangerous/Menacing/Restricted Dog	Dog is a Dangerous/Menacing/Restricted Dog at the time of the incident
History of Attacks (Bite)	Council records contain previously reported attacks but not declared
History of Complaints (Major)	Council records contain a large number of previously reported complaints but not attacks (e.g. wandering)
History of Complaints (Minor)	Council records contain a small amount of previously reported complaints of a minor nature (e.g. barking)
No History	No previously reported complaints for the dog
(Human) Fatality	Death of a human
(Human) GBH**	Grievous Bodily Harm
(Human) Actual Bodily Harm* - Admitted to Hospital	Actual Bodily Harm with a stay in hospital
(Human) Actual Bodily Harm* - Medical Treatment	Actual Bodily Harm with Doctor's certificate regarding injuries
(Human) Injury - Medical Treatment	Injuries but no Doctor's certificate or no Doctor seen
(Human) Injury - First Aid Treatment	Injuries with first aid treatment (e.g. bandaids)
(Human) No Treatment	Minor injuries with no treatment
(Human) No Injury	No injury received
(Animal) Fatality	Death of an animal
(Animal) Serious Injury - Vet Treatment Overnight	Serious injury to an animal with Vet certificate, overnight stay required
(Animal) Serious Injury - Vet Treatment	Serious injury to an animal with Vet certificate but overnight stay not required
(Animal) Injury - No Treatment	Injury to animal but no vet treatment
(Animal) No Injury	No injury received
Legal Definitions	
*Actual Bodily Harm	any hurt or injury calculated to interfere with the health or comfort of the victim, but such hurt or injury need to be permanent but more than merely transient and trifling: R V Donovan [1934] 2 KB 498 at 509
**Grievous Bodily Harm	Crimes Act 1990 s4 includes: (a) the destruction (other than in the course of a medical procedure) of the foetus of a pregannt woman, whether or not the woman suffers any other harm, and (b) any permanent or serious distiguing of the person, and
	(a) any arminic bodily decore (in which area a reference of the infliction of arminic bodily harm includes a reference to contract a arminic bodily decored