

Dog Attacks and Harassment Policy

Policy Reference Number	5977689
Responsible Department	Urban Planning & Leisure Services
Related Policies	Nil
Related Procedures	Nil
Date of Initial Adoption	06 March 2000
Last Reviewed by Council	23 February 2021

1. Purpose

Campbelltown City Council provides this Policy to inform the community how it will deal with instances of dog attacks and dog harassment.

2. Introduction

Nil

3. Power to Make the Policy

Administration of animal management and control is subject to the Dog and Cat Management Act and Regulations 1995.

4. Strategic Plan Link

This Policy has the following link to Council's Strategic Plan 2010-2020:

Quality Living (Goal 1) –

A quality lifestyle that meets the changing needs of the community.

5. Principles

This Policy will help ensure the safety of the community and provide the basis of a clear process for the management of instances of dog attacks and harassment so that each instance is addressed in a consistent and equitable manner.

Assessment of the nature of an attack will be made by an Authorised Officer who is trained to make the decision.

6. Definitions

Nil

7. Policy

7.1 Dog Attacks

7.1.1 Attacks of a serious nature

In situations where:

- a dog attacks a person, or another animal in the care and control of a person, and injury is caused;
- the attack is of a **serious nature** (as determined by authorised officers and may include requiring medical attention / hospitalisation / veterinary care); and
- the complainant is able to identify (where possible) the location of the incident, the address from where the offending dog came (if possible), the breed type, colour, height etc. of the offending dog, and if appropriate, a description of the person responsible for the control of the offending dog at the time; and
- the complainant is able to provide details of any witnesses including names, addresses, phone numbers etc; and
- the complainant is prepared to complete a statement; and
- defences are not applicable to the owner, or the person responsible for the control of the offending dog, under Section 86 of the Dog and Cat Management Act 1995, and the investigating officer is satisfied that sufficient prima facie evidence exists to support a case,

the following action will be taken:

- for a **First Offence**, depending on the history of the dog and the particular circumstances:
 - Staff will issue an expiation notice with associated expiation fee and make a Control Order pursuant to the Dog and Cat Management Act 1995 or
 - Staff will instigate legal action;
- for a **Second Offence**, staff will instigate legal action and make a Destruction Order pursuant to the Dog and Cat Management Act 1995.

7.1.2 Attacks of a moderate nature

In situations where:

- a dog attacks a person, or another animal in the care and control of a person, and injury is caused; and
- the attack is of a **moderate nature** (as determined by authorised officers and may include requiring medical attention / stitches); and
- the complainant is able to identify (where possible) the location of the incident, the address from where the offending dog came, the breed type, colour, height etc. of the offending dog, and if appropriate, a description of the person responsible for the control of the offending dog at the time; and

- the complainant is able to provide details of any witnesses including names, addresses, phone numbers etc; and
- defences are not applicable to the owner, or the person responsible for the control of the offending dog under Section 86 of the Dog and Cat Management Act 1995 and the investigating officer is satisfied that sufficient prima facie evidence exists to support a case,

the following action will be taken:

- for a **First Offence**, staff will issue an expiation notice with associated expiation fee and make a Control Order pursuant to the Dog and Cat Management Act 1995;
- for a **Second offence**, staff will instigate legal action and make a Destruction Order pursuant to the Dog and Cat Management Act 1995 if there is a contravention of the Control Order.

7.1.3 Attacks of a minor nature

In situations where:

- a dog attacks a person, or another animal in the care and control of a person, and injury is caused; and
- the attack is of a **minor nature** (as determined by authorised officers and may include requiring medical attention); and
- the complainant is able to identify the location of the incident, the address from where the offending dog came, the breed type, colour, height etc. of the offending dog, and if appropriate, a description of the person responsible for the control of the offending dog at the time; and
- the complainant is able to provide details of any witnesses including names, addresses, phone numbers etc; and
- defences are not applicable to the owner, or the person responsible for the control of the offending dog under Section 86 of the Dog and Cat Management Act 1995 and the investigating officer is satisfied that sufficient prima facie evidence exists to support a case,

the following action will be taken:

- for a **First Offence**, staff will issue an expiation notice with associated expiation fee;
- for a **Second Offence**, staff will issue an expiation notice with associated expiation fee and make a Control Order pursuant to the Dog and Cat Management Act 1995;
- for a **Third Offence**, staff will instigate legal action and make a Destruction Order pursuant to the Dog and Cat Management Act 1995 if there is a contravention of the Control Order.

7.1.4 Legal Defence

- If the Authorised Dog Management Officer determines that a defence has been established for any offence under the terms of this Policy and Section 86 of the Dog and Cat Management Act 1995, no action will be

pursued against the owner of the dog or the person responsible for the control of the dog.

7.2 Dog Harassment

7.2.1 Serious Nature Harassment

In situations where:

- a dog harasses a person, or another animal in the care and control of a person, and no injury is caused; and
- the harassment is of a **serious nature** (as determined by authorised officers); and
- the complainant is able to identify (where possible) the location of the incident, the address from where the dog came (if possible), the breed type, colour, height etc. of the offending dog, and if appropriate, a description of the person responsible for the control of the dog at the time; and
- the complainant is able to provide details of any witnesses including names, addresses, phone numbers etc; and
- defences are not applicable to the owner, or the person responsible for the control of the offending dog under Section 86 of the Dog and Cat Management Act 1995 and the investigating officer is satisfied that sufficient prima facie evidence exists to support a case,

the following action will be taken:

- for a **First Offence**, staff will issue an expiation notice with associated expiation fee and make a Control Order pursuant to the Dog and Cat Management Act 1995;
- for a **Second Offence**, staff will instigate legal action and make a Destruction Order pursuant to the Dog and Cat Management Act 1995 if there is a contravention of the Control Order.

7.2.2 Minor nature harassment

In situations where:

- a dog harasses a person, or another animal in the care and control of a person, and no injury is caused; and
- the harassment is of a **minor nature** (as determined by authorised officers); and
- the complainant is able to identify (where possible) the location of the incident, the address from where the dog came (if possible), the breed type, colour, height etc. of the offending dog, and if appropriate, a description of the person responsible for the control of the dog at the time; and
- the complainant is able to provide details of any witnesses including names, addresses, phone numbers etc; and
- defences are not applicable to the owner, or the person responsible for the control of the offending dog under Section 86 of the Dog and Cat Management Act 1995 and the investigating officer is satisfied that sufficient prima facie evidence exists to support a case,

the following action will be taken:

- for a **First Offence**, staff will issue an expiation notice with associated expiation fee;
- for a **Second Offence**, staff will issue an expiation notice with associated expiation fee and make a Control Order pursuant to the Dog and Cat Management Act 1995;
- for a **Third Offence**, staff will instigate legal action and make a Destruction Order pursuant to the Dog and Cat Management Act 1995 if there is a contravention of the Control Order.

7.2.3 Legal Defence

- If the Authorised Dog Management Officer determines that a defence has been established for any offence under the terms of this Policy and Section 86 of the Dog and Cat Management Act 1995, no action will be pursued against the owner of the dog or the person responsible for the control of the dog.

8. Review & Evaluation

This Policy will be reviewed annually. The Chief Executive Officer will report to Council on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new Policy if considered necessary.

9. Availability of the Policy

This Policy will be available for inspection at Council's principal office during ordinary business hours and at Council's website www.campbelltown.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.