

Dog Attack Investigation Process

What is a dog attack?

The Companion Animals Act 1998 outlines that an attack may be considered where a dog rushes at, attacks, bites, harasses, or chases any person or animal (other than vermin) whether or not any injury is caused to the person or animal.

No matter how serious the attack is, it is very important to report it to Council. Even if there is not enough information. (Report as much as you can as there might have been previous reports or future reports to help investigate). To commence an investigation Council will require details of the incident, a formal statement of evidence may be required to ensure the matter can be dealt with appropriately.

What should I do if a dog attacks me or my animal

- If you or another person has been injured, seek medical attention urgently. If an animal has been injured, seek veterinary attention as soon as possible. Even minor wounds (on people or animals) can become infected without immediate attention.
- Report the attack to Council or to NSW Police as soon as possible. If the attack has occurred after hours call Council's after-hours service on 02 6626 6954 who will contact a Ranger on your behalf.

Dog attack complaints

When a complaint is received at Council about an alleged dog attack, the incident is thoroughly investigated. Actions taken against a dog owner depend on circumstances involved in the attack. Council requires sufficient evidence to uphold any decision, declaration or fine if it proceeds to court. This means that Council requires as much information as possible, including the following:

- Statement – dates, time, location, description of the attack and injuries sustained.
- Description of the offending dog – size, breed, colour, sex and distinguishing marks, name if known.
- Name and address of the dog/s owner, if known (car registration details can assist here).
- Names and contact details of any witnesses.
- Photographic or other evidence of injuries or fatalities to any person or animal.
- Doctor's report detailing any injuries suffered and treatment provided to any person.
- Vet's report detailing any injuries suffered and treatment provided to any animal.

Confidentiality

Your personal details will remain confidential. However, documents relating to the case, such as your Statement, may be made available under the Government Information (Public Access) (GIPA) Act or in court. If you are concerned about this, please let the Ranger handling your case know.

Provision of Information

A dog attack investigation is undertaken by a Ranger. The more information you can provide will assist during the investigation. Once all the information is compiled, the council officers will take time to review and consider all matters and generally not communicate with all parties involved until a decision has been made on the matter. The investigation considers the incident and then the ongoing management of the dogs behavior.

Information held by the Council in connection with a dog attack investigation is confidential and members of the public are not entitled to access. If you are seeking access to information relating to a dog attack investigation, then you will need to submit a GIPA application to the Council.

What action could Council potentially take

The enforcement options available to Council will depend upon the evidence obtained during the investigation. If evidence is obtained that establishes a dog was responsible for an attack the action may include:

- Warning
- Fine/s
- Notice of Intention to declare the dog a nuisance, menacing dog or dangerous dog (Strict conditions apply to menacing, dangerous and restricted breed dogs).
- Prosecution in Court
- Or a combination of any of the above

In determining action to be taken, Council will consider the circumstances and seriousness of the attack, the nature and extent of injuries sustained by the victim(s), whether the attacking dog was provoked and any previous history of the dog.

Am I liable if my dog attacks a person or animal/s

Yes, as a dog owner (or the person in charge of the animal) you are liable if your dog attacks another animal or person. **It is not Council's role to recover costs, this is a civil matter.**

What should you do if your dog has been involved in an attack and it is being investigated

Secure your property – if your dog has escaped your property, identify how this has occurred. Check for holes along the fence or gates. Remove anything along the fence that the dog could have used to scramble or climb / jump over the fence. Check existing locks on gates and doors. Consider having a self-closing, latching gate or add a padlock.

If you are unsure how your dog may have escaped, consider placing the dog on a chain or runner, and/or in an enclosed space for security.

If an authorised officer believes an attacking dog cannot be adequately contained or controlled, they may seize the dog.

Address your dog's behaviour – There are many different organisations that specialise in dog behaviour. You should seek advice from your vet or a qualified animal behaviorist.

After an Attack

There are many things you should consider after an attack including:

- Whether the dog has shown signs of aggression before?
- Has the behavior of the dog changed lately?
- Has the dog's behavior become a problem?
- Is your property/yard appropriate for the dog?
- Can your property/yard be adequately secured to prevent the dog escaping?
- Can you ensure your dog is muzzled, on a leash and under control of a competent person when in public?
- Can you ensure your safety as well as the safety of your family and friends as well as the public?
- Could you comply with strict conditions if the dog was declared a menacing or dangerous dog?
- Should your dog be surrendered to an authorised impound facility?

For more information please contact

Ballina Shire Council www.ballina.nsw.gov.au ph 02 6686 1210 or after-hours 02 6626 6954
Email: eho.admin@ballina.nsw.gov.au

Your matter is being investigated by Ranger _____