

Dog Attack Fact Sheet

Dear Resident

It is alleged that your dog/s have been involved in a dog attack. This fact sheet is designed to provide you with information about the offences, liabilities and process for investigating a dog attack.

The City of Ballarat understands that this may be a stressful time for you.

Animal Management Officers are available to answer any questions that you may have and can be called on 03 5320 5500 from 9am-5pm, Monday to Friday.

Summary

- An Animal Management Officer will be investigating this matter (“the investigating Officer”).
- Animal Management Officers are authorised under the *Local Government Act 1989*, *Domestic Animals Act 1994* (“the Act”) and the *Prevention of Cruelty to Animals Act 1986*.
- Evidence that may be collected during investigations includes victim statements, victim impact statements, witness statements, CCTV footage, images of any injuries, veterinary bills, medical bills and other relevant evidence.
- You may be invited to attend the City of Ballarat for the purposes of a recorded interview. Whilst you do not have to attend, this is an opportunity for you to provide a balanced view of events and explain the matter.
- If you choose to not attend an interview, you may submit a written statement to the investigating officer regarding the incident.
- The City of Ballarat recommends that you seek legal advice in relation to this matter.

Reports of alleged Dog Attacks

1. Report of a dog attack

The City of Ballarat takes dog attacks very seriously and investigates each matter thoroughly, provided the victim is willing to engage. Ensuring that a matter is investigated thoroughly the first time will ensure that residents are educated on dog behaviour and may reduce further incidents from occurring.

Animal Management Officers will attend the scene of a dog attack immediately, if the attack is called in at the time. If a report is made after the incident, the investigating officer will speak to the victim and obtain a victim statement, before contacting the alleged attacking dog owner.

2. Attendance by Animal Management Officer

If your dog is alleged to have been involved in an attack, the investigating officer will make arrangement with you to attend your property to meet your dog, check your dog’s registration and your fences. You may be issued with a Notice to Comply to Confine your dog to your property, whilst the investigation is pending. This is to ensure that nothing else can be alleged against your pet during the investigation.

3. Investigation by Animal Management Officer

The investigating officer will conduct a thorough investigation including collating evidence such as victim statements, victim impact statements, witness statements, CCTV footage, images of any injuries, veterinary bills, medical bills, alleged attacking dog behavioural assessment and other relevant evidence. You can submit a written statement at any time during the investigation to show character references for your pet, from your local vet, friends and family members and any dog training associations. These will be taken into consideration when an outcome is decided.

4. Issuing of infringements

If the attack is proven by sustainable evidence and deemed to be a rush or a non-serious injury, you may be issued with infringement notices (fines) and/or Official warnings and provided with education on how to avoid a repeat incident.

5. Offences under the Domestic Animals Act

There are numerous offences under the Act relating to dog offences that are broad and at times complex. Some matters are treated more seriously than others.

Penalties vary depending on the offence.

The Animal Management Officer will be able to tell you what the maximum penalties are for each offence.

6. Invitation to attend a recorded interview

Once the investigation has been conducted, the investigating officer will determine the severity of injuries pursuant to vet reports and images of the injuries and if a dog can be identified beyond reasonable doubt to have attributed those injuries, the owner or person in care and control, will be invited to attend a recorded interview at the City of Ballarat. You do not have to attend an interview, but doing so will assist the City of Ballarat form a balance position with relation to any allegations. You may bring a support person to this interview.

7. Outcome

If the alleged dog attack is deemed to be serious, the investigating officer will present all evidence collated at the Regulatory Services Prosecution Panel. The Panel will determine whether charges are to be filed in Court or whether infringements will be issued. You will be notified of the outcome by telephone, unless otherwise requested.

8. Declarations

Dogs involved in non-serious or serious attacks on people or other animals may be declared "*menacing*".

A menacing dog is a dog that has:

- a) attacked another animal
- b) chased or rushed at a person
- c) bitten a person, but not seriously.

If the City of Ballarat propose to declare a dog as "*menacing*", they will notify the owner and allow the owner to make a written and/or oral submission to explain why their pet should not be declared a "*menacing*" and will be required to adhere to the stipulated conditions.

9. Prosecution Panel

The Regulatory Services Department has the primary responsibility for administering the regulatory framework pertaining to Planning enforcement, Building, Environmental Health, Animal Management, Animal Shelter, Local Laws and Parking.

Council's Authorised Officers operate under delegated authority from the Council pursuant to *Section 224 of the Local Government Act 1989* and relevant statutory legislation.

The Panel ensures a fair and balanced view of each matter that is presented, with consideration of:

- Evidence
- History
- Community risk and safety
- Ability to educate and rehabilitate
- Community benefit in prosecution

The panel will:

- Convene weekly.
- Comprise three independent panel members.
- Determine whether to commence a prosecution; and
- Determine whether to commence other enforcement.

Definitions (*Domestic Animals Act 1994*)

A **dog attack** may include "Serious Injury" or "Non-Serious Injury" to any person or animal, or a "Rush" at any person.

Owner means, *in relation to a dog, a person who keeps or harbours the animal or has the animal in his or her care for the time being whether the animal is at large or in confinement.*

Rush at, *in relation to a dog, means to approach a person to a distance of less than 3 metres in a menacing manner, displaying aggressive tendencies that may include snarling, growling and raised hackles.*

Serious injury means

- (a) an injury requiring medical or veterinary attention in the nature of—
 - (i) a broken bone; or
 - (ii) a laceration;
 - (iii) a partial or total loss of sensation or function in a part of the body; or
- (b) an injury requiring cosmetic surgery.

Laceration means *a wound caused by --*

- (a) *the tearing of body tissue, or*
- (b) *multiple punctures caused by more than one bite from a dog.*

Non-Serious Injury – *means any injury that does not meet the above definition of serious.*