

A GUIDE TO DOG ATTACKS WITHIN THE KEMPSEY SHIRE COUNCIL AREA **'Information you need to know'**

What is a dog attack?

A dog attack is defined under Section 16 of the Companion Animals Act, 1998 as amended by the Companion Animals Amendment Act, 2005 as "If 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.

What type of dogs attack?

There is no single type of dog that attacks. It is important to understand that ANY dog can attack or bite. Whilst it is true that certain breeds have traits that give a dog a lower threshold to biting or attacking, it does not mean all dogs of this breed or breeds will attack or bite. The media portray certain breeds as aggressive giving the mis-conception that all other breeds are safe. When the truth is that ANY dog can and may bite, even the loving family pet.

Who is most likely to get attacked by a dog?

Research shows that many people who are attacked by a dog, actually know the dog they are attacked by. Approximately two thirds of all bites involve the family dog or a dog known to the victim. Young children are the most common victims with bites to the head and neck area.

Animals such as cats, rabbits, other dogs and stock often find themselves victims of attacks by roaming dogs.

What do you do if you are attacked by a dog?

1. If you or another person have been injured, seek medical attention urgently. If an animal has been injured, transport the injured animal to the nearest Vet as soon as possible. Even minor wounds (on people or animals can easily become infected without immediate attention.

2. Report the attack to Council or to NSW Police as soon as possible. If the attack has occurred between 8:30am -4:30pm weekdays, report the attack to Council on 6566 3200. If the attack has occurred outside of council business hours, report the attack to NSW Police on 6561 6199. The Council or Police will investigate all complaints of attacks by speaking with any witness who can give a statement. It is important that the witness can clearly explain the details of the incident. Therefore it may be useful to write down the details as soon as possible to ensure you don't forget.

Dog Attack Complaints

When Council receives a complaint about an alleged dog attack, the incident is thoroughly investigated. Actions taken against a dog owner depend on the specific circumstances involved in an alleged attack. Council needs to have sufficient evidence to uphold any declaration it might make in court. This means Council requires detailed information including the following:

- Statement of facts - date, time, location, description of the attack and any injuries
- Description of the offending dog - breed, colour, distinguishing marks and sex
- Where the dog lives or came from
- Name of the dog, if known
- Name of the dog's owner, if known
- Names and contact details of any witnesses,
- Photographic evidence of any injuries to any person or animal
- A doctor's report detailing the injuries suffered by any person
- A vet's report detailing the injuries suffered by any animal.

Council Officers will investigate the complaint, taking statements and gathering any other evidence which is required to assess whether the dog is potentially a 'dangerous dog' or simply a 'nuisance dog'. Owners (or person in charge) of an attacking dog can face on-the-spot penalties infringements (see over for details) or prosecution in Court and be banned from owning a dog. In some circumstances Council may seize a dog that has been involved in an attack, even if the dog is back on its own property. The owner (or person in charge) of an attacking dog is responsible for the cost of all damages the dog causes to persons, property or animals.

Under the Companion Animals Act, Council is not permitted to release any information about the investigation to the complainant, media or members of the public.

What will the Council do if a dog is deemed to be dangerous?

Council may, if satisfied that a dog is dangerous, declare it to be a dangerous dog. Such declaration cannot be made before the owner of the dog had been provided written notification of the Council's intention to declare the dog dangerous and the owner is provided an opportunity to make a written objection to the proposed declaration. Council must consider any written objection from the owner of the dog before deciding whether or not to declare a dog dangerous. The owner of a dangerous dog can lodge an appeal to the Local Court within 28 days of the Council's declaration. If the dangerous dog declaration is upheld following any appeal, the dog owner MUST comply with strict guidelines on how the dog is kept i.e. purpose built enclosure, desexed, muzzled when out of enclosure etc.

What is a dangerous dog?

According to the Companion Animals Act, a dog is considered dangerous if it;

- has, without provocation, attacked or killed a person or animal (other than vermin) or
- has, without provocation, repeatedly threatened to attack or repeatedly chases a person or animal (other than vermin), or
- has displayed unreasonable aggression towards a person or animal (other than vermin), or
- is kept or used for the purpose of hunting.

Further information about what may constitute a dangerous dog as defined by the Companion Animals Act, 1998 is available from the NSW Division of Local Government – Dangerous Dogs in NSW brochure from Customer Services or from the below website ;

http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Restricted_and_Dangerous_Dogs_in_NSW_-_Brochure.pdf

How do I prevent my dog attacking?

It is important to remember that ANY dog can attack even the loving family pet.

Do supervise your dog with children under 10 years of age. Even your own dog with your own kids.

Do ensure your dog cannot escape from your property. Roaming dogs are often involved in attacks out the front of or near-by to their property.

Do socialise your dog as a puppy with lots of new and different people and other animals.

Don't encourage your dog to attack other animals or people, even in play.

Don't play roughly with your dog. This encourages animals to play rough with humans and bite.

Microchipping and Lifetime Registration

The Companion Animals Act, 1998 as amended by the Companion Animals Amendment Act, 2005 requires all dogs to be permanently identified (microchipped) and lifetime registered (registration required from 6 months of age). Microchipping and registering your dog ensures you have the best chance of your dog being returned to you if it goes missing.

For more information on Companion Animals laws refer to Council's Companion Animal Law brochure available from Customer Services or by telephoning (02) 65663200.

Examples of penalties for offences under the Companion Animals Act, 1998 as amended by the Companion Animals Amendment Act, 2005 are;

On-the-spot Penalty Offences

Dog Attack	Penalty exceeds \$500
Dog not on a lead	\$220
Animal not permanently identified	\$165
Animal not registered	\$165
Not pick up of your dogs faeces in a public place	\$275
Penalties for dangerous dog and restricted dog	Penalty exceeds \$1320

Court Imposed Penalties

Dog Attack	Up to \$5,500 (max)
Dog Attack – Dangerous or Restricted dog	Up to \$55,000 (max)
Breach any condition of keeping a restricted breed dog or declared dangerous dog	Up to \$16,500 (max)
Breach Nuisance order	Up to \$1,650

Be Considerate

Dog owners have responsibilities both to their fellow citizens and their animal. An awareness of those responsibilities will help establish the harmonious co-existence between residents and animals to provide a nuisance-free environment for all residents.

As a dog owner, you are responsible for the care and welfare of your animal and its existence in the community.

Council is responsible for the implementation of the NSW Dog Act and Companion Animals Act and associated regulations. The Acts has been produced by the government to ensure that the harmonious co-existence between residents and animals is achieved.

Council's Rangers implement the requirements of the Act and Regulations.

The Rangers are available to advise you on the effective care and control of your dog. They know your responsibilities as an owner, particularly the legal aspects.

For further information and advice on
A Guide to Dog Attacks

Contact:

Kempsey Shire Council

22 Tozer Street, West Kempsey

Ph (02) 6566 3200 Fax (02) 6566 3205

www.kempsey.nsw.gov.au