

DOG ATTACKS FACTSHEET

A guide to dog attacks in Kempsey Shire

What is a dog attack?

Under the *Companion Animals Act 1998* (NSW), a dog attack occurs when '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?

Any dog can attack. While it's true that certain breeds have traits that give them a lower threshold before they attack or bite, this doesn't mean all dogs of this breed will attack or bite. The media often portrays certain breeds as aggressive, giving rise to the misconception that other breeds are safe, but the truth is even a loving family pet can bite.

Who's most likely to get attacked by a dog?

Research shows that about two-thirds of all bites involve the family dog or a dog known to the victim. Young children are most at risk and often sustain bites to the head or neck. Animals such as cats, rabbits, stock and other dogs are often the targets of attacks by roaming dogs.

What to do if a dog attacks you or your dog

If you or another person has been injured in a dog attack, you should seek medical attention urgently. Call 000 for ambulance and police attendance if a person has received life-threatening injuries. If an animal has been injured, you should transport it to your nearest vet. Even minor wounds can easily become infected without immediate attention.

As soon as possible, you should report the incident to Council on 6566 3200. A ranger will contact you for an interview. You'll need to explain the incident and describe the attacking dog. It's useful to write down the details straight after the attack to ensure you don't forget.

How Council investigates complaints

Kempsey Shire Council thoroughly investigates complaints about alleged dog attacks. The actions Council takes against a dog's owner will depend on the circumstances of the alleged attack. Council needs to have sufficient evidence to uphold any declaration it might make in court. This means Council needs detailed information, including:

- a statement of facts – the date, time, location and description of the attack and any injuries
- a description of the offending dog – breed, colour, distinguishing marks and sex
- where the dog lives or came from
- the name of the dog, if known
- the name of the dog's owner, if known
- the names and contact details of any witnesses
- photographic evidence of any injuries sustained by a person or animal
- a doctor's report detailing the injuries sustained by a person
- a vet's report detailing the injuries sustained by an animal.



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Council officers will take statements and gather evidence to assess whether the dog is potentially a 'dangerous dog' or simply a 'nuisance dog'. In some cases, 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 can face on-the-spot penalties, infringements or prosecution in court and be banned from owning a dog. They will also be responsible for the cost of all damages the dog has caused to people, property or animals.

Under the *Companion Animals Act 1998*, Council is not permitted to release any information about an alleged dog attack investigation to the complainant, media or members of the public.

What is a dangerous dog?

Under the *Companion Animals Act 1998*, a dog is considered dangerous if it:

- has, without provocation, attacked or killed a person or animal (not including vermin), or
- has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (not including vermin), or
- is kept or used for hunting (not including a dog used for locating, flushing, pointing or retrieving birds or vermin), or
- has been declared a dangerous dog under a law of another state or territory that corresponds with the Act.

More information about what constitutes a dangerous dog, as defined in the *Companion Animals Act 1998*, is available from the [NSW Office of Local Government](#).

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

As a result of an attack, Council can declare a dog menacing or dangerous. Such a declaration can't be made before the dog's owner has been given written notification of Council's intention to declare the dog dangerous and the owner has been given an opportunity to make a written objection to the proposed declaration. Council must consider any written objection from the dog's owner before deciding whether to declare the dog dangerous. The owner of a dangerous dog can lodge an appeal to the Local Court within 28 days of Council's declaration.

If the dangerous dog declaration is upheld following an appeal, the dog owner must comply with strict guidelines on how the dog is kept. This may involve a purpose-built enclosure, desexing, or muzzling when the dog is out of its enclosure.

How do I prevent my dog from attacking?

Remember any dog can attack, even a loving family pet, so it's important to:

- supervise dogs with kids under 10 years, even if it's your own dog with your own kids
- make sure your dog can't escape from your property – roaming dogs are often involved in attacks outside of or near their property
- socialise puppies with lots of new and different people and other animals
- never play roughly or encourage your dog to attack other animals or people in play.



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Penalties

Below are examples of offences under the *Companion Animals Act 1998* and their associated penalties. The NSW Government sets penalty fees and updates them on 1 July every year.

| Offence | On-the-spot penalty | Local Court penalty |
|--|-------------------------------------|---|
| Dog attack | Minimum penalty: \$1,320 | Maximum penalty: \$11,000 – \$77,000 |
| Dog in a prohibited place | Minimum penalty: \$330 – \$1,760 | Maximum penalty: \$1,100 – \$11,000 |
| Dog not on a lead | Minimum penalty: \$330 – \$1,760 | Maximum penalty: \$1,100 – \$11,000 |
| Animal not permanently identified (microchipped) | Minimum penalty: \$180 – \$1,320 | Maximum penalty: \$880 – \$5,500 |
| Animal not registered | Minimum penalty: \$330 – \$1,320 | Maximum penalty: \$5,500 - \$7,700 |
| Dog without a collar and name tag | Minimum penalty: \$180 – \$1,320 | Maximum penalty: \$880 – \$5,500 |
| Fail to remove dog faeces | Minimum penalty: \$275 | Maximum penalty: \$880 |

Contact us

Council Rangers work to ensure that the *Companion Animals Act 1998* and other laws are implemented so residents and animals can co-exist safely and harmoniously in Kempsey Shire. For advice on dog ownership, registration or control in public places, please contact us:

Kempsey Shire Council
22 Tozer Street, West Kempsey
Phone: (02) 6566 3200
Email: ksc@kempsey.nsw.gov.au
Website: www.kempsey.nsw.gov.au

