

Evaluation of Dangerous or Menacing Dog Declarations Policy

1 Document Information

Version Date <i>(Draft or Council Meeting date)</i>	22 May 2018
Author	Senior Environmental Services Officer
Owner <i>(Relevant director)</i>	Director of Environmental Services
Status – <i>Draft, Approved, Adopted by Council, Superseded or Withdrawn</i>	Adopted by Council
Next Review Date	Within 12 months of Council being elected or when legislation changes
Minute number <i>(once adopted by Council)</i>	18/05/20

2 Summary

Under the Companion Animals Act 1998 (the Act) Councils should have an internal policy setting out how representations made by dog owners are evaluated. This includes representations made in objection to a notice to declare a dog to be a dangerous dog or a menacing dog under the Act, and for assessing applications to revoke dangerous dog or menacing dog declarations made under the Act.

3 Approvals

Title	Date Approved	Signature
Director of Environmental Services		

4 History

Minute No.	Summary of Changes	New Version Date
14/02/14	First adopted	18 February 2014
18/05/20	Readopted as per s165(4)	22 May 2018

5 Reason

This policy demonstrates Council's commitment to uphold the requirements of the Companion Animals Act 1998.

In accordance with Part 5, section 34 of the Act, an authorised officer may declare a dog to be a dangerous or menacing dog. Under section 37 of the Act, an authorised officer must consider dog owners' objections.

Under section 39(1) of the Act, the owner of a dog that has been declared dangerous or menacing by a local Council can apply to the Council in which the dog is ordinarily kept

(whether or not it is the Council that made the declaration) for the declaration to be revoked. The application cannot be made until 12 months after that declaration was made.

6 Scope

This policy applies at all times to dog owners residing within or visiting the Cabonne Local Government Area.

7 Associated Legislation

Companion Animals Act 1998

8 Definitions

The Act – Companion Animals Act 1998

9 Responsibilities

9.1 General Manager

The General Manager is responsible for the overall control and implementation of the policy

9.2 Director Environmental Services

To ensure that representations received by dog owners are assessed according to this policy

9.3 Senior Environmental Services Officer

To enforce this policy and to ensure that the Ranger has the training and support required to carry out public education relating to this policy

9.4 Ranger

The Ranger is responsible for liaising with the Director Environmental Services and the Senior Environmental Services Officer during enforcement of this policy, and to educate the public on the details of this policy and the Act

9.5 General Public

The general public must act in accordance with this policy and any abide by any determination made as a result of this policy

10 Related Documents

Document Name	Document Location
Companion Animals Management Plan	In draft

11 Policy Statement

Assessing a representation made in relation to a notice of intention to declare a dog to be dangerous, or a menacing dog

Any representations received by Council in relation to a notice of intention to declare a dog to be dangerous or menacing dog shall be considered and assessed by the Director of Environmental Services, the Senior Environmental Services Officer and the Ranger in charge of the case before proceeding to make the declaration.

Consideration will be given to any behavioural assessment received from an animal behaviour specialist or other qualified professional to support their representations.

Representations must be received within 7 days after the date the notice is given in accordance with section 37 of the Act.

In accordance with section 38 of the Act, Council will give notice to the owner of a dog of the decision to declare the dog to be a dangerous or menacing dog, or a decision not to make a declaration under the Act. The notice will be given within 7 days after the declaration or decision is made.

Assessing a request to revoke a dangerous, or a menacing dog declaration

Before Council will consider a request to revoke a dangerous or menacing dog declaration, the owner of the dog must provide to Council:

1. a letter requesting the declaration be revoked, including a description of the dogs current circumstances and behaviour in relation to the original declaration, including any behaviour modification training that may have been undertaken
2. any behavioural assessment obtained by the owner from an animal behavioural specialist or other qualified professional

Requests to revoke a dangerous or menacing dog declaration shall be considered and assessed by the Director of Environmental Services, the Senior Environmental Services Officer and the Ranger in charge of the case before making a recommendation to Council for their determination.

Council will inform the owner of the dog as soon as practicable that the declaration has been revoked or that Council has refused to revoke it.