



REPORTING A DOG ATTACK

Council takes all reports of dog attacks seriously and, subject to the availability of information, will take reasonable steps to investigate attack incidents to determine what action needs to be taken.

In the event of a dog attack, where required, you should seek medical or veterinary treatment as a priority. When safe to do so, the attack should be reported to Council so that an investigation can be started. Council will respond to a dog attack report 24/7, please call 4099 9444.

What information does Council need?

To assist Council in progressing an investigation it is recommended you maintain a record of your own notes and evidence including:

- Date, time and exact location of the attack
- Description or photos of the offending dog, including identification, breed, colour, sex and /or markings
- Description or photos of any person or owner responsible for the dog (e.g. if known; name, address, vehicle registration, phone number, gender, age and hair colour)
- Details of any person who witnessed the incident
- A description of the events leading up to the attack
- Photos and recordings of any injuries
- Copies of medical and veterinary reports/invoices and photos of injuries
- Any other information relevant to the attack

What happens when a dog attack is reported?

Identify

In the first instance Council Officers seek to identify the dog or dogs responsible for the attack. In some cases, the identity of the responsible dog may be unclear, in dispute or unknown. If this is the case, it will affect what actions the Council can take.

Make Safe

Where possible Council will seize the dog which will remain in the pound until the investigation is concluded, this is in the interest of public safety. The dog will be safe and well cared for in the pound.

Investigate

In progressing an investigation, Council Officers will speak with victims and witnesses and obtain statements. As there are two sides to every story, Council Officers must also speak with the owner or person responsible for the dog, where it has been identified. In the event of any inconsistencies in the evidence in the Council's possession, the Council will make findings of fact based on its assessment of the evidence and, where appropriate, consider any legal advice.

While Council will try to finalise any investigation as quickly as possible, in many cases a thorough investigation will take time to complete. Parties involved may also have rights to appeal which may delay the outcome.

Outcomes

A decision on what action may be taken in response to an attack will be based on Queensland's Animal Management Cats and Dogs Act 2008 (the Act) and Council's careful consideration of the circumstances in question and the available evidence. Importantly, it is Council that is responsible for the assessment of the evidence and determining what action is taken. The decision will always depend on the available evidence and the circumstances of the incident.

In some cases, the evidence may not be sufficient to support the outcome desired or expected by an affected party, for example, a victim of a dog attack might expect the dog to be immediately destroyed. Conversely, the owner of a dog may feel that Council's actions are excessive based on their opinion of their dog's behaviour and character.

The potential outcomes of an investigation are as follows:

No Declaration

If the dog is found to not be at fault, or if there is insufficient evidence to prove that the dog was at fault, the dog will be returned to its owner.

The owner will need to be compliant with local laws relating to dog ownership, which include:

- Registering the dog
- Maintaining a proper enclosure
- Ensuring that the dog is under effective control when in a public place

Regulated Dog Declaration - Menacing

If an attack has occurred but it was not serious the dog may be declared a Regulated Dog- Menacing. An example of a non-serious attack would be where there has been an attack resulting in fear but no physical injury.

Regulated Dog Declaration - Dangerous

If the attack was serious and resulted in bodily injury the dog may be declared a Regulated Dog – Dangerous.

Destruction Order

In extreme circumstances, where the dog poses an unacceptable risk to the general public, Council may issue a destruction order.

Appeal Process

If, following a dog attack, a Regulated Dog Declaration Notice or Destruction Order has been issued by Council, the dog's owner can appeal the decision. The decision can be appealed when:

- A proposed regulated dog declaration is issued,
- A regulated dog declaration is issued,
- A destruction order is issued; or
- Through the Queensland Civil and Administrative Tribunal, if all internal appeal processes have been exhausted.

Provision of Information (Confidentiality)

Council will not release the details of the complainant or any witnesses to the dog's owner and vice versa, during the course of a dog attack investigation. However, Council cannot guarantee confidentiality as:

·If the owner of the attacking dog appeals Council's decision through the Queensland Civil and Administrative Tribunal, Council is required to release the brief of evidence.

·Any evidence obtained by Council becomes a Council record. A person can lodge a Right to Information Request with Council and the information may be released to that person if they have a right to the information and if it is in the public interest to give them that information. Council will notify the complainant once an investigation is finalised and any action taken by Council will not usually be disclosed. Information held by Council could be disclosed in exceptional circumstances or where the disclosure is permitted by law.

What are the costs and requirements for keeping a regulated dog?

The requirements for keeping a regulated dog are summarised below:

- A higher initial registration fee must be paid for the dog, the fee includes a warning sign, collar and tag and inspection of the enclosure. The full dog registration fee must be paid each year thereafter.
- The dog must be microchipped.
- The dog must wear a specific collar and tag.
- A specific warning sign must be displayed at the house where the dog is kept.
- An approved enclosure for the dog must be built to specific requirements as detailed in the Act.
- The dog must be under the effective control of someone who has control of no more than 1 dog when in a public place.
- The dog must be muzzled when in a public place if it is a Regulated Dog – Dangerous.
- The dog must be desexed within 3 months if it is a Regulated Dog – Dangerous.
- A regulated dog must wear a muzzle when in a public place.

Frequently Asked Questions

If my dog is impounded by Council, will it be safe in the pound?

The dog will be fed, exercised and well cared for. Council Officers can administer medication if required. You can visit your dog by appointment.

Council is proposing to or has declared my dog menacing or dangerous. I have a friend/family member with a property in a rural location. Can I just re-home my dog there?

No, not unless your friend/family member meets all the requirements for keeping a menacing or dangerous dog. The Act is state legislation, and the requirements are the same anywhere the dog lives.

My dog has never done anything like this before. Can't you just give me a warning?

Council Officers will consider all the facts and circumstances that led to the incident and will take action based on the information available to them in line with the Act.

I don't think I can meet the requirements for keeping a regulated dog, but I really want my dog back, what can I do?

Speak to the Council Officers, they may be able to give you an extension or provide some suggestions on how you can practically meet the requirements.

My dog is a small breed and its great with my kids. Can it really be declared dangerous or menacing?

Size and breed are irrelevant, as is your dog's positive behaviours outside of the incident that is being investigated. Regardless of its size or breed, if your dog bites or acts in a way that causes fear, it could be declared menacing or dangerous.



The incident occurred on private property. Can Council still investigate?

The Act does not exclude incidents that occur on private property, although Council Officers will take all the evidence and circumstances into account.

If I cannot comply with a declaration, what will happen to my dog?

It depends on the circumstances. However, once a dog attacks, Council cannot responsibly rehome it and unfortunately the only option is humane euthanasia.

This is a last resort and will not happen without you surrendering the dog to Council in writing or being given every reasonable opportunity to comply first.

I live in a rental property and have been asking the real estate/housing department to fix the fence. How can this be my fault?

The keeper of the dog is responsible for the dog; therefore, it is up to the keeper of the dog to contain it.

Frequently Asked Questions

Can a proposed regulated dog declaration, a regulated dog declaration or a destruction order be appealed?

At each stage the owner of the dog will have to be able to appeal Council's decision.

If the owner of the dog remains dissatisfied with Council's response the matter can be taken to the Queensland Civil and Administrative Tribunal, and they will review all the evidence and Council's decision.

Can my dog come home while I am appealing Council's decision?

The dog cannot be returned while a proposed regulated dog declaration is in place, however the dog can come home if the keeper of the dog has met all the requirements once a declaration has been issued. This does not prevent the dog owner from continuing to appeal the decision.

If a destruction order has been issued, Council cannot return the dog until the appeal is concluded or the destruction order is withdrawn.

Will I need to pay fees while my dog is in the pound?

Council will not charge a daily sustenance fee while we investigate a complaint or while a regulated dog proposal is in place. However, once a regulated dog declaration has been made, Council will charge a daily sustenance fee if the dog remains impounded due to the regulated dog requirements not being met.

If your dog requires veterinary care while in the pound, these costs will also be passed onto the owner.

Please call council on 4099 9444 or email enquiries@douglas.qld.gov.au if you have further questions.

The Law

Queensland's Animal Management Cats and Dogs Act 2008 defines dangerous dogs as dogs that have seriously attacked or acted in a way that caused fear to a person or animal. Menacing dogs are defined as dogs that have attacked, but the attack was not serious.

The requirements for the keeping of a dangerous or menacing dog exist to ensure the dog is not a risk to the community and to ensure it is controlled and kept in a way that meets community rights and expectations.

Councils are responsible for responding to and investigating dog attacks and declaring a dog dangerous or menacing, if proven. The Council must ensure the requirements for keeping a dangerous or menacing dog are met.