

# Aggressive dogs:

## What to do when a dog attacks



**Council acknowledges dog attacks can occur for many reasons. These matters are considered seriously and council actively investigates all dog attack requests.**

### What is a dog attack?

The Animal Management (Dogs and Cats) Act 2008 prescribes that a person must not allow or encourage a dog to attack, or act in a way that causes fear, to a person or another animal.

### What should the victim do?

- 1) Seek medical treatment as required.
- 2) Contact council immediately to report the incident. Council can be contacted 24/7.

- 3) Record details of the incident as soon as practical to assist with your recollection of events.

#### Key elements to recall:

- Date, time and location of the attack.
- Description of the dog, such as colour, breed, size and specific identifying features.
- Details of dog owner and/or where the dog came from (if possible).

### What are the victim's rights?

The victim has the right to take civil action against the dog owner at any stage. This is outside of council's jurisdiction as it is a legal matter between the victim and the dog owner.

### What to do if your dog is involved in an attack

Secure your property – if your dog has escaped your property, identify how this has occurred. Check for holes along the fence or gates. Remove anything along the fence that the dog could have used to scramble, climb or jump over the fence.

Check existing locks on gates and doors. Consider having a self-closing/latching gate.

If you are unaware how your dog may have escaped, consider investigating the current yard fencing or placing the animal, in an enclosure, or inside. Address your dog's behaviour. There are many different organisations that specialise in dog behaviour.

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## What action could council take?

The enforcement options available to council will depend upon the evidence obtained during the investigation. If evidence is obtained that establishes your dog was responsible for the attack incident, action may include a:

- Warning.
- Penalty Infringement Notice (Fine).
- Notice of intention to declare the dog , menacing or dangerous.
- In extreme cases - notice for seizure and or destruction.
- Or a combination of any of the above.

Evidence collected may be in the form of interviews, medical reports, vets reports, photos, statutory declarations etc. This will determine what course of action can be taken.

Note that all persons involved in the investigation process may need to support the information that they provide in legal proceedings.

On completion of the investigation the Local Laws Officer will make a recommendation and take appropriate action. The dog may be declared menacing or dangerous if the evidence supports the declaration.

All persons involved will be advised of council's decision at this stage.

## What are the penalties?

A dog may be declared menacing or dangerous depending on the circumstances of the attack. Requirements for a dog that is declared menacing or dangerous under the *Animal Management (Cats and Dogs) Act 2008*:

- A. The dog must be implanted with a Prescribed Permanent Identification Device.
- B. The dog must wear a collar with an attached identifying tag at all times.
- C. The dog must, unless there is a reasonable excuse, be usually kept in a childproof enclosure.
- D. A sign must be placed at or near each entrance to the premises where the dog is usually kept to notify the public.
- E. If a dog is declared dangerous, the owner must ensure the dog is desexed within three months of declaration unless desexing is likely to be a serious risk to the dog's health.
- F. A relevant dog must not be in a public place unless it is muzzled; and under the effective control of a responsible person who is only controlling the declared dog

- G. Pay the additional relevant fees for the keeping of a declared dog.

## Process of declaration

- A. Contact will be made to the owner that their particular dog will be declared.
- B. A proposed declaration notice will be issued. This notice details the provisions of the declaration and review time frames.
- C. A declaration notice will be issued. This notice details the requirements in keeping the dog and time frames to meet the conditions and appeal periods.

## What are the dog owner's rights?

- A. Surrender the dog to council.
- B. Submit an application for a decision review (within 14 days of proposed declaration).
- C. Refer to Queensland Civil and Administrative Tribunal.

**For more information phone council on 1300 MACKAY (1300 622 529) or visit the website [mackay.qld.gov.au](http://mackay.qld.gov.au)**