# Dog Attack and Harassment Procedure

<table>
<thead>
<tr>
<th><strong>Type</strong></th>
<th>Regulatory</th>
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<tr>
<td><strong>GDS Category</strong></td>
<td>Animal Management – Public</td>
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<td><strong>Responsible Officer</strong></td>
<td>Manager Environmental Health and Regulatory Services</td>
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<td><strong>Procedure Adopted</strong></td>
<td>December 2016</td>
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<tr>
<td><strong>Review Period</strong></td>
<td>3 years</td>
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<td><strong>Last Reviewed</strong></td>
<td>January 2013</td>
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<td><strong>Next Review Date</strong></td>
<td>December 2019</td>
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<tr>
<td><strong>Procedure Version Number</strong></td>
<td>3</td>
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<tr>
<td><strong>Applicable Legislation</strong></td>
<td>- Dog and Cat Management Act 1995</td>
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</tbody>
</table>
- Guidelines for Animal Management Expiations  
- Order Making Policy  
- Compliance and Enforcement Procedure  
- Evidence Collection Procedure  
- Issuing Destruction and Control Orders Procedure  
- By-Law 5 – Dogs |
| **Public Consultation Required** | No |
| **Purpose**        | To ensure that actions taken in relation to investigating instances of dog attacks or harassments are consistent and that the application of relevant legislation, procedures and guidelines is appropriate in the circumstances. |
1. **Work Permit / Other Approval Required**

   Relevant delegated authority to act under the Dog and Cat Management Act. Officers are required to carry appropriate authorisation cards.

2. **Training / Competencies Required**

   Certificate IV in Local Government (Regulatory Services) – desirable
   Recognised Animal Behaviour Training
   Dog and Cat Management Board Training
   Training in relevant legislation

3. **Equipment and Materials that may be used**

   Vehicle
   Relevant stationery
   Expiation notice pad
   Relevant synergy database
   Mobile phone
   Camera
   Relevant PPE
   Microchip Scanner

4. **Work Method Requirements**

   The City of Whyalla is charged with the responsibility of enforcing the provisions of the Dog and Cat Management Act 1995. Part of this responsibility includes investigating alleged dog attacks and harassment complaints lodged by residents and visitors to Whyalla.

   Attack or harassment by dogs can have serious public safety consequences so Councils are required to promptly investigate incidents and settle complaints. This procedure details the actions required from the initial report of an incident and covers locating the dog, investigating the incident and determining a resolution which is just for all parties.

   4.1 **General Considerations**

   Owner of a dog includes a reference to a person responsible for the control of a dog. Under Section 61(4) of the Act if a dog is seized by an officer, Council has 7 days in which to provide the owners of a dog suspected of being involved in an attack with a decision on whether it intends to service a Notice of Intent to Issue an Order or make an application to the Magistrates Court. If the above actions have not been taken the dog must be returned to the person entitled to its return.

   When calculating the 7 day statutory period in which to take action, commence counting from the day after the action that initiates the statutory period. For example if the attack occurs on a Monday, commencement of the above actions must occur before the close of business the next Monday.
4.2 Report of an Incident

All reports of attacks or harassment by dogs should be logged into Council’s record management system in accordance with standard record management protocols. When taking details of an incident obtain the name, address and contact details of the person making the report. Ascertain whether the dog is still wandering at large and continuing to create a nuisance. The following information should also be gathered where practicable:

- Date and time of the notification
- Time and location of the attack or harassment
- Breed, colour, sex and any distinguishing feature of the dog(s)
- Whether any medical or veterinary treatment was or is required
- Whether anyone was in control of the dog(s) at the time of the incident
- Any knowledge or belief of where the dog(s) come from
- Identification of any other witnesses

4.3 Locating the Dog(s)

An officer should be dispatched as soon as practicable to locate the dog. If the dog is not found at the location provided in the initial report, patrol the immediate area and surrounding streets. If the dog cannot be located note the actions taken on the customer request.

If the dog is located the officer should assess the dog’s behaviour to determine whether back-up is required to assist in the dog’s capture. If it is determined that back-up is required the officer should not attempt to approach the dog until the assistance has arrived unless there is an immediate threat to public safety. The officer should take all reasonable safety precautions to protect themselves and the public. Where possible take a photograph of the dog and surrounding area for evidentiary purposes. If there are witnesses present obtain their names and contact details for further follow up.

If the animal appears aggressive and cannot be contained contact the Police for assistance. If required a veterinarian may be contacted to obtain sedation for the animal.

If the dog is able to be handled and captured, the officer should search for any identification including scanning for a microchip. Where identification of the owner can be ascertained an assessment needs to be made as to whether the dog is to be returned the owner or transferred to the Dog and Cat Centre. Either way contact should be made with the owner to ensure that they are informed about the situation. Proceed with the Seizing and Impounding Animals Procedure.

Where the dog has been seized and cannot be identified, the officer should canvas the surrounding neighbourhood to establish any possible links. If no ownership can be established the dog should be transferred to the Dog and Cat Centre, notes added to the customer request and the officer should inform the Senior Compliance Officer of the outcome.
4.4 Initial Investigation

Where details of the owner are known the officer should check Council’s records to identify any past history. The officer should attend the owner’s property, or any other place the dog is kept to ensure that it is contained in a secure yard. Use this visit to advise the owner of the seriousness of the situation and the procedure which will be undertaken. A time should be arranged to conduct a formal interview. If the owner decides to surrender the dog to Council, the officer should advise the owner that the dog may be destroyed as a result of the attack.

Record any actions and refer to the Evidence Collection Procedure to ensure that appropriate practices are followed through the course of the investigation. Ensure photographs are taken of the injured persons and animals. Do not photograph children without written consent from a parent or guardian.

4.5 Interviews

Arrange to conduct an interview with the alleged victim/complainant, if a child is involved ensure the presence of a parent or guardian. Establish whether there is sufficient evidence to proceed with further action. If there is insufficient evidence, record the actions taken and reasons for the decision not to proceed further and advise the parties involved.

If there is sufficient evidence to proceed further complete a record of interview and commence with a dog incident report form. Obtain a statement, preferably in writing from the alleged victim/complainant. If this is not possible record all the information and conclude with the alleged victim/complainant signing the record.

When interviewing the dog owner ensure that they are aware of the seriousness of the situation. Caution the owner stating that ‘You do not have to say anything but anything you say or do may be used in evidence. Do you understand?’ This is required in the event that the case proceeds to court. Record the interview and ensure the owner signs the document. Advise the dog owner of their obligations and responsibilities under the Dog and Cat Management Act and the actions that may result from the investigation including:

- No further action
- Expiation and caution notice
- Dog destruction or control order
- Prosecution

If the dog owner refuses to cooperate inform the owner that this will be recorded, the investigation will continue and that Council may take legal action against them. Inform the Senior Compliance Officer.
4.6 Recommendations

If the dog has been seized Council only has 7 calendar days in which to serve the owner of the dog with a Notice of Intent to Issue an Order or make application to the Magistrates Court if the dog is to remain impounded. If the dog has been seized and the above actions have not been undertaken within the 7 day period the dog must be returned to the person entitled to its return.

Review all of the evidence collected during the investigation and prepare a preliminary report recommending a course of action. Council’s Compliance and Enforcement Procedure and the Dog Aggression Incident Guidelines including the Incident Severity Scale will assist in providing criteria to establish the degree of enforcement warranted. Provide the report along with the evidence to support the decision to the Senior Compliance Officer who will in conjunction with the Manager Environmental Health and Regulatory Services make a final determination on what action Council will take.

Advise all parties of the decision and if the attack was on a person complete the online form on the Dog and Cat Management website. Refer to the relevant procedures associated with the course of action to be taken and undertake the action in accordance with these.

5. Performance Indicators

- Investigations of dog attacks are commenced within 1 hour of receiving the report in accordance with Council’s customer service charter.
- Investigation methods are consistent with the procedure.
- Appropriately documented evidence is gathered to support the decisions made.

6. Authority

Adopted by Executive Management Team – December 2016

7. History – Nil