



# PLANNING AND ENVIRONMENT

## Dangerous Dogs – Fact Sheet

This fact sheet has been prepared to provide dog owners with important information about the process and their obligations in relation to Dogs Declared Dangerous under the *Companion Animals Act 1998*, (the “Act”).

### Definition of Dangerous Dog

A dog is defined under Section 33 of the Act as dangerous if it has, without provocation, attacked or killed a person or animal (other than vermin), or has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin), or is kept or used for the purposes of hunting.

### Definition of Dog Attack

A dog attack is defined under Section 16 of the Act as, If 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.

### Process followed by Council

Under the Act, an authorised officer of a council may declare a dog to be a dangerous dog if the authorised officer is satisfied that the dog is dangerous, or the dog has been declared a dangerous dog under a law of another State or a Territory that corresponds with this Act.

If as a result of a dog attack a dog is declared as dangerous, council will issue to the dog owner a Notice of Intention to Declare the Dog as Dangerous under Section 35 of the Act.

The notice of Intention to Declare the Dog as Dangerous outlines the requirements the owner will be required to comply with if the declaration is made, and the owner’s right to object to the proposed declaration in writing to the authorised officer within seven (7) days after the date the notice is given.

### Appeal rights and process for dog owner

If an objection to the Notice of Intention to Declare a Dog as Dangerous is received within the seven (7) day period, Councils adjudication panel will consider the objection before any declaration is made. Council has 28 days after the notice is given to the owner to assess their representations and notify of its decision.

Council’s adjudication panel may recommend that the declaration proceed, alternatively they may recommend that the Declaration is not progressed.

Should no objection be received in regards to the Notice of Intention to Declare a Dog as Dangerous the investigating officer will, after the seven (7) day period issue a Dangerous Dog Declaration under Section 34 of the Act.

Whether the declaration is progressed or not the owner will be notified in writing of the outcome of the adjudication. Should the declaration progress the owner will be issued a Dangerous Dog Declaration which sets out the owner’s rights under Section 41 of the Act to appeal to the Local Court against the declaration.

Any such appeal made to the Local Court can only be made within twenty eight days (28) of the date the declaration was issued.

The declaration sets out the control requirements for the keeping of a dangerous dog as detailed under the Act.

## Appeal rights (cont.)

The Local Court may determine an appeal by confirming the decision of the authorised officer or by revoking the declaration.

The Local Court has power to make other orders to control a dog on an appeal from a decision of a council concerning a declaration. For example, the Court can order that the owner of a dog take such action as the Court thinks necessary to prevent the dog attacking persons or other animals.

## The compliance obligations and legal requirements of the dog owner

There are certain requirements for the keeping of a Dangerous Dog under the Act.

If your dog is declared dangerous you must comply with the following control requirements:

- The dog must be kept in a purpose built enclosure. The enclosure is to be built to prescribed specifications;
- The dog must wear a prescribed collar;
- The dog must be desexed within 28 days of being declared as dangerous;
- The owner of the dog is required to have a permit for the keeping of a Dangerous Dog;
- The dog must not at any time be in the sole charge of a person under the age of 18 years;
- Warning signs stating "Warning Dangerous Dog" must be clearly visible from the boundaries of the property on which the dog is ordinarily kept. There must also be a warning sign on the gate of the enclosure.
- A Dangerous Dog may be walked in public as long as Dog is sufficiently muzzled to prevent it from biting any person and is on a leash under the effective control of a competent person.

## Application to revoke Dangerous Dog Declaration (After 12 months)

The owner of a dog that has been declared a dangerous dog under Section 39 of the Act can apply to the council of the area in which the dog is ordinarily kept (whether or not it is the council whose authorised officer made the declaration) for the declaration to be revoked.

An application cannot be made until after a period of 12 months has expired following the date on which the dog was declared to be a dangerous dog.

The council may revoke the declaration but only if satisfied that -

- It is appropriate to do so, and
- If the council determines that it is necessary - the dog has undergone appropriate behavioural training.
- Applications must be accompanied by a behavioural assessment from a qualified animal behaviourist with a minimum of a Certificate III in Dog behavioural training or similar.

Council will notify the owner in writing of the outcome.

If Council refuses to revoke the Dangerous Dog Declaration the owner of the dog may appeal to the Local Court. Any such appeal to the court must be made within twenty eights (28) days of the notice being given by council.

## Compliance Inspections undertaken by Council

Council authorised officers are required to conduct inspections to ensure owners are complying with the requirements for the keeping of a dangerous dog. Inspections may be conducted at 7, 28 and 90 days after the declaration date and annual compliance inspections are carried out to ensure continued compliance.

For further information or assistance please contact Council's Ranger Services on (02) 4993 4100 or via email at [rangercrms@cessnock.nsw.gov.au](mailto:rangercrms@cessnock.nsw.gov.au).

For information regarding detailed control requirements for the keeping of a declared dangerous dog under the Companion Animals Act 1998, refer to section 51 of the Act and clauses 32, 33 & 34 of the *Companion Animals Regulation 2018*.