



POLICY NO. CP 5.3.17

POLICY STATEMENT: DECLARING A DOG “DANGEROUS”

PURPOSE: To establish the factors to be considered when determining whether to declare a dog “dangerous” in accordance with Section 33E of the *Dog Act 1976*.

LEGISLATIVE CONTEXT

Section 33E of the *Dog Act 1976* prescribes that:

- “(1) *A local government, or on behalf of the local government an authorised person or person specifically authorised by the local government for the purposes of this section either generally or in a particular case, may, by a notice in writing given in accordance with section 33F, declare an individual dog to be a dangerous dog (declared) if, in the opinion of the local government or that person —*
- (a) *the dog has caused injury or damage by an attack on, or chasing, a person, animal or vehicle; or*
 - (b) *the dog has, repeatedly, shown a tendency —*
 - (i) *to attack, or chase, a person, animal or vehicle even though no injury has been caused by that behaviour; or*
 - (ii) *to threaten to attack; or*
 - (c) *the behaviour of the dog meets other criteria prescribed for the purpose of this section.”*

In relation to clause 33E(1)(c), the *Dog Regulations 2013* do not prescribe any other criteria that may lead to a dog being declared dangerous.

When a dog is declared dangerous, the owner of the dog is subject to a range of additional obligations including:

- Ensuring the dog is kept in an escape and childproof enclosure;
- Displaying prescribed warning signs at each entrance to the property on which the dog is kept;
- Ensuring the dog wears a prescribed collar;
- Ensuring the dog is muzzled and held on a leash or securely tethered when not in its enclosure.

POLICY

1. Where the City has sufficient evidence that a dog has been involved in an attack, it will consider declaring the dog dangerous.
2. When deciding whether to declare a dog dangerous, the City will consider the following factors:
 - a. Whether the dog attacked a person or an animal;



- b. The severity of the injuries caused by the attack;
 - c. The circumstances that may have contributed to the attack (such as the dog being provoked or defending its territory);
 - d. Any previous history of the dog attacking or threatening to attack a person or animal;
 - e. Any previous history with the dog (such as the dog wandering and acting aggressively) that may increase the likelihood of another attack occurring;
 - f. The size and strength of the dog and its potential to cause serious injury to a person or another animal.
3. The City will generally declare a dog dangerous where:
- a. The dog has committed an attack resulting in:
 - i. injuries to a person requiring hospitalisation or significant medical treatment; or
 - ii. Significant injury requiring veterinary treatment or causing the death of another animal;
 - b. The dog has committed an attack causing injuries to a person or animal and:
 - i. the dog has a previous history of attack regardless of the extent of injuries caused; or
 - ii. the dog has a history of not being contained or under effective control, and acting aggressively;
 - c. The dog has committed multiple attacks regardless of whether those attacks caused injury.

GOVERNANCE REFERENCES

Statutory Compliance	s33E, <i>Dog Act 1976</i> 33E(1)(c), <i>Dog Regulations 2013</i>
Industry Compliance	<i>Local Government Act 1995</i>
Organisational Compliance	Nil.
Process Links	Dangerous Dog Brochure

POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
Business Services		Manager Governance and Compliance		9397 3000	
Risk Rating	Low	Review Cycle	Triennial	Next Due:	2027
Version	Decision Reference	Synopsis			
1.	OCM 227/10/09/2024	Policy adopted to establish the factors to be considered when determining whether to declare a dog "dangerous".			
2.					
3.					