

**POLICY NO. CP 5.3.18****POLICY STATEMENT: DEALING WITH OFFENCES UNDER THE DOG ACT 1976****PURPOSE:** To prescribe the circumstances in which the City will refer alleged offences under the *Dog Act 1976* to Police for investigation.**BACKGROUND**

Under the *Dog Act 1976*, Police, local governments and the Director of Public Prosecutions are authorised to commence civil or criminal proceedings for an offence against the Act. At larger local governments, enforcement proceedings for offences against the Act have traditionally been initiated by the local government.

Under Work Health and Safety legislation, the Chief Executive Officer and other senior staff are responsible for providing a safe workplace by ensuring that risks to staff safety are appropriately mitigated.

Occasionally, circumstances will arise where the investigation or enforcement of an alleged breach of the *Dog Act* presents a significant and unacceptable risk to the safety of local government staff. Where risks to staff safety cannot be appropriately mitigated, those matters should be referred to Police who are authorised to enforce the *Dog Act*, and have the equipment, training and authority to deal with threats to their safety.

**POLICY**

1. Where the Chief Executive Officer has reasonable grounds to believe that enforcement of the *Dog Act* in certain circumstances presents a significant and unacceptable risk to the safety of City staff and those risks cannot be appropriately mitigated, the Chief Executive Officer may refer those matters to Police for investigation.
2. Where an alleged offence against the *Dog Act* is referred to Police by the Chief Executive Officer, Elected Members will be advised of that decision and the reasons for it.
3. Where an alleged offence against the *Dog Act* is referred to Police, the City will hold dogs on behalf of Police but will not initiate enforcement proceedings in respect of those matters.
4. Where Police elect not to initiate enforcement proceedings in respect of a matter referred to them and the City is holding dogs pending that decision, the dogs will be returned to their owner.
5. Where Police elect not to investigate an alleged offence under the *Dog Act* that has been referred to them by the Chief Executive Officer, the Chief Executive Officer will advise Elected Members of that decision.

**GOVERNANCE REFERENCES**

<b>Statutory Compliance</b>	<i>Dog Act 1976, s 44</i> <i>Work Health and Safety Act 2020, s 19 and 20</i>
<b>Industry Compliance</b>	Nil
<b>Organisational Compliance</b>	Nil
<b>Process Links</b>	Nil

**POLICY ADMINISTRATION**

<b>Directorate</b>		<b>Officer Title</b>		<b>Contact:</b>	
Business Services		Manager Governance & Compliance		Ext 3020	
<b>Risk Rating</b>	High	<b>Review Cycle</b>	Annual	<b>Next Due:</b>	2025
<b>Version</b>	<b>Decision Reference</b>	<b>Synopsis</b>			
1.	OCM 287/22/10/2024	Policy adopted to prescribe the circumstances in which the City will refer alleged offences under the Dog Act 1976 to Police for investigation.			
2.					
3.					