



GLEN INNES SEVERN COUNCIL

Assessment Policy for Requests to Revoke Dangerous or Menacing Dog Declarations

RESOLUTION NUMBER: 25.03/18 18.03/14	MEETING: 22 March 2018 27 March 2014
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Introduction

Section 9.8.5 of the Guidelines on the Exercise of Functions under the *Companion Animals Act* recommends that Councils have a policy in place to assess requests to revoke a dangerous or menacing dog declaration.

Definitions

Expressions used in this Policy will be defined in the *Companion Animals Act 1998* section 5 – “Definitions”.

“The Act” will be a reference to the *Companion Animals Act 1998 No 87* as set by NSW legislation.

“The Guide” will be a reference to the *Guide on the Exercise of Functions under the Companion Animals Act* issued in October 2015 by the Office of Local Government.

Declarations to which this policy will apply

- A Dangerous Dog Declaration under section 34(1) of the *Companion Animals Act 1998*;
- A Menacing Dog Declaration under section 34(1A) of the *Companion Animals Act 1998*.

Purpose of this policy

The purpose of this Policy is to supplement the provisions of the *Companion Animals Act 1998*, and the *Companion Animals Regulation 2005*, by specifying matters that Council must take into consideration when determining whether or not to revoke a declaration under section 34 of the *Companion Animals Act 1998*.

Statement

Dangerous dog declarations and menacing dog declarations have one principle difference significant to Council. A dangerous dog declaration made by a Council Officer may be appealed at the Local Court. A menacing dog declaration made by a Council Officer cannot be appealed at the Local Court. However, either declaration can be revoked by resolution of Council – sections 39 and 41 of the Act.

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Related Documents: Strategic Companion Animals Management Policy			

This leaves Council with the power to revoke a declaration, but only if it is appropriate to do so.

Council will not accept a request to revoke a declaration until after a period of 12 months since the declaration was made. When a request by the owner of a dog subject to either declaration is received by Council, Council officers will assess the evidence supporting their request and prepare a report for the Council.

Evidence considered that will affect the report's recommendation will include:

- The circumstances under which the dangerous or menacing dog declaration was issued. If the Council considering the request to revoke is not the Council that made the original dangerous or menacing dog declaration, it should contact the issuing Council for more information about the circumstances surrounding the making of the declaration;
- The dog's current circumstances and behaviour in relation to the original declaration, including any behavioural modification training that may have been undertaken;
- Any behavioural assessment obtained by the owner from an animal behaviour specialist or other qualified professional (whether or not required by the Council under section 39(2)(b) of the Act).

Council **must** have regard to the nature and extent of any behavioural training that the dog has undergone when considering an application to revoke a menacing dog declaration.

Council **must**, as soon as practicable, inform the owner of the dog that the declaration has been revoked or that Council has refused to revoke it.

Council must notify the Chief Executive, Local Government within **seven (7) days** of revoking a dangerous or menacing dog declaration. This responsibility is fulfilled by way of an authorised officer with a level 3 clearance reporting it on the Companion Animals Register.

Implementation and Communication

On adoption the policy will be promoted on the Glen Innes Severn Pound Facebook page and Council's web site.

Review

This Policy will be reviewed every four (4) years unless Council is required to review it sooner.


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General Manager

23-5-2018.
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Date

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