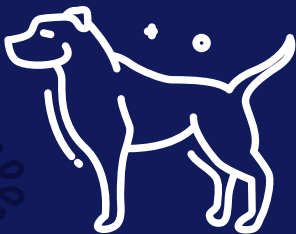


## DOG ATTACKS

*What will  
happen if my  
dog attacks?*





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Please note this information is not legal advice. Should you require legal advice regarding a dog attack, you should speak to your solicitor.

## What laws do Townsville City Council apply to dog attacks?

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Both State and Local Laws are considered by Council when investigating dog attacks.

- **Queensland *Animal Management (Dogs and Cats) Act 2008*:**
  - States that a person must not allow or encourage a dog to attack, or act in a way that causes fear, to a person or another animal, and makes failure to do that an offence.
  - Sets out the law about the registration of dogs and the declaration of Menacing and Dangerous Dogs.
- **Townsville City Council's *Local Law No. 2 (Animal Management) 2011*** that requires:
  - That any person who keeps an animal must maintain an enclosure that prevents the animal from wandering or escaping or being released without the owner's permission.
  - That the person responsible for an animal in a public place must ensure it is under the effective control of someone.

## Will my dog be euthanised?

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It is rare for Council to order the destruction of an attacking dog.

You might decide that your dog should be euthanised because it has attacked. You can arrange the euthanasia through your vet or surrender the dog to Council. You must note that you might still be prosecuted regarding the attack even if your dog is euthanised.

Council is likely to order the destruction of your dog if:

- it caused life-threatening injuries to a person and Council believes that the dog is unable to be controlled; or
- it has attacked a person or animal before this incident.

If a destruction order is made about your dog, you can challenge it by:

- making an application for an internal review of the decision within 14 days of the destruction order being made;
- appealing to QCAT by making an application to QCAT within 28 days and then immediately giving Council a copy of the appeal application (if the internal review does not result in the destruction order being withdrawn).

## Will my dog be taken by Council?

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Your dog will be taken if the Council Officer believes:

- that is necessary as part of the dog attack investigation; or
- you cannot ensure that the dog will not attack again, including because you do not have an adequate and secure place to keep the dog.

While Council has your dog you will be able to visit it at arranged times.

Your dog will be released to you only if:

- it is no longer necessary for Council to keep the dog as part of the investigation; and
- you demonstrate that you have a place to keep the dog from which it cannot escape or be released without your permission; and
- you have paid any outstanding fees (including dog registration fees).

## What else does Council do about a dog attack?

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Council's first concern is the health and safety of people and animals involved in a dog attack. When informed about an attack, Council will first confirm that the attacking dog has been secured so that it cannot continue the attack.

Council's next concern is protecting the community. Taking action against the person responsible for a dog attack is an important step in that process because it sends a deterrent message to the community.

When investigating dog attacks a Council Officer will take statements from witnesses to the attack and from the owner of the attacking dog, photograph the dog and the scene, and collect medical and veterinary reports.

The Officer will then decide whether to:

- Prosecute the person responsible for the attacking dog because that person did not prevent the attack.
- Fine the person responsible for the attacking dog for not keeping the dog enclosed or under effective control.
- Fine the attacking dog's owner for not registering the dog (if the dog was not registered at the time of the attack).

## What action might Council take against me?

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If the evidence shows that you breached the *Animal Management (Dogs and Cats) Act 2008* by not preventing the attack, then Council will look at all of the circumstances of the attack before deciding whether to prosecute you for that offence (Council cannot issue an on-the-spot fine for that offence).

If the evidence shows that you breached the *Animal Management (Dogs and Cats) Act 2008* by not registering your dog, Council is likely to impose an on-the-spot fine and direct you to register your dog within seven days.

If the evidence shows that you breached Council's *Local Law No.2 (Animal Management) 2011* by not keeping your dog enclosed within your property, Council might issue an on-the-spot fine for that offence.

If the evidence shows that you breached Council's *Local Law No.2 (Animal Management) 2011* by not keeping your dog under effective control in a public place, Council might issue an on-the-spot fine for that offence.

*Note that you might still be prosecuted for not preventing the attack even if you receive an on-the-spot fine for failing to enclose, failing to maintain effective control or failing to register your dog.*

Council has one year from the attack to commence prosecution. If Council decides to prosecute you, then you will receive documents instructing you to be at the Townsville Magistrates Court at a certain time and date.



If you do not attend Court as required, Council will ask the Magistrate to impose a fine in your absence. In most cases the Magistrate will agree to dealing with the matter without you being present. The Court will write to you about the fine that the Magistrate imposes.

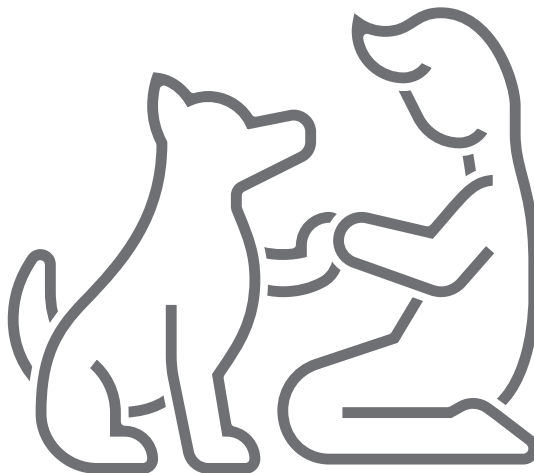
If you do attend, the Magistrate will ask you whether you wish to plead guilty or not guilty to the offence.

- If you decide to plead guilty, the Magistrate will impose a fine, and usually direct that the fine be referred to the State Penalties Enforcement Registry for collection.
- If you plead not guilty, the Magistrate will schedule a trial – usually between six and eight weeks later.

Significant costs are incurred to prepare for a trial, and before making your decision about whether to plead guilty or not guilty, you are strongly encouraged to get advice from your solicitor.

At the trial Council must prove its case against you beyond reasonable doubt. You do not have to offer evidence, but in doing so may help you defeat Council's case, so be sure to bring any witnesses required to support any evidence that you want to offer to the Court.

If the Magistrate finds you guilty, it is very likely that the Magistrate will impose a fine and order that you pay Council's costs of the trial.



## Will my dog be declared menacing or dangerous?

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The Council Officer must also decide whether to declare the attacking dog as a Menacing Dog or a Dangerous Dog. *Note that this decision is entirely separate to the decision about whether Council will prosecute the responsible person for an attacking dog.*

If the Officer believes that a Menacing Dog or a Dangerous Dog declaration should be made, you will be given a “Proposed Declaration Notice”. That notice explains the proposal and what you must do if you want to challenge it. *Note that there are strict time limits that you must comply with if you want to challenge the notice.*

If a declaration is made, you will be given a “Regulated Dog Declaration Notice” that explains how you can appeal against the declaration, and the things you must do to keep your declared dog. Those things include:

- Desexing your dog and keeping it muzzled whenever it is in a public place.
- Having a special enclosure to keep the dog – if the dog is over 8kg the enclosure must be 1.8m high, child proof, have at least one self-closing self-latching gate and all other access points must be locked when not in use.
- Installing signage on your fence warning that you are keeping a declared dog.
- Registering your dog as a Regulated Dog, including paying the Regulated Dog Registration Fee (please see Council's fees and charges).

## Will paying the victim's medical or veterinary costs help me?

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Council's decision about whether to prosecute you for the dog attack is made without regard to whether or not you have paid the victim's medical or veterinary costs. However, the Magistrate will almost always take any payment you have made into account when deciding what penalty to impose upon you if you plead guilty or are found guilty after a trial. By law Council cannot give you the contact details for the victim, but you can ask Council to give the victim your details.

Council cannot ask the Court to order that you pay compensation to the victim of the dog attack.



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