Procedure 4.04.7 Guidelines – Companion Animal Dangerous and Menacing Dog Declaration Review

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Introduction

The review of submissions received regarding Intentions to declare a dog dangerous or menacing under the Companion Animals Act 1998, requires objective assessment as recommended in the “Guideline on the Exercise of Functions under the Companion Animals Act” (NSW Division of Local Government November 2013).

The implications of “Dangerous” or “Menacing” Dog Declarations are serious for the public, the dog owner and the animal itself. The issue of these Declarations requires full and transparent consideration and assessment of all facts relating to the incident or incidents that have led to the issue of the Notice of Intention.

This Guideline has been developed as recommended by the above mentioned guideline at clause 9.7.2.

It establishes and involves a logical process that, undertaken in sequence, enables continuous improvement in decision-making regarding possible “Dangerous” and “Menacing” declarations. It also facilitates continuous improvement in performance and management of such dogs in our community.

This is accomplished through the establishment of the BVSC Companion Animal Declaration Review Panel. The Panel reports to the Coordinator Ranger Services and the Building & Health Services Manager. Decisions of the Panel are reported on an as needs basis to Councils’ Leadership Executive Group (LEG) for noting.

Objective

The Guideline establishes a mechanism to review submissions received from customers with respect to a Notice of Intention under Sections 33 to 42 inclusive of the Companion Animals Act 1998 to declare their dog/s either dangerous or menacing. The mechanism provides for the input of an independent perspective and will inform the decision making process with regard to progressing the matter to the issue or non-issue of the Declaration itself.

Panel Composition and Meetings

The Panel will be comprised of 3 members including the Ranger Services Coordinator or Building Services Manager, the investigating Ranger, and an additional ranger not involved in the matter at hand. The Panel will need to reconvene if at least 3 members are not present for all decision making regarding the review of received customer submissions.

The Panel will meet within 48 hours of a customer submission being received in response to the issue of a Notice of Intention to declare a dog either dangerous or menacing. In the event of no customer submission being received, the Panel will meet prior to the issue of the “Dangerous” or “Menacing” declaration. Notice and agenda of the meeting will be issued by the investigating officer and will include relevant supporting information as appropriate. A briefing note including the following details will also be provided for the meeting:

- Outline of circumstances
- Details of owner and dog
- Prior history
- Mitigating factors
- Aggravating factors
- Issues raised by the owner of the dog – either in any submission or during the investigation process.

Administrative support for the Panel will be supplied where possible by Administrative staff who will also minute the decision and process. In the absence of the Administrative staff, the decision and process will be minuted by a Panel convenor.
Scope of activities

The BVSC Companion Animal Declaration Review Panel will review all notices, submissions, information received and evidence gathered with respect to Notices of Intention to declare a dog either “Dangerous” or “Menacing”. This will include a review of the investigating Ranger’s evidence and evidence recording.

The review of all submissions received with respect a Notice of Intention to declare a dog either Dangerous or Menacing and all the activities of the Panel will be managed in a sequential manner as shown in Flow Chart 1 attached.

Reporting

The BVSC Companion Animal Declaration Review Panel will report formally to the Ranger Services Coordinator and Building & Health Services Manager and will also provide an information report to LEG in regard decisions taken.

The proceedings of all Panel meetings will be minuted and registered in Content Manager.

All Dangerous and Menacing Dog Declarations will also be reported in the Annual Report.

Diagram 1 below describes the Companion Animal Declaration Review process.

Review

A review of this Guideline and the functioning of the Panel will be undertaken every 4 years or as required.
Dog attack event investigated

Notice of intention issued

Objection NOT Received

Objection Received

Arrange Peer Review

Convene Review panel

Compile Sit-Rep & circulate

Check - evidence and all documentation

Examine - objection, evidence, documentation and matters raised.

Decide on Declaration and Record minutes of panel meeting

Declaration to be issued

Issue and Serve order

Record in TRIM

Declaration NOT to be issued

Notify Owner of dog

Procedure 4.04.7 Companion Animal Dangerous & Menacing Dog Declaration Review
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