



## Dog Attacks – Information for Victims

### **What laws does Fraser Coast Regional Council apply to dog attacks?**

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.

#### **Fraser Coast Regional Council's *Local Law No. 2 (Animal Management) 2011* requires:**

- That the person responsible for an animal in a public place must ensure it is under the effective control of someone; and
- That any person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land; and
- That any person who keeps an animal must comply with the requirements for enclosures; and
- That the owner of the animal must ensure the animal is not wandering at large.

### **What will Council do about the dog attack?**

Council's first concern is the health and safety of people and animals involved in a dog attack. It is rare that Council receives reports about attacks that are continuing. In most cases the attack has ceased, the attacking dog has been restrained, and medical or veterinary treatment is being obtained. If Council confirms that the attacking dog has been secured, other work priorities might mean that Council's investigation does not commence immediately.

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

To prosecute the person responsible for an attack Council must obtain evidence to prove the offence beyond reasonable doubt. Without that level of evidence, Council cannot and will not prosecute.

The Council officer investigating the attack will take statements from witnesses to the attack and from the owner of the attacking dog, photograph the dog and the scene, and collect copies of medical or veterinary reports.

You can assist Council by:

- Getting to safety as soon as possible and obtaining treatment for any injuries, taking notes about what you recall of the attack; and
- Taking photographs of any injuries to you or your pet (do not do this if it will cause you additional distress); and
- Taking photographs of the scene, and;
- obtaining copies of medical/veterinary reports that you can give to the investigating officer.

**Note** that Council has one year (12 months) from the attack in which to commence prosecution. There are many factors that can delay finalisation of the investigation and any prosecution.

**Will the dog be declared menacing or dangerous after an attack?**

The decision to declare a dog menacing or dangerous is made separately to the decision on fines or prosecution following an attack. The investigating officer considers all available evidence before making such a declaration. However, the circumstances vary from case to case, so it is impossible to generalise that a Dangerous Dog Declaration will be made following an attack.

**Will the attacking dog be taken by Council?**

In most cases, an attacking dog is left in the owner's possession while the attack is investigated.

The attacking dog will be taken if the Council officer believes that:

- It is necessary as part of the attack investigation; or
- The owner is unable to ensure the dog does not attack again, including because the owner does not have an adequate and secure place to keep the dog.

**Will the dog be euthanised after the attack?**

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

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

- Council believes the dog is unable to be controlled; or
- The severity of the attack warrants it; or
- If the dog has attacked a person or animal on a previous occasion; or
- An owner may choose to voluntarily euthanise their dog following an attack.

**Will the owner of the attacking dog have to pay for my medical or veterinary bills?**

Council cannot ask the Court to order the owner to pay for your expenses, lost wages, or other damages resulting from a dog attack. You should consult your solicitor regarding this.

On some occasions, the owner of the attacking dog will inform Council that they want to make some payment to the victim, but they do not have the victim's contact details. Council will always do everything possible to protect your privacy, so when that occurs, Council will not provide your details. Instead, Council will offer to give their details to you, so that you can contact them if you wish.

### **Will I have to appear in Court?**

On most occasions when Council prosecutes a person for allowing a dog attack to occur, the defendant pleads guilty, and a trial is not required. If that happens with respect to the attack upon you/your pet, then you will not have to attend Court and give evidence to the Magistrate. Sometimes the responsible person for an attacking dog pleads not guilty. In that case, the incident will proceed to a trial in the Magistrates Court. If that happens both parties are required to attend Court to give evidence. A Council officer will contact you to make arrangements as needed. You can refuse to attend Court to give evidence, but if you do that it is likely that Council will not continue with the prosecution.

### **Will Council keep me informed about the progress?**

The Information Privacy Act 2009 restricts Council from providing you with personal information about the owner of the attacking dog, including details of Council's actions towards that person. However, Council will endeavour to inform you about the progress, keeping within the parameters of the privacy laws.

If the person is prosecuted and either pleads guilty or is found guilty after a trial, then Council can tell you about the result of the prosecution.

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