

**ATTACHMENT D**

**CIRCULAR FROM THE DEPARTMENT  
OF LOCAL GOVERNMENT  
DATED 20 JULY 2006**

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## **COUNCILS OBLIGATIONS TO ENFORCE DANGEROUS DOG PROVISIONS UNDER THE COMPANION ANIMALS ACT 1998**

This circular is to remind councils of their responsibilities to the NSW community in the active enforcement of the *Companion Animals Act 1998*.

Amendments to the *Companion Animals Act 1998* now give councils unprecedented powers to investigate and punish the owners of dogs involved in attacks or threatening to attack.

Following yesterday's tragic fatal attack on a 4 year old girl in western NSW and a number of recent serious dog attacks, I cannot stress highly enough the need for councils to appropriately and without delay, enforce the provisions of the Act.

It has come to my attention that some councils are failing to enforce the relevant provisions of the Act.

Specifically, I draw your attention to section 33 which provides that a dog is dangerous if it has, without provocation:

- (a) attacked or killed a person or animal (other than vermin), or
- (b) repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin).

Section 34 provides that:

(1) a council may, if satisfied that a dog is dangerous, declare it to be a dangerous dog. It does not matter if the dog is ordinarily kept in another council's area.

(2) A declaration can be made on the **council's own initiative** or on the written application of a police officer or any other person.

The effectiveness of these provisions depends largely on a proactive approach by councils to identify and deal with potentially dangerous dogs in their areas.

If councils are aware of the existence of a dog that may attack and the council is reasonably satisfied that the dog is dangerous, the legislation is clear that the council itself may serve a notice of intention to declare the dog dangerous.

It is absolutely critical that councils that are aware of the existence of dogs considered to be dangerous by either the council or the community, have a notice of intention to declare the dog to be dangerous issued without exception or delay.

The Department is available to assist councils as much as possible and if at any time there are issues in relation to the operation of the Act, contact should be made with the Companion Animals Unit on telephone 02 4428 4100.

A handwritten signature in black ink, appearing to read 'Garry Payne', with a stylized flourish at the end.

**Garry Payne**  
**Director General**