

**ATTACHMENT E**

**CIRCULAR FROM THE DEPARTMENT  
OF LOCAL GOVERNMENT  
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## RESPONSIBILITIES OF COUNCILS TO RESPOND TO CONCERNS ABOUT DOGS IN THE COMMUNITY

This circular is to remind councils of their responsibilities to actively enforce the *Companion Animals Act 1998* by responding to concerns about dogs not under effective control in the community.

A recent NSW Court case has highlighted the strong community expectation that councils actively respond to the concerns of residents who report incidents of uncontrolled dogs.

As set out in previous Divisional Circulars to Councils, the effectiveness of the Act depends largely on a proactive approach by councils to identify and deal with dangerous dogs in their areas. If a concerned resident reports uncontrolled or potentially dangerous dogs in their community, the local council has an obligation to investigate the matter and take all necessary action.

The Act provides councils with extensive powers to investigate and take action against the owners of dogs involved in attacks or threatening to attack. These are outlined in section 9 of the Division's [Guideline on the exercise of functions under the Companion Animals Act](#).

Section 33(1)(c) of the Act enables authorised officers to be proactive in dealing with instances of unacceptable behaviour of individual dogs and addresses the potential of a dog to cause problems in the future.

As section 9.2.3 of the Guideline highlights:

*“this provision recognises the situation where a dog may have come to the attention of an authorised officer because it has displayed unreasonable aggression towards a person or animal – to the extent that it causes fear or apprehension of an attack. Such a dog poses a threat to people and other animals”.*

It is critical that where councils are made aware of the existence of dogs considered to be dangerous by either the council or the community, the council considers whether to issue a notice of intention to declare the dog to be dangerous without exception or delay. Where a council commences action regarding a dog attack or dangerous dog matter, it is vital that it completes the action and record this on the Register.

However, in taking such action council officers must ensure that they comply with the requirements of the Act with regard to the giving of notice, as set out in sections 9.6 and 9.7 of the Guideline.

Councils also play an important role in educating the community about the need to report to councils all incidents of concern involving dogs not under effective control, dog attacks or dangerous dogs.

Under clause 33A of the Companion Animals Regulation 2008, councils are obliged to report all dog attack incidents using the Companion Animals Register within 72 hours of the information being brought to their attention. The dog attack module also allows a council to record relevant information that comes to its attention over the course of an investigation.

A copy of the *Guideline on the exercise of functions under the Companion Animals Act* can be downloaded from the Division's website [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).



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