

ATTACHMENT A

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**RESOLUTION OF COUNCIL –
26 AUGUST 2013**

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ITEM 7.4 APPLICATION TO REVOKE DANGEROUS DOG DECLARATION (S084466)

It is resolved that Council:

- (A) defer a decision on revoking the dangerous dog declaration made on 20 December 2011 for the dog 'Oscar', pending receipt of a report by a Council-appointed, suitably qualified expert to review existing relevant information and undertake a physical examination and behavioural analysis, including temperament assessment, of 'Oscar';
- (B) note the Division of Local Government, Premier & Cabinet, has issued a circular to Councils advising of its intention to introduce new legislation to strengthen penalties against owners whose dogs have attacked after the owner has failed to comply with a dangerous dog order, and requesting Councils to ensure outstanding dangerous dog notices are enforced;
- (C) note that deferring a decision means that the dangerous dog declaration remains in force for the dog 'Oscar' and request that:
 - (i) Mr Gibbons provide reasonable access to 'Oscar' in order to assist with the physical examination and behavioural analysis by a Council-appointed expert;
 - (ii) Mr Gibbons urgently meet the interim enclosure requirements specified in the Companion Animals Act section 51(c1) that "the dog must, while on property on which it is ordinarily kept, be kept in an enclosure that is sufficient to restrain the dog and prevent a child from having access to the dog";
 - (iii) Mr Gibbons urgently meet all other requirements of the dangerous dog declaration;
 - (iv) the Chief Executive Officer (CEO) arrange inspection of the property on which 'Oscar' is normally kept to assist in meeting requirements of the Companion Animals Act and assess compliance;

- (v) Mr Gibbons provide documentary evidence of his compliance with the provisions of the dangerous dog declaration;
- (D) request the Lord Mayor write to the Minister for Local Government to advocate for amendments to the Companion Animals Act 1998 to account for the circumstances of high-density urban areas, such as to require owners of dogs subject to dangerous dog declarations to maintain secure enclosures instead of prescribing the material and size of enclosures; and
- (E) request the CEO provide a report back to Council as soon as practicable following the receipt of the recommendation of the Council-appointed expert and evidence of compliance from Mr Gibbons.

Motion carried.