



Request to declare a dog dangerous

Under *Part 5 of the Companion Animals Act 1998*

Any questions

Phone Customer Service on (02) 9391 7000, or call in personally (see page 2)

▼ Applicant details

1. Applicant's name, address and contact details.

Title: Mr Mrs Miss Ms Other:

Family name (or company):

Given names (or ABN):

Postal address:

..... Post Code:

Phone (1) (....) Fax (....)

Phone (2) (....) E-mail:

▼ Dog details

2. The animal

Is the dog? Registered Unregistered Unknown

Sex of dog? Male Female Unknown

You must provide the type of animal, its colour, and the address where it ordinarily resides

Breed of dog?

Colour of dog? **Must complete**

Name of dog? Unknown

Owners name (if known) Unknown

Address (where dog is normally kept)

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3. The Attack(s) or Threatened Attack(s)

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Declaration of facts
Please attach any supporting documents:

- *Police reports*
- *Medical reports*
- *Statutory Declarations of other witnesses*
- *Photographs*

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▼ Declaration

4. Statutory Declaration

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the "Oaths Act of 1900-1953". I am prepared to give this as evidence in court if so required by Council.

Subscribed and declared at this day of
..... Two thousand and

Signature of Applicant

before me: Name & Signature of J.P

▼ How to lodge this request

Address the application to: The General Manager
Woollahra Municipal Council

You can send it to us by any of the following methods

Post: PO Box 61
Double Bay 1360

DX: DX 3607 Double Bay

Courier or personal delivery: Council Chambers
536 New South Head Road
Double Bay NSW 2028

Fees

No fees are required with the lodgement of this form.

Making a personal visit?

Woollahra Council is located at 536 New South Head Road, Double Bay. We look forward to seeing you.

Bus or Rail: Train to Edgecliff and take the bus or walk from the interchange at the Edgecliff Centre.

Parking: Short term customer parking spaces are available on site. On street parking in nearby streets is also available.

How to contact us by phone, fax or electronically

Phone: (02) 9391 7000

Fax: (02) 9391 7044

Email: records@woollahra.nsw.gov.au

Web: www.woollahra.nsw.gov.au

▼ Privacy Notification

The personal details requested on this form are required under the *Companion Animals Act 1998* and will only be used in connection with the requirements of this legislation. Access to this information is restricted to Woollahra Municipal Council officers and other people authorised under the Act. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council. You may also request Council to suppress your personal information from a public register.

▼ Important Information

The following is an extract from Part 5 of the *Companion Animals Act 1998*;

33 Meaning of "dangerous"

For the purposes of this Division, a dog is **dangerous** if it has, without provocation:

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

34 Council can declare dog to be dangerous

- A council can declare a dog to be dangerous if the dog is ordinarily kept in the council's area and the council is satisfied that the dog is dangerous.
- A declaration can be made on the council's own initiative or on the written application of a police officer or any other person.
- A declaration has effect throughout the State. It is not limited in its operation to the area of the council.

Note. This Part also gives a Local Court the power to declare a dog to be dangerous in certain circumstances.

35 Owner to be notified of proposed declaration

- A council must give notice to the owner of a dog of the council's intention to declare the dog to be dangerous.
- The notice must set out:
 - the requirements with which the owner will be required to comply if the declaration is made, and
 - the owner's right to object to the proposed declaration in writing to the council within 7 days after the date the notice is given.

36 Obligations of owner when notified of proposed dangerous dog declaration

- (1) When a council gives notice to the owner of a dog of the council's intention to declare the dog to be dangerous, the owner must ensure that at all times when the dog is away from the property where it is ordinarily kept (and despite any other provision of this Act):
 - (a) it is under the effective control of some competent person by means of an adequate chain, cord or leash, and
 - (b) it has a muzzle securely fixed on its mouth in such a manner as will prevent it from biting any person or animal.

Maximum penalty: 20 penalty units.

- (2) This section applies in respect of a dog for 28 days after the council gives the dog's owner the notice concerned or until the council notifies the owner that the council has made the proposed declaration or has decided not to make it, whichever happens first.
- (3) While this section applies in respect of a dog, an authorised officer can seize the dog if of the opinion that the dog is not confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully at the property where the dog is ordinarily kept.
- (4) An authorised officer can enter any land (but not premises) for the purpose of exercising the authorised officer's powers under subsection (3).
- (5) Part 7 (Procedures for dealing with seized animals) applies in respect of the dog with the following modifications:
 - (a) a claim for the dog cannot be made under section 64 (Unclaimed animals can be sold or destroyed) unless an authorised officer is satisfied that the dog is reasonably capable of being confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully at the property where the dog is ordinarily kept,
 - (b) the dog cannot be sold or destroyed under section 64 until at least 28 days after this section ceases to apply in respect of the dog.

37 Council must consider dog owner's objections

- (1) The owner has 7 days after the date the notice is given in which to object to the proposed declaration.
- (2) If the owner does not object within that time, the council can proceed to make the declaration after the 7 days have passed.
- (3) If the owner does object within that time, the council must first consider the objection before proceeding to make the declaration.

38 Council to notify dog owner of decision and consequences

- (1) A council must give notice to the owner of a dog when it declares the dog to be dangerous or decides not to declare the dog to be dangerous. The notice must be given within 7 days after the declaration or decision is made.
- (2) A notice that a dog has been declared dangerous must set out:
 - (a) the requirements imposed on the owner by this Part and the date or dates by which the owner must comply with those requirements, and
 - (b) the owner's right to appeal against the declaration.
- (3) A declaration has effect from the date specified in the notice or the date on which notice is given, whichever is the later.

39 Council can revoke its declaration of a dog as dangerous

- (1) The owner of a dog that has been declared dangerous under this Part can apply to the council of the area in which the dog is ordinarily kept (whether or not it is the council that made the declaration) for the declaration to be revoked.
- (2) The council to which the application is made can revoke the declaration but only if satisfied that it is appropriate to do so.
- (3) The council must, as soon as practicable, give notice to the owner of the dog that the declaration has been revoked or that the council has refused to revoke the declaration.

40 Council to notify Director-General of making or revocation of declaration

A council that makes or revokes a declaration under this Division must give notice to the Director-General within 7 days.

41 Appeal against decision of council

- (1) The owner of a dog can appeal to a Local Court:
 - (a) against the declaration by the council that the dog is dangerous, or
 - (b) against a refusal by the council to revoke its declaration that the dog is dangerous.
- (2) An appeal can only be made within 28 days after the date the owner of the dog is given notice by the council that it has made the declaration or that it has refused to revoke the declaration.
- (3) The fact that an appeal is pending does not affect the dog's status as a dangerous dog and does not affect the appellant's obligations under this Act as the owner of a dangerous dog, unless the Court otherwise orders.

42 Determination of appeals by Local Court

A Local Court may determine an appeal by confirming the decision of the council or by revoking the declaration.