

COUNCIL POLICY

Dog Incident Policy

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Date	Version	Revision description
31/03/2026	1.1	Draft for Community Engagement
30/06/2026	1.2	Policy for adoption.

1. Purpose

Dog attacks occur when a dog bites, rushes at, or chases a person or another animal. These incidents can cause serious physical and psychological harm.

The Alpine Shire Council is committed to enforcing regulations that help prevent and address dog attacks, ensuring the safety and well-being of the community.

2. Scope

This policy applies to Council employees involved in the administration, investigation, and prosecution of dog attacks; and employees involved in Alpine Shire animal pound duties.

3. Policy details

Alpine Shire Council encourages the reporting of all dog attacks and is committed to thoroughly investigating every reported incident. Investigations are conducted with the understanding that any case may proceed to court. The policy outlines Alpine Shire Council's approach to dog attacks including definitions, investigation procedures, owner responsibilities, and legal consequences.

3.1 Legislative Framework

The *Domestic Animals Act 1994* gives the Alpine Shire Council a range of powers regarding dogs that have attacked people or animals; or otherwise pose a risk to public safety. The following powers enable the Council to take appropriate action to protect the community and enforce compliance with the law:

- Refusing or imposing conditions on the registration of dangerous dogs (Section 17).
- Declaring a dog as Menacing (Section 41A) or Dangerous (Section 34) in prescribed circumstances.
- Searching for and seizing dogs involved in attacks (Sections 84E and Part 7A).
- Destroying dogs involved in attacks or non-compliance (Section 84P).

3.2. Wandering Dogs and Effective Control

Dog attacks can occur as a consequence of dogs wandering unsupervised, escaping from poorly secured properties, or being exercised off-lead without proper control.

Under Section 24 of the Act, it is an offence to allow a dog to roam freely outside its property.

Risks of allowing dogs to wander include:

- Increased likelihood of the dog being lost, injured, or involved in an accident.

- Potential for nuisance, property damage, or harm to neighbours and their animals.
- Destruction of a dog found at large near livestock.

Designated off-leash areas exist within Alpine Shire, but all dog owners must observe conditions and ensure their dogs are under effective control at all times. A dog is considered under effective control if:

- It returns immediately upon command.
- The handler maintains a clear, unobstructed view and the dog is securely tethered when required.
- The dog does not bother, attack, or interfere with people or animals.

Attacks in off-leash areas are subject to the same investigation and prosecution as those elsewhere.

3.3. Serious Injury from Dog Attacks

Section 3(1) of the Act defines a serious injury as one requiring medical or veterinary attention, such as broken bones, lacerations, loss of sensation or function, or injuries needing cosmetic surgery. If a dog attack results in serious injury, the following actions could be undertaken:

- The Council may destroy the dog (Section 84TA) or declare it dangerous.
- Owners will be required to abide by stricter requirements and face an increased likelihood of prosecution.
- Increased penalties.

3.4. Investigation and Enforcement Process

For an investigation into a dog attack to commence, the incident must be reported to Council. Following a report of an incident, the following process will be followed:

1. Initial Contact: An authorised officer contacts the complainant for further information to establish the severity of the incident and to establish whether an offence may have occurred under the Act.
2. Investigation: The officer will contact the owner or handler and explain the investigation process and other information relevant to the alleged offence.
3. Prosecution: If the complainant is willing to provide evidence, enforcement options are more extensive.

If proven, possible penalties include:

- Infringement notice/s to the owner.

- Declaration of the dog as menacing or dangerous.
- Seizure and impoundment of the dog (with daily costs and release fees).
- Criminal conviction if the dog attacked is proven in court.
- Recovery of costs by Council and the victim against the owner. There is also the potential for civil action to be taken by the victim against the accused.
- Banning order preventing dog ownership for up to ten years.
- Destruction of the dog by Council or court order.
- Imprisonment of the dog owner for serious attacks, especially if the dog was previously declared dangerous or is a restricted breed.
- Additional offences pursued under the *Crimes Act 1958*, Division 9AA regarding dogs that have been declared dangerous, menacing or restricted and where the owner has failed to control a dog which has killed a person or had reckless control of a dog putting another person in danger of death.

3.5 Menacing and Dangerous Dogs

Menacing Dogs (Section 41A)

Some offences are treated more seriously if a council has previously declared a dog as dangerous or menacing, or if the dog is a restricted breed. Under Section 41A of the Act, Council may declare a dog to be a menacing dog if:

- The dog has rushed at or chased a person; or
- The dog bites any person or animal causing injury to that person or animal that is not in the nature of a serious injury; or
- The dog has been declared a menacing dog under a law of another State or Territory.

Owners of dogs that have been declared menacing have several obligations. These include notifying the council within 24 hours in certain circumstances, such as if the dog has rushed at or chased someone, or if it goes missing.

Dangerous Dogs (Section 34)

Under Section 34 of the Act, Council may declare a dog dangerous if it:

- Has caused death or serious injury to a person or animal; or
- Is a menacing dog and the owner has been fined twice before for failing to muzzle the dog and keep it on a leash; or
- Has been declared a dangerous dog by another State or Territory; or
- Has been served with two infringement notices for rushing, chasing or non-serious bites.

Any person who acquires a dog which has previously been declared dangerous by any State or Territory is required to notify Council immediately. This requirement also applies to owners of dangerous dogs which have been relocated between States or Territories.

3.6. Impoundment of a Dog

If Council are legally instructed or make the decision to seize a dog, the animal will be impounded and daily impound and release fees will be applicable.

Impounded dogs may only be visited during normal animal pound opening hours. Visitation rights for dogs impounded due to an attack are evaluated on a case-by-case basis and awarded at Council's discretion.

Any dog seized will remain in custody until the alleged incident has been fully investigated. Where an order for destruction has been made by the court or pursuant to Section 84TA, the dog will be euthanised.

Where a dog is to be declared dangerous or menacing, the owner of the dog must comply with relevant state government regulations including being registered and microchipped and the owner's expense before the dog is released. In cases where dogs are to be declared dangerous any associated fees such as de-sexing will be carried out at the owner's expense.

3.7 Safety and Welfare During Investigations and Animal Seizures

Council prioritises the safety of officers, the public, and animals during investigations and seizure of animals under the *Domestic Animals Act 1994*. A dynamic risk assessment will be performed prior to and throughout an investigation or seizure activity to ensure adherence to the *Domestic Animals Act 1994*, *Occupational Health and Safety Act 2004* (Vic), and Council policies.

3.8 Related Offences Under the *Domestic Animals Act 1994*

The investigation of a dog attack can also reveal other offences being committed. Common offences include:

Section	Domestic Animals Act Offence Description
10	Failure to apply to register a dog or cat
10(2)	Failure to renew registration of a dog or cat
20(1)	Registered dog or cat not wearing Council identification marker outside of premises
21	Unregistered dog or cat wearing identification marker
22	Person other than owner removing, altering, or defacing identification marker
23(4)	Dog or cat on private property after notice served

Section	Domestic Animals Act Offence Description
24(1)	Dog at large or not securely confined to owners' premises during daytime
24(2)	Dog at large or not securely confined to owners' property during nighttime
26(1)	Contravening Council order relating to presence of dogs and cats in public places
29(7)	Allow dog to rush or chase a person
37(2)(b)	Failure to notify Council of missing dangerous dog
38(1)	Dangerous dog not confined to residential premises
38(2)	Dangerous dog not confined to non-residential premises
41E	Not muzzling or controlling menacing dog
41EA	Keeping a restricted dog breed
41G	Fail to confine restricted dog breed

3.9 Costs

If prosecution is successful, the court may order the dog owner or person responsible for the control of the dog to pay:

- Council's investigation and legal costs.
- Victim's medical or veterinary expenses.

Victims may also pursue civil action for damages independently. Council does not act as an intermediary in recovering costs, and prosecutions are not initiated solely for cost recovery.

3.10 Offences relating to Authorised Officers

Council is committed to ensuring the health, safety, and wellbeing of its employees. Authorised officers responsible for enforcing animal management legislation have a right to do so without being subjected to harassment, obstructive behaviour or abuse.

The *Domestic Animals Act 1994* gives authorised officers of Council the power to investigate and prosecute following dog attacks. Part 7 of the Act provides detailed information regarding the role of authorised officers and the enforcement options available to the officers whilst carrying out their lawful duty.

Obstructing, harassing, or refusing to cooperate with authorised officers is an offence under the Act.

4. Definitions

Term	Definition
Dog Attack	A dog attack is defined as an action of a dog that involves the dog rushing at, chasing or biting a person or another animal (other than vermin), whether or not any injury or damage occurs to the person or animal.
Dog Owner	The owner of the dog or the person in apparent control of the dog at the time of the attack.
Dog Rush	When a dog approaches a person to a distance of less than 3 metres in a menacing manner, displaying aggressive tendencies that may include snarling, growling and raised hackles.
Alpine Shire Council Community Local Law 2019	Alpine Shire Council Community Local Law currently in place within the Alpine Shire municipality and is authorised under Section 71(1) of the <i>Local Government Act 2020</i> .
Effective Control	Means under the effective control of a person by means of a chain, cord or leash.
Restricted Breed	Means a dog that is any one of the following breeds: Japanese Tosa, Fila Brasileiro, Dogo Argentino, Perro de Presa Canario (or Presa Canario), American Pit Bull Terrier (or Pit Bull Terrier).
The Act	<i>Domestic Animals Act 1994</i>

5. Human Rights Charter

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

6. Supporting documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Alpine Shire Council Community Local Law 2019*
- *Domestic Animals Act 1994*
- *Domestic Animal Regulations 2005*
- *Protection of Cruelty to Animals Act 1986*
- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*
- *Occupational Health and Safety Act 2004 [Vic]*

Related Guidelines, Operational Directives or Policies

- Alpine Shire Council Policy No.052 Health and Safety
- Alpine Shire Council Order – Dog Control, 2 July 2019
- Alpine Shire Council Domestic Animal management Plan 2026-2029

Related Procedures

- Dog Attack Investigation Procedure

7. Approval

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 30 day of June
2026
in the presence of:

[Redacted]

COUNCILLOR

John Anderson

[Redacted]

GARETH GRAHAM
COUNCILLOR

WILL JEREMY
CHIEF EXECUTIVE OFFICER

Version 1 of the Dog Incidents Policy was
adopted at the Ordinary Council Meeting held
on 30 June 2026.

The signed copy is held in Council's records.