

MURRAY RIVER COUNCIL
COUNCIL POLICY

DRAFT
**DANGEROUS
OR
MENACING
DOG
MANAGEMENT
POLICY**

POL-412.V#1



murray river
council

1. INTRODUCTION

Murray River Council is committed to fostering a safe and responsible community through the effective regulation of companion animals. In accordance with the Companion Animals Act 1998 (NSW), Council has the authority to declare dogs as “dangerous” or “menacing” where their behaviour poses a risk to public safety.

This Policy outlines the framework for assessing applications to revoke such declarations, ensuring decisions are made transparently, consistently and in alignment with legislative requirements.

The revocation process is designed to balance community safety with fair and evidence-based consideration of individual cases. It provides dog owners with a clear pathway to demonstrate behavioural improvement and responsible pet ownership, while maintaining Council's duty of care to the broader community.

This Policy supports Murray River Council's broader compliance and enforcement objectives and reflects our commitment to procedural fairness, accountability and the protection of public health and safety.

2. OBJECTIVES

This Policy aims to establish a clear, consistent and transparent process for assessing applications to revoke dangerous or menacing dog declarations under the Companion Animals Act 1998 (NSW). It ensures that all decisions are made in accordance with legislative requirements and reflect the principles of procedural fairness and public safety.

A key objective is to provide dog owners with a structured opportunity to demonstrate that their dog no longer poses a threat to the community. This includes consideration of behavioural improvements, responsible pet ownership and environmental factors that may mitigate risk.

The Policy also supports Murray River Council's broader compliance and enforcement framework by ensuring that revocation decisions are evidence-based, risk-informed, and aligned with Council's duty of care to the public. It promotes accountability and consistency in decision-making while allowing flexibility to consider individual circumstances.

Ultimately, this Policy contributes to a safer and more harmonious community by balancing the rights of pet owners with the need to protect residents, visitors, and other animals from potential harm.

3. SCOPE

This Policy applies to all applications submitted to Murray River Council for the revocation of dangerous or menacing dog declarations made under the Companion Animals Act 1998 (NSW).

It is relevant to dogs ordinarily kept within the Murray River Council Local Government Area (LGA) and applies to Council Officers who have delegated authority to assess and determine such applications.

The Policy does not extend to declarations made by the Local Court or to dogs kept outside the Council's jurisdiction.

It ensures that all revocation requests are managed consistently, transparently and in accordance with legislative and procedural requirements.

4. LEGISLATON

This policy supports Murray River Council's compliance with the following legislation:

- › Local Government Act 1993 (NSW)
 - Section 377: Details Council's delegation powers
 - Section 378: Covers sub-delegation of functions by the General Manager
- › Companion Animals Act 1998 (NSW)
 - Section 33: Defines a Dangerous dog
 - Section 33A: Defines a Menacing dog
 - Section 39: Outlines the process for revocation of declarations

- Section 41: Provides appeal rights to the Local Court for Dangerous dog declarations

Additionally, Council must have regard to the Section 23A Guideline issued by the Office of Local Government when exercising functions under the Companion Animals Act. This ensures decisions are made consistently and in accordance with best practice principles.

5. POLICY STATEMENT

5.1 APPLICATIONS TO REVOKE A DANGEROUS OR MENACING DOG DECLARATION

The owner of a dog that has been declared as dangerous or menacing under the Act may apply to the Council of the area in which the dog is ordinarily kept (whether or not it is the Council whose Authorised Officer made the declaration) for the declaration to be revoked.

An application cannot be made until after the period of 12 months following the date on which the dog was declared to be a dangerous dog or a menacing dog.

All applications seeking to revoke a Dangerous or Menacing dog declaration for dogs ordinarily kept within the Murray River Council can only be made by the registered owner of the dog as identified on the NSW Companion Animals Register.

The application must be supported by a Current Temperament Assessment provided by a Qualified Animal Behaviourist. Evidence confirming the qualification of the assessor is also required to accompany the application.

5.2 ASSESSMENT AND DETERMINATION OF APPLICATIONS TO REVOKE

The application will be assessed by an Authorised Officer having considered the following:

- ▶ Information provided within the application.
- ▶ The information within the temperament or behavioural assessment and decision of the Qualified Animal Behaviourist.
- ▶ The nature of, circumstances, evidence and reasons for the declaration originally made.
- ▶ The history of the owner regarding responsible pet ownership. History of any dog attacks or complaints received regarding the dog since the original declaration, including complaints received by the Council where the incident occurred.
- ▶ The manner in which the dog has been cared for and managed since the declaration was made.
- ▶ The nature and extent of any behavioural training that the dog has undergone.
- ▶ The nature of the physical surroundings, adjoining properties, fencing and/or enclosures at the property and where the animal is normally kept.

The Authorised Officer provides a recommendation to Council's Superintendent Compliance for final determination.

In making the determination, the Superintendent Compliance must have regard to the recommendation of the Authorised Officer and the Section 23A Guideline on the exercise of functions under the NSW Companion Animals Act developed by the Office of Local Government.

A Notice of Determination is to be signed by the Superintendent Compliance and sent to the applicant/owner within twenty-eight (28) days of receiving the application for the revocation of a dangerous or menacing dog declaration.

Where a decision is made to refuse the application, the notice of determination is to include the reasons for the refusal. In addition, Council will continue to monitor and enforce where necessary, the requirements of the declaration.

The notice of determination is to include a statement that under the provisions of the Act, an owner may appeal to the Local Court against a Dangerous declaration or against Council's refusal to revoke such a declaration.

An appeal to the Local Court must be made within twenty eight (28) calendar days after the date the owner was made aware of Council's determination.

Note. No appeal lies to the Local Court against a declaration by an Authorised Officer of a Council that a dog is a menacing dog or against a refusal by a Council to revoke a declaration that the dog is a menacing dog.

6. ROLES AND RESPONSIBILITIES

The Chief Executive Officer is responsible and accountable for:

- Implementing and communicating this Policy;
- Monitoring compliance with this Policy; and/or
- Ensuring this Policy is reviewed and updated to compliment external changes in legislation or government policy or administrative guidelines.

Council Officer's delegations for taking action under this Policy are included in Council's Delegations of Authority (CEO to Council Officer) Policy

All authorised Council Officers who deal with applications to revoke a dangerous or menacing dog declaration are responsible for implementing this Policy.

7. EVALUATION AND REVIEW

It is the responsibility of the Director Sustainability and Growth to monitor the adequacy of this Policy and recommend appropriate changes.

This Policy will be formally reviewed every four (4) years or as needed, whichever comes first.

8. ASSOCIATED DOCUMENTS, DEFINITIONS & ACRONYMS

External:

- OLG: Guideline on the Exercise of Functions under the Companion Animals Act (NSW)
- Ombudsman NSW: Good Conduct and Administrative Practice - Guidelines for state and local government.

Internal:

- MRC Policy - Code of Conduct Policy (POL-100)
- MRC Policy - Delegations of Authority (CEO to Council Officer) Policy (POL-107)
- MRC Policy – Statement of Business Ethics Policy (POL-111)
- MRC Policy – Compliance and Enforcement Policy (POL-410)

Definitions:

Term	Definition
Act	Companion Animals Act 1998
Current Temperament Assessment	Means a behavioural assessment conducted within 30 days prior to Council receiving the revocation application.
Dangerous Dog	Means a dog declared dangerous under section 33 of the Act.
Menacing Dog	Means a dog declared menacing under section 33A of the Act.

Qualified Animal Behaviourist	Means an assessor who holds a Certificate III in Dog Behaviour and Training as a minimum qualification.
Authorised Officer	Means an employee of Council authorised for the purpose of revoking Dangerous/Menacing Dog Declarations under the Act

9. DOCUMENT CONTROL

Version No.	Details	Dates	CM9 Reference	Resolution No.
1	Initial Issue	DRAFT	VF/25/390	TBA

Council reserves the right to review, vary or revoke this policy at any time

This Policy is scheduled for review in before 2029

NOTE:

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DISCLAIMER:

This document was formulated to be consistent with Murray River Council's legislative obligations and with the scope of Council's powers. This document should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail. This document does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this document.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, position title or a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. When such changes are made the version number will be amended and an extension added (eg V#1.1)