

# Dog Attack Information

## Information to support persons involved in a dog attack

In the event of a dog attack, your first priority is to make yourself and your dog safe, and then seek medical or veterinary treatment as required. Check the welfare of others involved and exchange details if safe to do so.

**Call 000 if emergency medical or police response is required.**

### Key Takeaways

- Make yourself and your dog safe first
- Seek medical or veterinary treatment if needed
- **Call 000** if emergency assistance is required
- Report the incident to the local council
- Collect photos, details and witness information if safe to do so

### Report the incident to the local council for investigation and securing roaming dog/s.

After an attack, observe and collect as much information as you can, such as:

- Date, time and location
- Description of the dog/s including registration disc or collar details
- Description of the owner including name, address, phone number
- Description of car including car registration number, make, model, colour
- Direction the dog/s went following the attack
- Description and photographs of any injuries to you and your pet
- Contact details of any witnesses

### Initial council response

A council authorised person is typically the first to respond. Their duties include:

- Prioritising public safety and securing the dog/s
- Gathering initial evidence (photos, details of persons involved, dog details)

### Investigation process

The council will assess the evidence provided and if required, collect additional evidence such as witness statements that may be required as evidence in court. The investigation process relies on the availability of owners, victims and witnesses, and evidence gathering processes. During the investigation, the council authorised person may:

- Conduct formal interviews and take written statements
- Gather evidence (photos/CCTV, medical/vet reports, statements, dog history)
- Assess evidence collected and make a decision on appropriate outcomes

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### Possible investigation outcomes

Depending on the circumstances of the incident, council may:

- Take no further action
- Provide education to the owner/person responsible
- Issue a formal warning
- Issue a fine
- Give a written direction (requiring specific action)
- Issue a control order (Nuisance, Menacing or Dangerous)
- Issue a destruction order
- Place a prohibition order on the owner or responsible person
- Take court action (prosecution)

The outcome often reflects the severity of the attack. Formal actions must meet a legal threshold to be considered by council and may not always be able to be considered based on the circumstances or evidence available.

### Compensation

While the council can investigate potential offences under the Act, and take appropriate action, councils are not authorised to handle matters of financial compensation.

Matters of compensation are considered to be civil in nature, and must be resolved through appropriate legal channels. You may consider seeking further legal advice about your options for civil action. See: Legal advice.

### Information sharing

You may lodge an application under the *Freedom of Information Act 1991* to access information relating to an investigation. Personal information may not be available through freedom of information request. It may be necessary for an alleged dog attack victim to obtain an order from a Court for pre-action, or non-party discovery for the purpose of that person considering, and potentially pursuing, civil action against the owner.

If you require this information, we recommend seeking independent legal advice regarding options that may be available to you. See: Legal advice.

### Appeals

If you disagree with the actions undertaken by council, or the outcome of the investigation, there are appeal options available:

#### » Internal Review with Council

In the first instance you may wish to contact the council to gain a better understanding of the outcome. You may choose to lodge a formal complaint, and/or request an internal review of a Council decision under section 270 of the *Local Government Act 1999*.

#### » Report to the South Australian Ombudsman

If you are not satisfied with the response to the request for internal review, you can consider making a report to the South Australian Ombudsman, who can investigate to ensure the council have taken appropriate action in relation to the matter.

#### » South Australian Civil and Administrative Tribunal (SACAT)

SACAT can review decisions relating to destruction, control and prohibition orders. SACAT can also review the decision of a person to refuse to allow the release of a dog or cat that is being detained under the *Dog and Cat Management Act 1995*.

#### » Prosecutions/Legal support

Recipients of a fine may elect to be prosecuted and appear at court. See: Legal advice.

### Legal advice

Free legal advice is available via the Legal Services Commission on **1300 366 424**.