



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: TCCSFOI 21-052 and 21-053

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Published
4. Additional information identified	n/a
5. Fees	n/a
6. Processing time (in working days)	41 days
7. Decision made by Ombudsman	n/a
8. Additional information identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a

From: [REDACTED]
To: [ICAC Freedom of Information](#)
Subject: FOI request re nuisance animal complaint investigation protocol
Date: Tuesday, 22 June 2021 12:00:39 PM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning

Please accept my request under the Freedom of Information Act.

My details are:

[REDACTED]
[REDACTED]

Please provide me with copies of the Dog Control protocol/procedure for how investigations are conducted when an animal noise complaint is made including:

- how complaints are prioritised (e.g. is a risk management approach taken where the situation impacts on the physical or mental health of people)
- the protocol / policy / procedure for:
 - acknowledging receipt of the complaint
 - providing the complainant with information on progress of the complaint/investigation
 - providing the complainant with information on the outcome of the complaint/investigation
 - any standards or key performance indicators established for the management of the complaint (such as how long from the time of the complaint to appointment of a ranger, when or whether the complainant is provided with a contact person for the complaint)
 - what training is provided to personnel handling complaints in relation to administrative fairness and good complaint handling practices..

Regards [REDACTED]

From: [REDACTED]
To: [TCCS_FreedomOfInformation](#)
Subject: FOI request
Date: Tuesday, 22 June 2021 10:39:13 AM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning

Please accept my request under the Freedom of Information Act.

My details are:

[REDACTED]

I am requesting details from **1 January 2019 to 30 May 2021** as follows:

- the number of nuisance animal complaints relating to dog barking
- how many complaints were investigated
- how many nuisance notices were issued under section 112 of the DA Act
- how many went to proceedings under section 110 (1) (Offence of animal nuisance).
- how many dogs were seized under section 114 of the DA Act
- an average how many weeks to investigate the complaint
- how many rangers are allocated to manage noise complaints.

To the best of your records, how many suicides are there related to unresolved dog noise?

I understand you probably don't formally keep records of the number of suicides. So I am asking for information to the best of your department's knowledge. I know of one case where a gentleman had unsuccessfully engaged with dog control about the noise caused by five dogs living next to him. When the issue remained unresolved he took matters into his own hands in an attempt to silence the dogs and then became subject to criminal proceedings. He took his own life as a result.

In relation to complaints/concerns about a dog's welfare:

- how many complaints?
- how long from the time of the complaint to when the welfare check was undertaken.

I am undertaking research on this issue with a view to raising public awareness about the effect of dog noise on the standard of living and wellbeing.

I currently have an open dog control case [REDACTED]. My situation is made worse by the lack of information about progress of my case and the lack of responsiveness by the ranger.

Regards [REDACTED]



Dear 

Freedom of Information Request - Reference 21-062 and 21-063

I refer to your applications for access to government information both received by Transport Canberra and City Services (TCCS) on 22 June 2021 under the *Freedom of Information Act 2016* (FOI Act) seeking the following government information:

Access Application our reference 21-062

“Details from 1 January 2019 to 30 May 2021:

- *The number of nuisance animal complaints relating to dog barking*
- *How many complaints were investigated*
- *How many nuisance notices were issued under section 112 of the DA Act*
- *How many went to proceedings under section 110 (1) (Offence of animal nuisance)*
- *How many dogs were seized under section 114 of the DA Act*
- *An average of how many weeks to investigate the complaint*

- *How many rangers are allocated to manage noise complaints;*
- *How many suicides are there related to unresolved dog noise?*

In relation to complaints/concerns about a dog’s welfare:

- *How many complaints/concerns about a dog’s welfare:*
- *How long from the time of the complaint to when the welfare check was undertaken”*

Access Application our reference 21-063

“Copies of the Dog Control protocol/procedure for how investigations are conducted when an animal noise complaint is made including:

- *How complaints are prioritised (e.g. is a risk management approach taken where the situation impacts on the physical/mental health of people)*
- *The protocol/policy/procedure for:*
 - a) *acknowledging receipt of the complaint*

- b) providing the complainant with information on progress of the complaint/investigation
- c) providing the complainant with information on the outcome of the complaint/investigation

- Any standards or key performance indicators established for the management of the complaint (such as how long from the time of the complaint to appointment of a ranger, when or whether the complainant is provided with a contact person for the complaint)
- What training is provided to personnel handling complaints in relation to administrative fairness and good complaint handling practices.”

Timeframes

A decision is due by 20 July 2021. I thank you for agreeing to an extension of 18 August 2021.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the FOI Act.

Decision on access

Part 1

Domestic Animal Services (DAS) has undertaken a search on its database and extracted the number of infringements and animal nuisances received for the requested period. The data has been attached to this letter at Attachment A.

DAS has also provided the following information against each item listed in your request.

Request	Response
<i>The number of nuisance animal complaints relating to dog barking</i>	From 1 January 2019 to 30 May 2021 there has been a total of 391 relating to dog barking as detailed in <u>Attachment A</u> .
<i>How many complaints were investigated</i>	DAS has confirmed that all Animal Nuisance complaints are investigated.
<i>How many nuisance notices were issued under section 112 of the DA Act</i>	Four (4).
<i>How many went to proceedings under section 110 (1) (Offence of animal nuisance)</i>	If this refers to Court/ACAT matters, there has been none.
<i>How many dogs were seized under section 114 of the DA Act</i>	None.
<i>An average of how many weeks to investigate the complaint</i>	Six to eight weeks.
<i>How many rangers are allocated to manage noise complaints</i>	Two rangers investigate each complaint.

<i>How many suicides are there related to unresolved dog noise</i>	DAS has identified Nil records for this item.
<i>How many complaints/concerns about a dog's welfare:</i>	Animal welfare complaints are generally reported to the RSPCA. Year to date DAS have received 15 complaints/conducted welfare checks.
<i>How long from the time of the complaint to when the welfare check was undertaken"</i>	<p>Welfare complaints are investigated as a priority depending on the complaint.</p> <p>These complaints are also referred to the RSPCA. Complaints about barking dogs are often reported as welfare complaints and are animal nuisance complaints.</p> <p>The RSPCA also refer complaints to DAS that they have received as welfare but after investigation are determined not to be.</p>

Part 2

The DAS standard operating procedures for compliance sanctions and dangerous dogs has been identified as relevant to your application and has been attached in full at Attachment B. The document is entitled DAS SOP Compliance Sanctions and Dangerous Dog.

DAS has also provided the following information against each item listed in your request.

Request	Response
<i>How complaints are prioritised (e.g. is a risk management approach taken where the situation impacts on the physical/mental health of people)</i>	<p>Animal Nuisance complaints are triaged with all incoming complaints received by DAS.</p> <p>Dog attacks, aggressive and harassing dogs, injured animals, animal welfare complaints and AFP assists are prioritised first.</p> <p>Animal nuisance complaints are prioritised next.</p> <p>Priority is assessed against 'risk of harms' meaning that immediate risk to physical safety is first priority.</p>
<p><i>The protocol/policy/procedure for:</i></p> <p><i>a) acknowledging receipt of the complaint</i></p> <p><i>b) providing the complainant with information on progress</i></p>	<p>a) Complaints are acknowledged by email (letter) on receipt;</p> <p>b) Complainants may be contacted by email, phone or visited in person, if the investigation requires. Further information will be requested in writing if required; and</p>

<p><i>of the complaint/investigation</i></p> <p>c) <i>providing the complainant with information on the outcome of the complaint/investigation</i></p>	<p>c) Legislation requires that the complainant is informed of the outcome of the investigation in writing (either email or letter). This is routinely done.</p>
<p><i>Any standards or key performance indicators established for the management of the complaint (such as how long from the time of the complaint to appointment of a ranger, when or whether the complainant is provided with a contact person for the complaint</i></p>	<p>Each complaint is assessed according to its individual circumstances. Some complaints take longer to investigate than others as:</p> <ul style="list-style-type: none"> • historical evidence/ complaints considered; • DAS must establish a nuisance exists by determining the frequency and persistence of the nuisance over a period of time, and the number of persons affected; • the person complained against may make mitigation or remediation; • the nuisance may have reduced during the conduct of the investigation. <p>DAS aims to complete Animal Nuisance complaints within a six-to-ten-week period depending on their complexity.</p>
<p><i>What training is provided to personnel handling complaints in relation to administrative fairness and good complaint handling practices</i></p>	<p>All staff receive mandatory training in principles of procedural fairness and are provided with and follow Standard Operating Procedures developed to ensure all complaints are investigated consistently.</p>

Attachment A and B – Data and SOP

In accordance with section 17 of the Act, I have considered the public interest in relation to information within the records identified as relevant to your access application. In this instance, I have not identified any factors favouring non-disclosure, and therefore have decided to release the information to you in full.

My decision is detailed further in the following statement of reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedule 2 of the FOI Act and determine, on balance, where the public interest lies. In reaching my access decision, I have taken the following into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Section 2.1(a)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.
- Section 2.1(a) (xi) - reveal environmental or health risks or measures relating to public health and safety; and
- Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2, Section 2.2)

- No factors favouring non-disclosure were identified as relevant to this application.

I have considered the public interest in relation to information about the ACT Government's operations pertaining to our Risk Management Framework and the assessment of urban trees and find that the disclosure of the information enclosed with this notice is in the public interest to disclose in full.

Charges

No fee applies as the number of pages being released is in the fee-free threshold.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents will be published in the TCCS disclosure log from 3 days after the date of this decision.

Your personal contact details will not be published. You may view the TCCS' disclosure log at http://www.tccs.act.gov.au/about-us/freedom_of_information.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' disclosure log or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal

Level 4, 1 Moore Street

GPO Box 370

CANBERRA CITY ACT 2601

Telephone: (02) 6207 1740

www.acat.act.gov.au

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to tccs.foi@act.gov.au.

Yours sincerely



Kristine Scheul
Information Officer

18 August 2021

Row Labels	Count of Type Description
A person in charge of an animal keeps the animal on premises and does not provide the animal with access to water or shelter	2
A person in charge of an animal keeps the animal on premises and the place where the animal is kept is unhygienic for the animal	2
A person in charge of an animal fails to groom and maintain the animal and the failure causes or is likely to cause, injury, pain, stress or death to the animal	1
breeding dog or cat without licence S72(1)	2
Carer with a dog who attacks or harasses person\animal S49(A)(1)	44
Carer with dog not on leash in a public place S44(1)	18
Carer with dog not on leash on private premises S45(1)	2
Contravention of nuisance notice S112(7)	4
control order-fail to comply with order prescribed under s53CA(a) S53(e)(1)	25
control order-fail to comply with order prescribed under s53CA(a)-Corporation S53(e)(1)	1
dog not under effective control in public place-keeper/carers S44(2)	38
Dog without carer on private premises, keeper doesn't have occupier consent - Corporation S45(5)	1
Dog without carer on private premises, keeper doesn't have occupier consent S45(5)	25
Dog without keeper\carer in a public place S44(3)	147
fail to comply with request to produce animal for inspection S134(a)(2)	1
home impoundment direction-fail to comply with condition prescribed under s56A(4)(a) S56(a)(6)	3
home impoundment direction-fail to comply with condition prescribed under s60(4)(a) S60(6)	1
Keeper allows dangerous dog in public place without keeper or other person in charge of the dog S27(2)	2
Keeper with a dog who attacks or harasses person\animal S49(A)(2)	240
Keeper\carer of female dog on heat in public place S47(1)	3
Keeper\carer with cat in breach of cat containment S82(1)	5
Keeping a dog not desexed without a permit S74(1)	53
Keeping a dog without prescribed form of identification S84(1)	12
keeping multiple dogs without licence S18(1)	1
Not carrying equipment for removal of faeces S46(2)	1
Not removing faeces S46(1)	2
Person keeps a dangerous dog not in accordance with a dangerous dog licence S23(1)	2
Person keeps an unregistered dog S14(1)(a)	63
Taking dog into prohibited area S41(5)	1
(blank)	
Grand Total	702

Work Type (Multiple Items)

Summary Type	Year Aug	2019					2019 Total	2020								2020 Total	2021					2021 Total	Grand Total				
		Sept	Oct	Nov	Dec	Jan		Feb	Mar	Apr	May	Jun	Jul	Aug	Sept		Oct	Nov	Dec	Jan	Feb			Mar	Apr	May	
Animal Nuisance		21	22	14	14	11	82	16	29	11	19	22	15	15	10	22	14	21	14	208	22	26	27	11	15	101	391
Grand Total		21	22	14	14	11	82	16	29	11	19	22	15	15	10	22	14	21	14	208	22	26	27	11	15	101	391



Procedure

Below is a description of the different types of documents you can use this template for:

Manual/Handbook – Provides a high-level view of the whole of something (for example, branches, teams, frameworks, concepts)

Procedure – Provides a detailed overview of a process (e.g. when investigating customer complaints, we obtain these details... then we enter them into this system)

Work Instruction – Provides step-by-step instructions on how to complete a task, usually involving screen shots (e.g. this is how we enter customer complaint details into the system)

Delete this box once you have chosen the relevant document type.

If you require assistance with completing any part of this template, please contact the quality management team, and send all suggestions to tccs_quality@act.gov.au.

DOMESTIC ANIMAL SERVICES STANDARD OPERATING PROCEDURE: COMPLIANCE SANCTIONS AND DANGEROUS DOGS

Document Owner	Senior Director, DAS	Document Authority	
Date Approved		Review Date	22/02/2023

Craig Jordan
Executive Group Manager, Territory Business Services

Table of Contents

1.0	Purpose	4
2.0	Scope	4
3.0	Roles and responsibilities	4
4.0	Process model	4
5.0	Key principles	4
5.1	Impounding/expounding and rehoming dogs.....	4
5.2	Decision records.....	4
5.3	The issuing of compliance sanctions.....	4
6.0	Offences and compliance activities	9
6.1	Key terms.....	9
6.2	Common breaches under the <i>Domestic Animals Act 2000</i>	10
6.3	Common breaches under the <i>Animal Welfare Act 1992</i>	14
6.4	Common compliance/response actions of a DAS officer	15
6.5	Seizure of animals	17
6.6	The process of seizure	21
6.7	Return/selling/destroying of seized animals.....	23
6.8	Process for decision about returning/destroying/selling seized animals	27
	.....	27
6.9	Search Warrants.....	27
6.10	Expounding.....	31
6.11	Sale of dogs	31
6.12	Owner reclaim	32
6.12.1	Rescues – ARF/breed rescue.....	32
6.12.2	RSPCA transfer.....	33
6.12.3	Euthanasia.....	33
6.12.4	Deceased dog.....	33
7.0	Dangerous dog licensing/declaration	33
7.1	Key principles.....	33
7.2	Key terms.....	34
7.3	Circumstances when Registrar issues a Dangerous Dog Declaration.....	34
	.....	34
	.....	34
	.....	34
	.....	34
	.....	34

7.4	Dangerous dog licensing.....	35
7.5	Licensing of keepers of dangerous dogs.....	36
7.6	Conditions.....	37
7.7	Special licences	38
8.0	Dog attacks (including dangerous dogs)	38
8.1	Attacking dogs	38
8.2	Dog attacking a person/dog/animal.....	38
9.0	Control Orders, declarations and notices.....	40
9.1	Key principles.....	40
9.2	Legal requirements	40
9.3	Key documents completed as part of the issue of a Control Order	41
9.4	Conditions.....	41
9.5	Steps to issue a Control Order	42
10.0	Home Impoundment Notices	42
10.1	Conditions	43
11.0	Infringement notices.....	43
11.1	Key legal requirements.....	43
11.2	Key principles.....	43
11.3	Infringement offences.....	44
11.4	DAS process for issuing infringement notices.....	47
12.0	Nuisance notices	47
12.1	Key terms	47
12.2	Steps to issue a nuisance notice	47
13.0	Relevant legislation.....	48
	<i>Domestic Animals Act 2000 (including codes of practice)</i>	48
	https://www.legislation.act.gov.au/View/a/2000-86/current/PDF/2000-86.PDF	48
14.0	Supporting documents – N/A	49
15.0	<Add any relevant appendices>.....	Error! Bookmark not defined.

1.0 Purpose

The purpose of this document is to outline the processes Domestic Animal Services (DAS) utilises when using compliance sanctions, handling seized dogs and issuing Control Orders and Dangerous Dog Declarations. Such sanctions are administrative decisions and subject to the requirements of the *Domestic Animals Act 2000* and the *Administrative Decisions (Judicial Review) Act 1989*.

2.0 Scope

The processes outlined in this procedure are to be followed when DAS officers conduct compliance actions and issue legislative notices which affect the owner of an animal as well as the dog.

3.0 Roles and responsibilities

This procedure is maintained by the DAS Operations Manager as part of their management role. For many of these sanctions, including Control Orders and Dangerous Dog Declarations, only the Registrar and Deputy Registrars are delegated to issue notices and will make decisions based on briefings received in the form of case summaries.

4.0 Process model

5.0 Key principles

5.1 Impounding/expounding and rehoming dogs

A key role of DAS is the impounding and expounding of dogs and, where possible, returning them to their owners or rehoming them when it is in the public interest to do so.

5.2 Decision records

When a DAS officer requests that a Registrar or Deputy Registrar make a relevant order such as a Dangerous Dog Declaration or a Control Order they must provide a case summary to the decision maker to consider the recommendation. A case summary is obtained from DASCAMS and summarises the background, incident, evidence obtained and actions requested.

There must be sufficient information and evidence in the case summary to enable the Registrar or Deputy Registrar to make a legally appropriate decision. The case summary must be detailed and contain relevant, factual and objective information and evidence.

As a standard practice of good governance, such orders must be supported by key DAS officers, Senior Rangers and the Operations Manager before being provided to the senior director of DAS or Deputy Registrar for consideration. It is expected that through this process any case summary will be:

- discussed by these parties to consider whether it is appropriate in the circumstances;
- legally permissible; and
- reviewed and quality assured so it is an accurate, detailed and professional record of the incident.

5.3 The issuing of compliance sanctions

The use of compliance sanctions must be conducted in a responsible, useful and appropriate manner. The use of sanctions in this way is part of the DAS regulatory approach as outlined in the DAS Service Handbook and the DAS Accountability Commitment. It is also a method of encouraging and/or requiring the public to comply with the *Domestic Animals Act 2000* and, as relevant, the *Animal Welfare Act 1992*.

The *Domestic Animals Act 2000* has various sanctions which may be used to encourage and require compliance and these should be used in an accountable manner which is risk based, proportionate, effective and constructive.

The table below outlines key aspects of compliance sanctions. The examples used are the most common sanctions utilised by DAS.

Table 1: Key aspects of compliance sanctions

Area	Description	Requirement	Example
Evidence	<ul style="list-style-type: none"> A fundamental aspect of any sanction is the gathering of relevant evidence to support a decision to use a sanction. 	<ul style="list-style-type: none"> DAS officers are required to obtain relevant and admissible evidence prior to issuing/recommending the issue of a sanction. 	<ul style="list-style-type: none"> A Control Order may be issued by the Registrar or Deputy Registrar as per s53C of the <i>Domestic Animals Act 2000</i>. The Registrar is required to be reasonably satisfied that at a dog attacked a person or an animal and the attack caused an injury (other than a serious injury) to the person, or serious injury to the animal, or harassed a person or an animal, or is aggressive or menacing. Evidence should be collected to enable the Registrar to be reasonably satisfied of this (e.g., through photos, witness accounts, observations, etc.). <ul style="list-style-type: none"> An authorised officer (DAS Ranger or Investigator) may issue a home impoundment direction per s56A if they are reasonably satisfied the dog is able to be kept by the keeper or carer on suitable and secure premises in accordance with any stated conditions. This means evidence should be collected showing how they are reasonably satisfied of this (e.g., photos, witness accounts, observations).
Delegation	<ul style="list-style-type: none"> A sanction MUST only be issued by a person authorised to do so as otherwise it will be invalid. 	<ul style="list-style-type: none"> DAS officers MUST only issue sanctions if they are authorised at law to do so. 	<ul style="list-style-type: none"> Only the Registrar or Deputy Registrar may issue Dangerous Dog Declarations, Control Orders and decisions to destroy a dog. An authorised officer (DAS Ranger or Investigator) may issue a home impoundment direction requiring that a dog be kept by the keeper or carer on suitable and secure premises in accordance with any stated conditions until an investigation is completed. <ul style="list-style-type: none"> An authorised officer (DAS Ranger or Investigator) may issue an infringement notice (see <i>Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005</i>).
Oversight	<ul style="list-style-type: none"> To ensure consistency the issue of sanctions should be subject to a governance process. 	<ul style="list-style-type: none"> The issue of a sanction must be supervised by a DAS officer in a management role. An infringement notice should not be issued at the time the alleged breach is identified. Instead, appropriate evidence and identification of relevant parties must be obtained and a recommendation to issue the notice made to the Senior Manager/Operations Manager who will consider whether to approve the issue of this infringement. 	<ul style="list-style-type: none"> Requests for the issue of a Control Order or Dangerous Dog Declaration must be made by the Ranger to the Senior Ranger and, if supported, to the Operations Manager. Those holding each of these roles are required to consider if this is appropriate and legally permissible in the circumstances. The Senior Ranger must support or not support this before the request is provided to the Operations Manager for consideration.

Area	Description	Requirement	Example
			<ul style="list-style-type: none"> • A decision to issue a Home Impoundment Notice must be approved by the COMCO prior to its issue (or if after hours, by a Senior Ranger). • An infringement notice may be issued by an authorised officer (DAS Ranger or Investigator) - see <i>Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005</i> - after approval by the Senior Ranger and the Operations Manager.
Conditions	<ul style="list-style-type: none"> • Specific requirements may be attached to a sanction depending on legislative requirements. These conditions may be prescribed and/or be able to be determined based on the circumstances. 	<ul style="list-style-type: none"> • May be utilised by DAS officers. • Should use, where possible, predetermined conditions to ensure consistency, including with the legislation • Any additional conditions should be practical, achievable and not inappropriate or unrealistic. These should be clearly described and stated and not vague or indeterminate. 	<ul style="list-style-type: none"> • May be imposed for Dangerous Dog Declarations, Control Orders and home impoundment directions.
Service	<p>A legal requirement to serve a sanction in an appropriate manner to ensure the relevant party is aware of this.</p>	<ul style="list-style-type: none"> • A DAS officer must serve a direction, etc., on a party in accordance with the requirements of the <i>Domestic Animals Act 2000</i> and the requirements, as appropriate, of the <i>Service and Execution of Process Act 1992 (Cth)</i>. • It is preferable to always serve a sanction in person on the affected party unless the person cannot be located or there are safety concerns. 	<ul style="list-style-type: none"> • A Dangerous Dog Declaration should be served by a Ranger/Investigator once it has been issued by a Deputy Registrar after being supported by a Senior Ranger and the Operations Manager. • A Control Order should be served by a Ranger/Investigator once it has been issued by a Deputy Registrar after being supported by a Senior Ranger and the Operations Manager. • A Home Impoundment Direction should be served by a Ranger/Investigator once it has been issued by a Deputy Registrar after being supported by a Senior Ranger and the Operations Manager. • An Infringement Notice should be served by a Ranger/Investigator once it has been supported by a Senior Ranger and approved by the Operations Manager. • A Nuisance Notice can be served by telephone and should be served by a Ranger/Investigator once it has been issued by a Deputy Registrar after being supported by a Senior Ranger and the Operations Manager.
Forms	<ul style="list-style-type: none"> • Developed forms which meet legislative requirements and ensure consistency. 	<ul style="list-style-type: none"> • DAS officers should use the prescribed forms to issue compliance sanctions and ensure legislative compliance. 	<p>Forms have been developed for:</p> <ul style="list-style-type: none"> • Dangerous Dog Declarations; • Control Orders;

Area	Description	Requirement	Example
			<ul style="list-style-type: none">• home impoundment directions; and• infringement notices.

6.0 Offences and compliance activities

There are various breaches under the *Domestic Animals Act 2000* and *Animal Welfare Act 1992* which are listed in the below table.

6.1 Key terms

Term	Meaning	Common examples
Animal nuisance	An animal causes an animal nuisance if damage is caused to property which is owned by a person other than the keeper or excessive disturbance is caused to a person other than the keeper. Furthermore, in the case of a dog, it may be when the dog is not kept under control by the keeper or carer or the dog is not being restrained in a public place or in a private premises which is not the keeper or carer's private premises.	Barking dogs
Carer	A person over the age of 14 years who is in charge of an animal from time to time.	
Effective control	When a person can prevent a dog from approaching other animals or people by using a leash, holding or confining the dog, maintaining sight of the dog and issuing commands that it obeys.	Dog on leash Dog in a vehicle Dog in a yard
Harass	Occurs where because of a dog's behaviour, the person reasonably fears that the dog is about to attack the person without provocation. A dog is taken to harass an animal if the dog hunts or torments the animal.	Dog barking at an animal or person A dog with aggressive body language A dog following a person or animal
Keeper	The registered keeper of a registered dog.	
Occupier	A person who is reasonably believed to be in charge of a premises.	Person at a house, who is not a resident, when there is no one else there
Public unleased land	Territory land the public is entitled to use or which is open to or used by the public. This term also includes public passenger vehicles such as public buses, light rail vehicles, taxis, ride share vehicles, hire cars and demand responsive service vehicles.	Park Nature reserve Nature strip Footpath

6.2 Common breaches under the *Domestic Animals Act 2000*

In the ACT these offences will be heard predominantly in the Magistrates Court. The majority of the Magistrates Court's work is in the criminal jurisdiction. The Magistrates Court has jurisdiction to hear all summary offence matters. Summary offences are ACT offences that carry a maximum sentence of two years' jail or less. The time limit to commence a prosecution for a summary offence is 12 months. At DAS these offences are commonly initiated through the use of an infringement notice, in keeping with DAS's regulatory approach.

Section	Breach	Common incidents on which it may be utilised	Tips	Common actions in the field
14	Unregistered dogs	Keeping an unregistered dog Keeping a registered dog when not their registered keeper subject to exemptions	Ensure dog is not registered. Does not apply if dog is under 56 days old; or has been kept by the person for less than 28 days; or the person has been resident in the ACT for less than 28 days. Does not apply if the registered keeper is unable to care for the dog and it is being kept on a temporary basis.	Seizure of dog Issue of a Notice to Comply Infringement notice
18	Required to be licensed if multiple dogs	Three or more dogs kept on residential premises and no licence held	Note exemptions.	Possible seizure of dogs or record observations and not take action at the time
23	Keeping a dangerous dog without a Dangerous Dog Licence or not complying with dangerous dog conditions	Keeping a dangerous dog	Check there is a Dangerous Dog Declaration in effect and the conditions. Where it is alleged conditions are breached examine the alleged breach in relation to the condition.	Seizure Infringement notice Warning
27	Dangerous dogs in public places	Dangerous dog is with a carer in a public place without a muzzle Keeper of a dangerous dog which is in a public place without a carer or keeper	Applies to carers and keepers.	Seizure Infringement notice Warning
28	Sign on premises about a dangerous dog	Keeper of a dangerous dog must ensure a warning sign is displayed on all gates and doors where dog is kept at the premises.	Sign must be able to be readily seen by person who is to enter the premises.	Seizure or warning Infringement notice Warning

Section	Breach	Common incidents on which it may be utilised	Tips	Common actions in the field
42	Prohibited place	<p>Person takes a dog into the grounds of specified premises without permission of an appropriate person, i.e., a principal, person in charge of a child-care centre, preschool, primary school, high school or secondary college including when school sport is being conducted (training and game). Also applies to a field or playing area where authorised sport or training is being played or conducted on the field or area. Note consent cannot be provided by an approved person. Person takes a dog into a public place and is within 10 metres of:</p> <ul style="list-style-type: none"> • anything designed for play by children in the public place and that children are playing on; or • a fixed fireplace or heating appliance in the public place designed for cooking food and that people are using; or • a swimming area as defined by a sign erected or displayed under the <i>Lakes Act 1976</i>. 	<p>Need to ensure area is a public place. Check permission has not been provided and meets the conditions.</p>	<p>Seizure Control Order Warning Infringement Notice</p>
44	Control of dog in a public place	<p>Keeper or carer with a dog in a public place must have the dog on a leash/under their effective control.</p>	<p>Depends on what control being provided.</p>	<p>Seizure Infringement notice Warning Control Order</p>
45	Restraint of a dog on a private premises	<p>Carer/keeper of a dog on private premises must have the dog restrained on a leash if they do not have the occupier's consent to not restrain the dog. Dog is on premises without a carer and consent of the occupier (applies to keeper).</p>	<p>Check if there is consent.</p>	<p>Record observations Control Order Warning Infringement Notice</p>

Section	Breach	Common incidents on which it may be utilised	Tips	Common actions in the field
46	Disposal of faeces	Carer must hygienically dispose of any faeces dropped by the dog in a public place or stormwater drain or channel, e.g., by using a plastic bag or sealable container and placing the bag or container in a garbage bin.	Require evidence of who observed this.	Record personal details
47	Female dog on heat	Not allow in/remain in a public place.	Require evidence the dog is on heat.	Record personal details
49	Attacks or harasses a person or animal	Applies to carers or keepers. Occurs where the dog attacks or harasses another person or animal.	<p>Note defences which include:</p> <ul style="list-style-type: none"> the person/animal provoked the dog; or person/animal was attacked or harassed because the dog came to the aid of a person or animal the dog could be expected to protect; or attack or harassment was on premises occupied by the defendant—the person or animal was on the premises without lawful excuse; if defendant proves the defendant asked or told another person to be the carer for the dog and person was, at the time of the offence, the carer for the dog; and defendant had taken reasonable measures to ensure that the carer was able to exercise responsible dog management, care and control of the dog. For example: <ul style="list-style-type: none"> telling the carer about the dog, including about any Control Order or nuisance notice; ensuring the carer was experienced enough and physically able to manage, care and control the dog; ensuring the carer had a leash and secure premises for the dog. <p>Is to be investigated by the investigations team.</p>	Seizure Referred to investigations team Control Order Home Impoundment Notice Infringement notice Warning

Section	Breach	Common incidents on which it may be utilised	Tips	Common actions in the field
50	Attacks person or animal causing serious injury	<p>Applies to a carer/keeper. Various criteria to be met include:</p> <ul style="list-style-type: none"> • person does or omits to do something; and • the act or omission results in the dog attacking another person or animal; and • the attack causes serious injury to the other person or animal; and • the person intends the attack to cause, or is reckless or negligent about the attack causing, serious injury to the other person or animal. <p>There are various defences.</p>	Is to be investigated by the investigations team.	Seizure Referred to investigations team Control Order Home Impoundment Notice Infringement notice Warning
50A	Dangerous dog attacks or harasses person or animal	<p>Applies to keeper who does or omits to do something and the act or omission results in the dog attacking or harassing another person or animal.</p> <p>Also includes an offence which includes the criteria the attack causes serious injury to the other person or animal and the person intends the attack to cause, or is reckless or negligent about the attack causing, serious injury to the other person or animal.</p>	Is to be investigated by the investigations team.	Seizure Referred to investigations team Control Order Home Impoundment Notice Infringement notice Warning
50B	Keeper/carer obligation if a dog attacks	<p>Where a keeper or carer of a dog is with the dog and the dog attacks a person or a person's animal the keeper or carer must if requested give the affected person reasonable assistance as requested and the keeper or carer's name, address and contact details.</p> <p>If the dog causes serious injury to a person/animal, must tell Registrar within 5 days.</p>		Record details Infringement notice Seizure Warning

Section	Breach	Common incidents on which it may be utilised	Tips	Common actions in the field
51	Encouraging dogs to attack or harass	Must not, without reasonable excuse, knowingly encourage a dog to attack or harass someone else or an animal. There are defences.		Record details Infringement notice Seizure Warning
51A	Provoking dog to attack	Must not provoke a dog which caused the dog to attack the person, another person or an animal.		Record details Infringement notice Seizure Warning
72	Breeding dog or cat without a licence	Applies to keeper/carer who breeds without a licence.		Record details Infringement notice Seizure Warning
74	Desexing a dog	Must not keep a dog/cat that has not been desexed if the person does not hold a permit for the animal.	Does not apply to a dog that is less than 6 months old or a cat that is less than 3 months old.	Record details Notice to comply Seizure Infringement notice Warning
110	Animal nuisance	A person must not allow an animal nuisance.		Record details Seizure Warning

6.3 Common breaches under the *Animal Welfare Act 1992*

Section	Breach	Common incidents on which it may be utilised	Tips	Common actions in the field
6B	Failure to provide appropriate care	Must give animal appropriate feed, water, treatment for illness/injury, shelter, grooming and maintenance etc		Record details Seizure
6C	Failure to provide animal with water or shelter			Infringement Notice Warning
6D	Failure to provide animal with hygienic environment			

Section	Breach	Common incidents on which it may be utilised	Tips	Common actions in the field
6E	Failure to properly groom and maintain animal			
6F	Failure to exercise dog			
6G^	Abandoning an animal			
7	Cruelty			

6.4 Common compliance/response actions of a DAS officer

The table below outlines the common incidents responded to and the actions taken as well as the standard assessed risk rating.

Incident	Relates to	Rangers commonly attend location for initial complaint	Priority	Powers commonly used	Seizure commonly occurs	Actions
Responsible pet ownership complaint – compliance-related	Alleged breach of domestic animal and animal welfare legislation such as not registered, not microchipped, not desexed, not appropriately cared for, four or more dogs, illegal breeding	Yes	Low Medium	Entry Microchip ID Produce dog Seizure – animal attack, welfare (AWA look at DAA first), poor fence, lack of effective control	Yes	Educate Seizure Home Impoundment Notice Notice to comply Infringement notice (at a later date)

Incident	Relates to	Rangers commonly attend location for initial complaint	Priority	Powers commonly used	Seizure commonly occurs	Actions
				Home impoundment – to investigate		Engagement with the owner to explain what may or may not be done
Animal nuisance	Dogs barking	Yes: sit off in the area and listen for barking; canvass the neighbour. Don't have a decimal meeting device – not refer to EPA – diaries; no barking dog diary	Medium	Not used a lot	Unlikely	Engage Educate Notice – Ranger to decide Not issued commonly
Dog attack						
Cat containment						
Intensive breeding						
Pet business						
Animal welfare						

Incident	Relates to	Rangers commonly attend location for initial complaint	Priority	Powers commonly used	Seizure commonly occurs	Actions
Collection of stray and roaming dogs						
Collection of injured and dead animals						
Police assist						
Vet pick-up – stray, abandoned, roaming animal						

Table 2 Types of Responses

6.5 Seizure of animals

All dogs collected and impounded by DAS are seized dogs under sections 56, 56A, 57, 58, 59 and 114 of the *Domestic Animals Act 2000* and section 85 1 (a) (b) (c) of the *Animal Welfare Act 1992*. The table below sets out the legislative powers related to seizure.

Legislation	Criteria	Actions when seized/examples
56 Seizure of dogs - general	<ul style="list-style-type: none"> • Must be by an authorised person; • May seize the dog but has discretion not to, i.e., seizure is not required to under this section; • May seize if: <ul style="list-style-type: none"> ○ the dog is not registered; ○ the Registrar refuses to register the dog or registration is cancelled; ○ the dog is not identified by an implanted microchip; 	

Legislation	Criteria	Actions when seized/examples
	<ul style="list-style-type: none"> ○ the dog is in a prohibited area in contravention of section 41 (may be an area of land or water such as public swimming beaches); ○ the dog is not on leash or under the effective control of a keeper/carer in a public place, whether with or not with the keeper or carer; ○ the dog is without consent on a private premises and is not restrained by a leash; ○ the dog is on premises occupied by a person other than the keeper of the dog and the occupier asks an authorised person to seize the dog; ○ a court has ordered that the dog be destroyed; ○ when requested the keeper or carer fails to give an authorised person their name and address; ○ the keeper has not complied with a Control Order issued to the keeper or carer in relation to the dog; ○ the keeper breeds a litter from the dog without a breeding licence (may seize parent dogs and pups); ○ the dog is at least 6 months old and not desexed and the keeper does not hold a permit; ○ the DAS officer reasonably believes that the keeper or carer of the dog is not demonstrating responsible dog management, care or control in relation to the dog; ○ the DAS officer reasonably believes the safety of the public or other animals are at risk because of the keeper or carer's actions. 	
56A Seizure of dogs - investigation of complaints about attacking, harassing, or menacing dogs	<ul style="list-style-type: none"> ● Must be by an authorised person; ● Used where an investigation is being conducted about a complaint about a dog attacking, harassing, or menacing a person/animal; 	<p>Must seize and impound the dog until the investigation is completed; or if the authorised person is reasonably satisfied that the dog can be kept by the keeper or carer on suitable and secure premises - direct the keeper or carer in writing to keep the dog on the premises in accordance with any stated conditions</p>

Legislation	Criteria	Actions when seized/examples
	<ul style="list-style-type: none"> • Seizure must occur if the complaint is that the dog attacked the complainant or another person and the attack caused the death of or serious injury to a person; • Seizure may occur where it is thought to be appropriate in the circumstances. 	until the investigation is completed (Home Impoundment Notice).
57 Seizure - dangerous dogs	<ul style="list-style-type: none"> • Must be by an authorised person • Must seize a dangerous dog if: <ul style="list-style-type: none"> ○ the keeper of the dog has contravened a condition of a Dangerous Dog Licence in force for the dog and the authorised person reasonably believes, having regard to the safety of the public, that the contravention justifies the seizure; or ○ a Dangerous Dog Licence is not in force for the dog or the licence in effect is cancelled. 	
58 Seizure - multiple dog licence	<ul style="list-style-type: none"> • Must be by an authorised person; • May seize a dog if the dog is being kept in contravention of section 18 (keeper of multiple dogs must be licensed) or the dog's keeper has not complied with a condition of a multiple dog licence held by the keeper in relation to the dog. 	
59 Seizure - attacking, harassing or menacing dogs	<ul style="list-style-type: none"> • Must be by an authorised person; • Must seize a dog if the authorised person reasonably suspects the dog attacked a person and the attack caused the death of or serious injury to a person; • May seize a dog if the authorised person reasonably suspects the dog attacked a person or an animal and the attack caused an injury (other than a serious injury) to the person, or serious injury to an animal, or harassed a person or an animal, or is aggressive or 	

Legislation	Criteria	Actions when seized/examples
	menacing, or the dog is a dangerous dog and it has contravened a condition of its licence.	
114 Seizure, impounding and return of nuisance animals	<ul style="list-style-type: none"> • Must be by an authorised person; • Authorised person reasonably believes the animal is causing an animal nuisance considering: <ul style="list-style-type: none"> ○ the extent of the animal nuisance; and ○ the likelihood of the keeper or carer of the animal reducing or stopping the nuisance or complying with steps mentioned in a nuisance notice to prevent its recurrence; or ○ the keeper or carer does not comply with a nuisance notice issued to the keeper or carer in relation to the animal. • May consider issuing a Control Order when releasing the animal. 	<p>Must seize the animal until it is returned to its keeper or carer, or sold or destroyed.</p> <p>Must release the animal if reasonably satisfied that the animal nuisance is not likely to happen again if the animal is returned to the keeper or carer; and for a dog—there is not an unacceptable risk to the safety of the public or other animals from the dog being released to the keeper or carer.</p>

Table 3: Domestic Animals Act seizure provisions

Legislation	Criteria	Actions when seized
Animal Welfare Act 1992 Division 7.6 Alleviation of suffering - powers of inspectors, authorised persons and veterinary surgeons	<ul style="list-style-type: none"> • Must be an inspector or an authorised person • Must believe on reasonable grounds that: <ul style="list-style-type: none"> ○ an animal has not been provided with proper or sufficient food or drink during the previous 24 hours; or ○ an animal is so severely injured, so overworked, so diseased or in such a physical condition that it is necessary that the animal be provided with veterinary treatment; or ○ an animal is so severely injured or diseased, or in such a poor physical condition, that it is cruel to keep it alive; and ○ the animal is not about to be destroyed, or is about to be destroyed in a manner that will inflict unnecessary pain on the animal. 	

Table 4: Animal Welfare Act seizure provisions

6.6 The process of seizure

The diagram below outlines the seizure process.

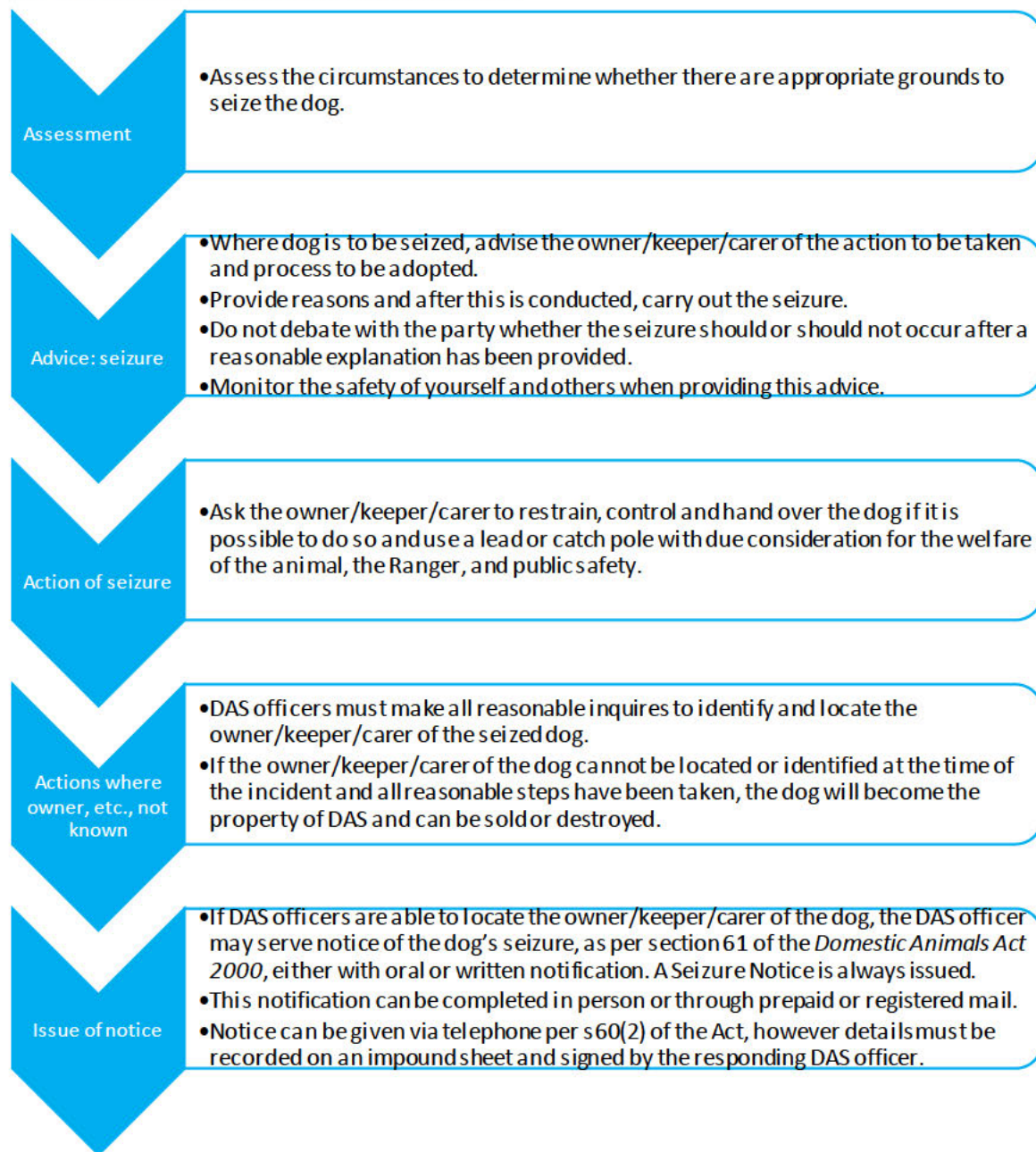


Table 5: The seizure process

If an owner/keeper/carer of a seized animal can be identified, the owner/keeper/carer must be notified of the following matters:

- when the dog was seized;
- the reason the dog was seized;
- where and when the dog may be claimed;
- if the dog is not registered, that the owner/keeper/carer must apply to register the dog;
- the fees payable for registration;
- that, if the owner/keeper/carer is required to apply for a dangerous dog and/or multiple dog licence under the Act, that the owner/keeper/carer must apply for these licences;
- the fees payable for a dangerous dog and/or multiple dog licence;

- if the owner/keeper/carer holds a Dangerous Dog Licence, that the conditions of that licence may be varied or the licence cancelled;
- the fees payable for the release of the dog;
- that the dog may be sold or destroyed if it is not claimed; and
- that the owner/keeper/carer may relinquish ownership of the dog if they do not wish to claim it.

6.7 Return/selling/destroying of seized animals

The *Domestic Animals Act 2000* contains various provisions and statutory time frames in which DAS may sell or destroy a dog as outlined below.

Section	What it applies to	Delegation	Time	Reviewable decision	Template documents	Criteria
53C: Dealing with attacking, harassing or menacing dogs generally - can decide to destroy the dog	All dogs	<ul style="list-style-type: none"> Registrar 	28 days but can be extended	Yes	Case Summary Statement of reasons Notice of decision Covering letter with notice Notice of intention to sell/destroy	Is reasonably satisfied, because of a complaint or otherwise, that a dog— <ul style="list-style-type: none"> attacked a person or an animal and the attack caused— <ul style="list-style-type: none"> an injury (other than a serious injury) to the person; or serious injury to the animal; or harassed a person or an animal; or is aggressive or menacing. <p>Must consider:</p> <ul style="list-style-type: none"> the safety of the public and other animals; and if the dog attacked a person or animal—the circumstances of the attack including whether— <ul style="list-style-type: none"> the person or animal provoked the dog; or the person or animal was attacked because the dog came to the aid of a person or animal the dog could be expected to protect; or if the attack was on premises occupied by the keeper of the dog—the person or animal was on the premises without lawful excuse; and <ul style="list-style-type: none"> may consider any other relevant matter.

Section	What it applies to	Delegation	Time	Reviewable decision	Template documents	Criteria
66: Selling or destroying dogs (other than dangerous dogs) generally	All dogs not including a dangerous dog; Dogs seized (general, attacking, harassing, menacing, nuisance).	Registrar	After 7 days	Yes	Case Summary Statement of reasons Notice of decision Covering letter with notice Notice of intention to sell/destroy	<ul style="list-style-type: none"> Cannot find out who is the dog's keeper after making reasonable inquiries. Dog's keeper relinquishes ownership of the dog. After being provided a notice where dog has been impounded the keeper does not advise the Registrar in writing they wish to claim the dog and where not registered apply to register the dog.
67: Selling or destroying dogs (other than dangerous dogs) seized under multiple dog licence power	All dogs not including a dangerous dog; Dogs seized (general, attacking, harassing, menacing, nuisance).	Registrar	After 7 days	Yes	Case Summary Statement of reasons Notice of decision Covering letter with notice Notice of intention to sell/destroy	<ul style="list-style-type: none"> Cannot find out who is the dog's keeper after making reasonable inquiries. Dog's keeper relinquishes ownership of the dog. After being provided a notice where dog has been impounded the keeper does not advise the Registrar in writing they wish to claim the dog and apply for a multiple dog licence and where not registered apply to register the dog.
67A: Selling dogs (other than dangerous dogs) if keeper unfit	Seized dog; Not dangerous dog.	Registrar	28 days but can be extended	Yes	Case Summary Statement of reasons Notice of decision Covering letter with notice Notice of intention to sell/destroy	<p>Reasonably satisfied:</p> <ul style="list-style-type: none"> the dog's keeper is unable to exercise responsible dog management, care or control in relation to the dog; or there would be an unacceptable risk to the safety of the public or other animals if the dog were released to the keeper; and the Registrar is reasonably satisfied that the dog would not be an unacceptable risk to the safety of the public or other animals if the dog were kept by someone who

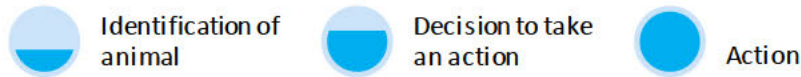
Section	What it applies to	Delegation	Time	Reviewable decision	Template documents	Criteria
						<p>was able to exercise responsible dog management, care or control in relation to the dog.</p> <ul style="list-style-type: none"> • Must provide keeper written notice of the decision to sell the dog and their right to apply to ACAT for a review of the decision. • Can then sell the dog if the keeper does not make an application to ACAT for the review of the decision within 7 days of receiving this notice.
68: Selling or destroying dangerous dogs general	Dangerous dogs	Registrar	After 7 days	Yes	Case Summary Statement of reasons Notice of decision Covering letter with notice Notice of intention to sell/destroy	<ul style="list-style-type: none"> • Cannot find out who is the dog's keeper after making reasonable inquiries. • Dog's keeper relinquishes ownership of the dog. • After being provided a notice where dog has been impounded the keeper does not advise the Registrar in writing they wish to claim the dog and apply for a Dangerous Dog Licence and where not registered apply to register the dog.
68A: Destroying dogs—public safety concerns	Dogs	Registrar	28 days but can be extended	Yes	= Case Summary Statement of reasons Notice of decision Covering letter with notice <ul style="list-style-type: none"> • Notice of intention to sell/destroy 	<ul style="list-style-type: none"> • Reasonably believe the dog: <ul style="list-style-type: none"> ○ is an unacceptable risk to the safety of the public or other animals; and ○ cannot be reasonably rehoused, retrained or otherwise rehabilitated so that the dog is no longer an unacceptable risk to the safety of the public or other animals. • Required to give the keeper written notice of the decision to destroy the dog and right to apply to ACAC for a review of the decision. • Can then destroy the dog if the keeper does not make an application to ACAT for the review of the decision within 7 days of receiving this notice.

Section	What it applies to	Delegation	Time	Reviewable decision	Template documents	Criteria
70: Returning a seized dog to its keeper/carer	Dogs	Registrar	28 days but can be extended	Yes	<ul style="list-style-type: none"> Cover letter 	<ul style="list-style-type: none"> Satisfied it is in the public interest to return the dog and must consider: <ul style="list-style-type: none"> public safety; cost of keeping the dog impounded; financial or other hardship caused to keeper/carer by dog remaining impounded; other factors considered appropriate.

Table 6: Return of seized animals

- Note where under section 68 the Registrar determines on receiving a Dangerous Dog Licence application for a seized dog to not issue the licence, they may sell or destroy the dog if they have given a notice of this intention to the keeper and the keeper does not within 7 days after this notice is provided seek to have the decision reviewed at ACAT. Note this notice must include advice regarding the right to apply to ACAT to have the decision reviewed.

6.8 Process for decision about returning/destroying/selling seized animals



6.9 Search Warrants

An authorised person may under the *Domestic Animals Act 2000* seek the issue of a search warrant to search a premises for evidential material. The following table sets out the process and considerations when applying for and being issued a search warrant. This power will commonly only be used by DAS Investigators.

Action	Considerations
Applying for a warrant in person	<ul style="list-style-type: none"> • An authorised person should check the legislative provision under which they believe the warrant is sought. • Before commencing an affidavit or applying for a search warrant, an authorised person is required to discuss the matter situation with the senior manager, DAS. • On approval from the senior manager, DAS, an affidavit and a search warrant application and supporting brief will be drafted and reviewed by the Operations Manager/Investigator and then, if supported, by the Senior Manager, DAS. • On approval from the senior manager, DAS, the affidavit and supporting brief will be submitted to TCCS Legal for approval. • On approval from the CPI executive director the affidavit and supporting brief will be submitted to TCCSDG for approval. • With support from TCCS legal, the authorised person must apply to a magistrate or court Registrar for the search warrant. • The search warrant application must be sworn in front of the issuing officer and state the grounds on which the warrant is sought. • The affidavit that accompanies the search warrant application should provide the information that forms the basis for issuing a search warrant. • The magistrate or court Registrar may refuse to consider the application until the authorised person provides all the information the magistrate or court Registrar requires.
Application for a warrant made other than in person	<ul style="list-style-type: none"> • In special circumstances a warrant may be issued by phone, fax, radio or other form of communication (telephone warrant). • Telephone warrants should only be used in urgent circumstances or in emergency circumstances.

Action	Considerations
	<ul style="list-style-type: none"> • The authorised person is required to prepare an application, stating the grounds on which the warrant is sought, before the authorised person applies for the warrant. • The authorised person may apply for the warrant before the application is sworn. • If a telephone warrant is issued, the magistrate will immediately email a copy of the warrant to the authorised person. If it is not reasonably practicable for the magistrate to do this the magistrate will tell the authorised person the following. • The authorised person is then required to complete a form of warrant detailing the name of the magistrate, the date and time the magistrate issued the warrant and the terms of the warrant. The authority for the entry and the authorised persons powers are stipulated in either the facsimile warrant or the warrant form completed by the authorised person. • On the first reasonable opportunity, the authorised person is required to send the magistrate the sworn application, affidavit and, if applicable, the completed warrant form.
Issue of a warrant	<ul style="list-style-type: none"> • A magistrate may issue the warrant only if the magistrate is satisfied that there are reasonable grounds to suspect that: <ul style="list-style-type: none"> ○ there is a particular thing or activity connected with an offence against the relevant Act; and ○ the thing or activity is, or is being engaged in, at the premises, or may be, or may be engaged in, at the premises within the next 14 days.
Content of a warrant	<ul style="list-style-type: none"> • The warrant from a magistrate must state: <ul style="list-style-type: none"> ○ that an authorised person may, with any necessary assistance and force, enter the premises and exercise the authorised person's powers under the relevant part of legislation; and ○ the offence for which the warrant is issued; and ○ the things that may be seized under the warrant; and ○ the hours when the premises may be entered; and ○ the date, within 14 days after the day the warrant is issued, that the warrant ends.
Entry	<ul style="list-style-type: none"> • An authorised person must, before entering premises announce that they are authorised to enter the premises and: <ul style="list-style-type: none"> ○ give anyone at the premises an opportunity to allow entry to the premises; ○ if the occupier of the premises is present at the premises— identify himself or herself to the occupier. • The authorised person is not required to <i>"give anyone at the premises an opportunity to allow entry to the premises"</i> if the authorised person believes on reasonable grounds that immediate entry to the premises is required to ensure the safety of anyone (including the authorised

Action	Considerations
	<p>person or anyone assisting) or to ensure that the effective execution of the warrant is not frustrated.</p>
Occupier	<ul style="list-style-type: none"> • If the occupier of the premises is present at the premises while a search warrant is being executed, the authorised person or a person assisting must make available to the occupier a copy of the warrant and a document setting out the rights and obligations of the occupier. • If the occupier of premises is present at the premises while a search warrant is being executed, the occupier is entitled to observe the search being conducted. • The occupier is not entitled to observe the search if to do so would impede the search or the occupier is under arrest, and allowing the occupier to observe the search being conducted would interfere with the objectives of the search.
Removal of evidence	<ul style="list-style-type: none"> • A thing found at premises entered under a search warrant may be moved to another place for examination or processing to decide whether it may be seized under the warrant if: <ul style="list-style-type: none"> ○ there are reasonable grounds for believing that the thing is or contains something to which the warrant relates; and ○ it is significantly more practicable to move the thing having regard to the timeliness and cost of examining or processing the thing at another place and the availability of expert assistance; or ○ the occupier of the premises agrees in writing. • The thing may be moved to another place for examination or processing for not longer than 3 business days. • An authorised person may apply to a magistrate for an extension of time if the authorised person believes on reasonable grounds that the thing cannot be examined or processed within 3 business days. • The authorised person must give notice of the application to the occupier of the premises, and the occupier is entitled to be heard on the application. • If a thing is moved to another place under this section, the authorised person must, if practicable tell the occupier of the premises the address of the place where, and time when, the examination or processing will be carried out and allow the occupier or the occupier's representative to be present during the examination or processing.
Electronic evidence	<ul style="list-style-type: none"> • An authorised person or person assisting may operate electronic equipment at premises entered under a search warrant to access data (including data not held at the premises) if the authorised person or person believes on reasonable grounds that the data might be something to which the warrant relates and the equipment can be operated without damaging the data. • The authorised person or person may copy the data to a data storage device brought to the premises or if the occupier of the premises

Action	Considerations
	<p>agrees in writing, copy the data to a data storage device at the premises.</p> <ul style="list-style-type: none"> • The authorised person or person assisting may take the device from the premises. • The authorised person or person assisting may seize the equipment and any data storage device and if the material can, by using facilities at the premises, be put in documentary form, operate the facilities to put the material in that form and seize the documents produced. • An authorised person may seize equipment only if it is not practicable to copy the data or to put the material in documentary form or possession of the equipment by the occupier could be an offence. • An authorised person may apply to a magistrate for an order requiring a stated person to provide any information or assistance that is reasonably necessary to allow the authorised person or a person assisting to access data held in or accessible from a computer that is at the premises, copy the data to a data storage device or convert the data into documentary form. • An authorised person may do whatever is necessary to secure equipment if he or she believes on reasonable grounds that: <ul style="list-style-type: none"> ○ something to which the warrant relates (the material) may be accessible by operating electronic equipment at the premises, and ○ expert assistance is needed to operate the equipment, and ○ the material may be destroyed, altered or otherwise interfered with if the authorised person does not take action. • The authorised person or a person assisting must give written notice to the occupier of the premises of the authorised person's or person assisting's intention to secure the equipment and the fact that the equipment may be secured for up to 24 hours. • The equipment may be secured until the earlier of the following events happens: <ul style="list-style-type: none"> ○ the end of the 24-hour period ○ the equipment is operated by an expert. • If the authorised person or a person assisting believes on reasonable grounds that expert assistance will not be available within a 24-hour period, the authorised person or person may apply to a magistrate to extend the period. • The authorised person or a person assisting must tell the occupier of the premises of the intention to apply for an extension, and the occupier is entitled to be heard on the application.
Conclusion of warrant	<ul style="list-style-type: none"> • The occupier of premises may ask the authorised person to give the occupier a copy of the thing or information if they are present at the premises while a search warrant is executed and the authorised person seizes:

Action	Considerations
	<ul style="list-style-type: none"> ○ a document, film, computer file or something else that can be readily copied; ○ a data storage device containing information that can be readily copied. ● The authorised person must give the occupier the copy as soon as practicable after the seizure.

Table 7: Search warrants

6.10 Expounding

When expounding a dog, personal safety is the primary consideration and this task must be conducted by two officers. It is important that DAS officers note all safety concerns on the impound sheet for public safety and report all incidents and accidents.

A dog not held for investigation can be expounded in the following circumstances:

- it has been rehomed: sold to a new owner/keeper;
- it has been claimed by the owner/keeper;
- it is to be rescued by an affiliated, approved rescue organisation, such as ARF or Breed Rescue;
- it is to be transferred to the RSPCA;
- it is to be used for medical/veterinary research;
- for euthanasia;
- it is deceased.

All dogs expounded from DAS must be registered, microchipped and desexed (unless the dog is deceased or the owner is a registered breeder holding a breeder's licence and sexually entire permit).

If the owner is from interstate, there is no requirement to register the dog in the ACT. A Statutory Declaration must be completed by the owner stating that the dog will be returning/domiciled interstate. This statutory declaration must be attached to the impound/expound Sheet with verified copy of the owner's identification.

Rescue groups are exempt for from paying registration and organise their own microchips and desexing.

6.11 Sale of dogs

DAS officers must ensure a dog is suitable for rehoming and check that the dog has been held at DAS for the required time. Of relevance:

- Stray dogs can be released to new owners after the 8th full day of impounding.
- Relinquished/surrendered dogs can be released to new owners after the 3rd full day of impounding.

As per the Act, ALL dogs kept in the ACT **MUST** be microchipped and registered, and either desexed or kept under an SEA Permit. DAS officers must confirm all the requirements for the sale of dog relating to microchip details, registration and location are met. Exemptions may apply for mandatory desexing and ACT registration for out of territory rehoming. DAS officers must follow the following steps in relation to the sale of a dog:

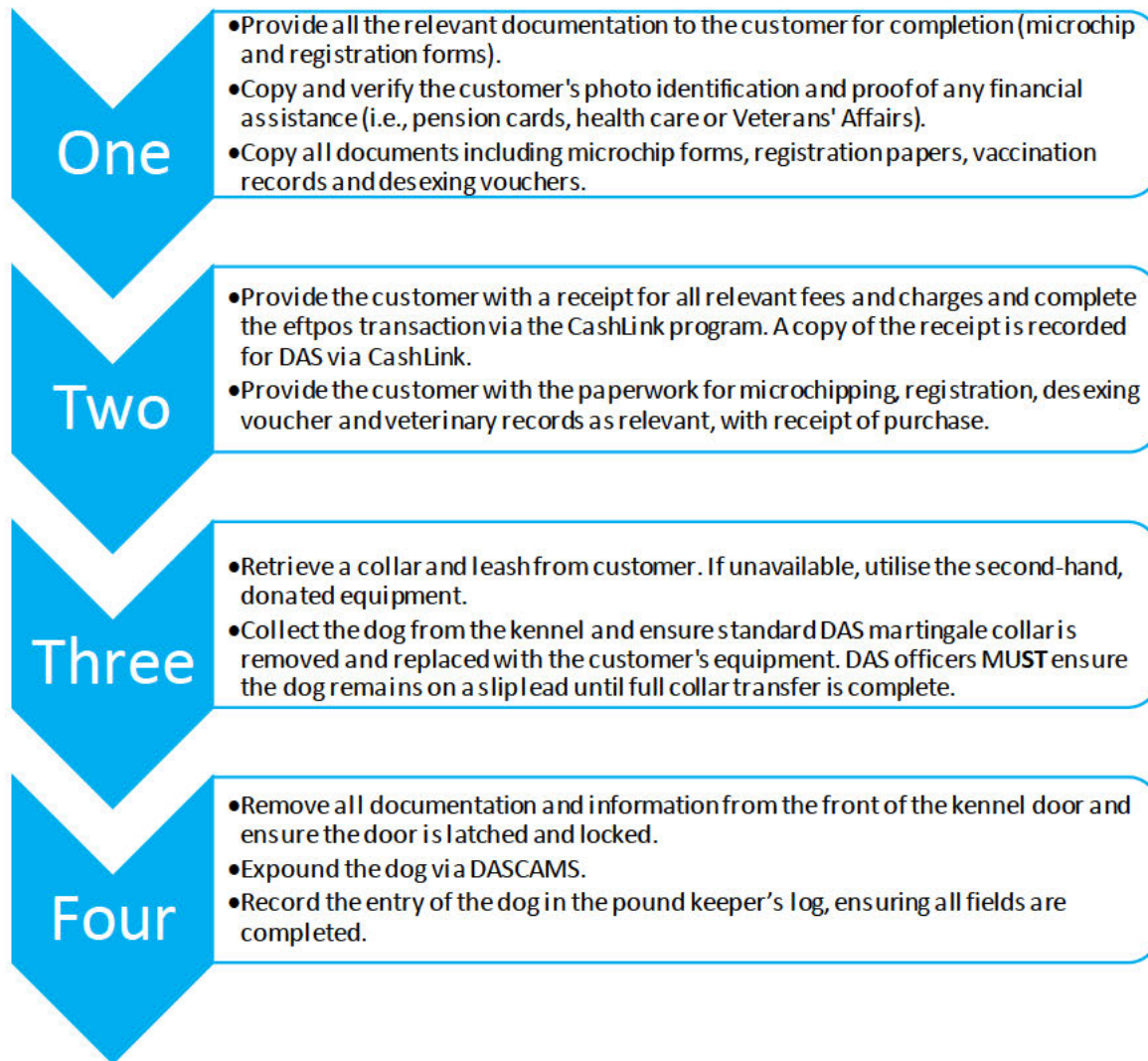


Table 8: Sales of dogs

6.12 Owner reclaim

In the event of owner reclaim, the animal is available for collection by appointment.

This procedure and considerations when expounding a dog for owner reclaim are the same as a sale procedure with the following variations:

- If the dog is not identified (microchip/registration), the owner **MUST** provide proof of ownership for the dog prior to reclaim. This can include images or records of the dog, veterinary records or registration records from another state or territory or a Statutory Declaration. Copies **MUST** be taken of this information and kept with the documentation.
- If the dog is being reclaimed by a representative on behalf of the owner, the owner **MUST** provide written permission via fax, mail or email identifying their representative prior to reclaim.
- A copy of the owner or representative's photo identification **MUST** be taken and held with the animal records.
- All documents uploaded to DASCAMS.

6.12.1 Rescues – ARF/breed rescue

In the event of foster/breed rescue, the same impounding time frames are required:

- Stray dogs can be released to new owners after the 8th full day of impounding.
- Relinquished/surrendered dogs can be released to new owners after the 3rd full day of impounding.

The following steps vary from the aforementioned sold procedure;

- Approval of the collection of a dog by any of these organisations must be provided by the Operations Manager and/or Senior Ranger.
- All documents uploaded to DASCAMS.

6.12.2 RSPCA transfer

If a dog needs to be transferred to the RSPCA for welfare and health reasons, or whelping, a RSPCA transfer sheet MUST be completed. The following steps vary from the aforementioned standard procedure:

- Documentation MUST be made of the dog's body condition, weight, body score and ANY health issues, indications, wounds, or injuries in writing and with photographs.
- An RSPCA transfer form MUST be completed, and all records attached to the dog's records at the time of expound.
- Any puppies born in the care of the RSCPA will remain in the RSPCA's care until weaned from the mother or surrogate, then returned to DAS (subject to the same seized impound and expound process) or until the owner has complied with all conditions set by DAS in compliance with the *Domestic Animals Act 2000* and/or *Animal Welfare Act 1992*.
- All documents uploaded to DASCAMS.

6.12.3 Euthanasia

If a dog has been destroyed, the following steps MUST be completed varying from the aforementioned standard procedure:

- Complete the expound 'euthanasia' section on the impound form.
- Record the entry of the dog in the pound keeper's log.
- Photocopy the impound/expound form and stamp 'COPY'.
- File the original in the euthanasia folder and the copy in the monthly stats folder.
- Complete DASCAMS records.

6.12.4 Deceased dog

If a dog has died of natural causes the following steps vary from the aforementioned standard procedure:

- Further discussion is required immediately with the Operations Manager and Senior Rangers.
- Complete the expound 'other' section on the impound form and provide adequate detail in the note section of the impound sheet.
- All documents uploaded to DASCAMS.

7.0 Dangerous dog licensing/declaration

7.1 Key principles

These operating procedures aim:

- to ensure the safety and wellbeing of dog owners, the public and other animals;
- to ensure effective regulation of dogs deemed to be dangerous;
- to reduce the number of dog attacks upon humans, other dogs, and other animals;
- to eliminate the exploitation of aggressive natured dogs by owners; and
- to ensure compliance by dog owners with legislative requirements.

The Dangerous Dog Declaration and licence often function collectively where an owner/keeper is required to apply for a Dangerous Dog Licence if a Dangerous Dog Declaration is made by the Registrar and they want to still register the dog. This permits the Registrar to declare a dog dangerous and then on application issue a declaration with appropriate conditions to protect the ACT public.

7.2 Key terms

Term	Meaning
Dangerous dog	<p>A dog that has attacked or harassed a person or animal or a dog the Registrar reasonably believes is aggressive or menacing and without being kept in accordance with a Dangerous Dog Licence would be an unacceptable risk to the safety of the public or other animals. This is defined in the Act as:</p> <ul style="list-style-type: none"> • a dog that the Registrar has declared to be dangerous (usually because of attacking behaviour); • a dog that the court has declared dangerous; • a dog that has been declared dangerous in another state or territory; • a dog that has been trained as a guard dog for guarding premises other than residential premises.
Reasonable belief	A belief that would be held by an ordinary person in similar circumstances. It is a belief based on reasonable grounds and is more than mere suspicion.
Unacceptable risk to public safety	A risk which presents a high likelihood that injury or death may be incurred if it is not mitigated.
Responsible dog management	Ensuring dogs that are healthy, microchipped, registered, desexed, well socialised and kept under effective control are unlikely to pose a threat to public safety.

7.3 Circumstances when Registrar issues a Dangerous Dog Declaration

Must declare a dog dangerous if the dog has been trained as a guard dog, or is kept as a guard dog for guarding premises

Must declare a dog dangerous if a decision has been made under a law of a state or territory

Must declare a dog dangerous if the dog has attacked and caused the death of or serious injury to a person

May declare a dog dangerous if the dog has attacked or harassed a person or animal

May declare a dog dangerous if the Registrar reasonably believes the dog—

- is aggressive or menacing; and
- without being kept in accordance with a Dangerous Dog Licence, would be an unacceptable risk to the safety of the public or other animals.

When doing so the Registrar must consider the circumstances surrounding the attack or harassment, which are not limited.

7.4 Dangerous dog licensing

Criteria	Requirements
Application	<p>Must be an adult to apply.</p> <p>Application must state registration number of the dog; and the premises where the applicant intends to keep the dog.</p>
Approval or refusal	<p>Must be determined by the Registrar/Deputy Registrar.</p>
Conditions	<p>Registrar/Deputy Registrar must, by written notice to the applicant, approve or refuse the issue of the licence.</p> <p>Must refuse to issue the licence if:</p> <ul style="list-style-type: none"> • the applicant is disqualified from keeping a dog or any other animal; or • the dog is not implanted with an identifying microchip as required under this Act; or <p>May refuse to approve the issue of a licence if the Registrar reasonably believes—</p> <ul style="list-style-type: none"> • there would be an unacceptable risk to the safety of the public or other animals if the licence were issued; or • the applicant has failed, or is unable, to exercise responsible dog management, care or control. <p>In making a decision under this section, the Registrar must consider:</p> <ul style="list-style-type: none"> • the size and nature of the premises where the applicant intends to keep the dog; • the security of the premises; • the suitability of facilities for keeping the dog on the premises; • the potential impact on the occupiers of neighbouring premises; • any conviction or finding of guilt of the applicant within the last 10 years for an offence against a law of a territory or state relating to the welfare, keeping or control of an animal; • the safety of the public and other animals. <p>Where a dog has been seized because of the contravention of a provision of this Act and the dog is declared to be a dangerous dog after it is seized the Registrar/Deputy Registrar may approve the application only if:</p> <ul style="list-style-type: none"> • 28 days have lapsed since the day the dog was seized and— • a prosecution has not been started for the offence; and • an infringement notice has not been served for the offence; or • an infringement notice has been served for the offence and the infringement notice penalty has been paid or the notice withdrawn; or • a prosecution for the offence was started not later than 28 days after the day the dog was seized and the prosecution has been discontinued; or • the keeper has been convicted or found guilty of the offence but is not disqualified by an order under section 138A from keeping the dog. <p>The Registrar/Deputy Registrar may consider other matters.</p>

Table 9 Dangerous Dog Licences

7.5 Licensing of keepers of dangerous dogs

Dog ownership in the ACT is popular pursuit and actively encouraged. However, as with any animal, dogs can be dangerous and attack humans, other dogs and other animals resulting in serious injury or death.

Dog attacks are the result of an instinctual response such as protection, dominance, territoriality, or provocation derived from an external stimulus. As such, all dogs have the capacity to be aggressive and dangerous if not managed appropriately and responsibly.

A dog attack is often a traumatic experience for everyone involved. Most attacks are dog on dog or dog on other animal, but injuries can be suffered by people who attempt to intervene in an attack to defend their dog.

The decision to declare a dog dangerous is given careful consideration and is based on a variety of information. This will include the circumstances of the attack if there was one, and may also include behavioural assessments, temperament tests and the observations of Rangers who interact with the dog each day if it is impounded at Domestic Animal Services.

Once a dog has been declared dangerous, the owner must decide whether they wish to keep the dog. If they choose to do so, they must apply for a Dangerous Dog Licence from DAS. This licence may only be granted if the owner can meet strict conditions that will be placed on the dog to ensure public safety. The licence will also need to be renewed annually, to ensure that the owner is continuing to meet the strict conditions.

The steps for applying for a Dangerous Dog Licence are outlined in the below table.

Step	Actions	Key documents which are part of the process
Inquiries	<p>DAS officers will advise the inquirer that:</p> <ul style="list-style-type: none"> • To keep a dangerous dog they must apply for a licence and it is an offence to keep a dangerous dog without a licence. • They must discuss the following information with the Registrar/Deputy Registrar prior to applying in writing: <ul style="list-style-type: none"> ○ the type of dog; ○ the size and nature of the premises; ○ the security of the premises; ○ the adequacy of the facilities for keeping the dog; ○ the likelihood of any nuisance to the neighbours. • Provide the party a Dangerous Dog Declaration signed by the Registrar, a list of licence guidelines and a Dangerous Dog Licence application form. 	<p>Dangerous Dog Declaration Application form</p> <p>=</p>
Application to be completed	<ul style="list-style-type: none"> • Any adult may apply. • Completion of the application form and payments of fee 	
Inspection	<ul style="list-style-type: none"> • Operations Manager allocates a fence/security inspector to a Ranger • Inspection conducted and form completed, uploaded to DASCAMS and provided... to 	

Step	Actions	Key documents which are part of the process
Decision	<ul style="list-style-type: none"> The Registrar must, by written notice to the applicant — approve the issue of a licence or refuse to approve the issue of a licence in a reasonable timeframe. The Registrar must refuse to approve the issue of a licence if — the applicant is disqualified from keeping a dog or any other animal, or the dog is not implanted with an identifying microchip or the applicant is a person disqualified from keeping an animal. Registrar/Deputy Registrar considers application, case summary and declaration. The reasons for decision are recorded in DASCAMS Any conditions considered appropriate are determined by the Deputy Registrar and the reasons for these recorded in DASCAMS 	<ul style="list-style-type: none">
Notification	<ul style="list-style-type: none"> Applicant advised in writing of the decision and, where relevant, their right to appeal the decision and/or any conditions. 	<ul style="list-style-type: none">
Equipment	<ul style="list-style-type: none"> When the application is approved the applicant will need to purchase an approved sign and collar from DAS. 	<ul style="list-style-type: none">
Review	<ul style="list-style-type: none"> If an applicant seeks to have a decision reviewed they can seek to initiate this process at the ACT Civil and Administrative Tribunal. 	<ul style="list-style-type: none">

Table 10: Dangerous dog application process

7.6 Conditions

Regulation 6B of the *Domestic Animals Regulations 2001* includes prescribed conditions which the Registrar may determine to apply (one or more) when issuing a Dangerous Dog Licence which applies for the life of the dog. The issuing of such conditions is discretionary and includes the right to consider another condition which is appropriate and not stated.

When issuing a condition the Registrar must consider the safety of the public and other animals which means the condition issued must have a nexus with this criteria.

The table below outlines the prescribed conditions which may be issued as part of a Dangerous Dog Licence.

Condition
The dog must be kept at a stated address for the duration of the licence unless otherwise authorised by the Registrar.
The registration and microchip details for the dog must be up to date.
The dog must be kept in a yard that is enclosed by a fence that— <ul style="list-style-type: none"> is higher than a stated minimum height; and is constructed in a stated way or from a stated material; and is in good repair and structurally sound; and has no gaps or holes in or under it large enough to allow the dog to escape.
Any gate or door to a yard in which the dog is kept must— <ul style="list-style-type: none"> be spring-latched and self-closing; and be padlocked when the keeper is not in the yard; and be of a stated minimum height; and be constructed in a stated way or from a stated material; and be in good repair and structurally sound; and not have any gaps or holes in or under it large enough to allow the dog to escape.
If the dog leaves the premises at which the dog is kept, the dog must—

Condition
only be in the care of the keeper or another stated person who is at least 18 years old; and be restrained by a leash, or muzzle, of a stated kind; and be under the effective control of the keeper or other person; and not be taken into, or within a stated distance of, an off-lead area or another stated place.
The dog must not leave the premises at which the dog is kept or may only leave the premises within a stated time or for a stated period.
The keeper, any carer and the dog must complete a stated course in behavioural or socialisation training for the dog.
A stated thing must be done in relation to the dog within a stated time.

7.7 Special licences

A Dangerous Dog Licence is a special licence, and as such must state the following:

- the name of the licensee; and
- the registration number of each dog to which the licence relates; and
- the address of the premises to which the licence relates; and
- any conditions of the licence.

A Dangerous Dog Licence remains in force for a period of 12 months unless surrendered or cancelled and must be reviewed after this time.

8.0 Dog attacks (including dangerous dogs)

8.1 Attacking dogs

When Access Canberra or a DAS officer receives a report of a dog attack or a dog posing a threat, they must obtain the following information from the complainant:

- whether the attack is on a person or an animal;
- whether the attack is still occurring;
- whether it poses an immediate threat to public safety;
- the exact location of the attack;
- the name of the complainant;
- the address and telephone number of the complainant;
- any details known about the victim;
- full descriptions of the dog/s involved;
- where the dog is from, if known; and
- whether ambulance or police are required.

If the attack is reported to be serious and still occurring or if the dog is posing an immediate threat to public safety, a DAS Ranger will be dispatched immediately. If the attack is serious in nature or multiple dogs are involved a second Ranger should be dispatched if available.

If a DAS Ranger cannot attend within a reasonable timeframe, DAS officers must seek advice from the Operations Manager and inform the Registrar.

8.2 Dog attacking a person/dog/animal

The attacking by a dog of a person, dog or other animal is considered to be serious incident which will commonly be responded to by DAS as part of its regulatory responsibility. When responding to such incidents, DAS officers should consider:

- the safety and medical needs of any person involved in the attack;
- the welfare of any animal involved in the incident and any veterinary assistance required;
- whether there has been a breach of the Domestic Animals Act 2000;

- what evidence at the incident should be obtained;
- whether the dog should be seized (noting under section 56A of the Act an officer must seize the dog where the dog attacked the complainant or another person; and the attack caused the death of or serious injury to a person);
- whether a Home Impoundment Notice should be issued to restrict the movement of the dog whilst the matter is investigated; and
- whether the dog should be declared dangerous as per s22 of the Act.

In determining the seriousness of a dog attack, DAS has adopted the internationally recognised Dunbar Bite Scale developed by Dr Ian Dunbar and uses this scale to assess dog attacks to inform the regulatory response. This assessment is made by considering the number, depth and severity of bites and making a record of this assessment.

Under the Dunbar Bite Scale there are six (6) levels of dog attacks, of escalating seriousness. Each level is defined and used to inform how to respond to the complaint. Complaints are categorised into these levels on DASCAMS, which is used to determine the resources allocated to each complaint and its priority.

Level	Definition	Response and considerations
Level 1	Obnoxious or aggressive behaviour but no skin contact by teeth	Obtain all evidence and depending on circumstances, consider infringements, warning infringements and possible release on a Control Order under section 70 of the Act.
Level 2	Skin contact by teeth but no skin puncture. However, maybe skin nicks (less than 0.25 centimetres deep) and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.	Obtain all evidence and depending on circumstances, consider infringements, warning infringements and possible release on a Control Order under section 70 of the Act.
Level 3	One to four punctures from a single bite with no puncture deeper than half the length of the dog's canine teeth. Possible lacerations in a single direction caused by the owner pulling the dog away.	Obtain all evidence and depending on circumstances, consider infringements, warning infringements and release on a Control Order or prepare for the Deputy Registrar a Control Order, declaration of a dangerous dog or dog to be destroyed under section 53C of the Act. Consider exemption provisions under section 53C (4). Complete a case summary.
Level 4	One to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. May also have deep bruising around the wound (dog held on and bore down) or lacerations in both directions (dog held on and shook its head from side to side).	Obtain all evidence, refer file to investigations team, and prepare a case summary recommending declaration of dangerous dog or dog to be destroyed under section 53B or 53C of the Act. Consider exemption provisions under section 53B (6) or 53C (4).
Level 5	Multiple bite incident with at least two Level 4 bites or a multiple attack incident with at least one Level 4 bite in each.	Obtain all evidence, refer file to investigations team, and prepare a case summary recommending dog to be destroyed under section 53B of the Act. Consider exemption provisions under section 53B (6).

Level	Definition	Response and considerations
Level 6	Victim/animal deceased.	Prepare a case summary and refer to Investigations and consider recommending dog to be destroyed under section 53B of the Act.

Table 11: Dunbar bite scale

It is important for DAS officers to update DASCAMS with all information for each level of attack and in the event of ownership relinquishment, a copy of the photo identification of the customer must be taken and a relinquishment form fully completed prior to impound.

DAS officers must maintain personal safety as a first consideration. If they do not feel confident or safe impounding a dog alone, they must request assistance from another Ranger. DAS officers must also record all safety concerns on the impound sheet for public safety.

9.0 Control Orders, declarations and notices

9.1 Key principles

The Registrar or Deputy Registrar may issue Control Orders. These orders will be recommended by a Ranger to the Operations Manager who will assess the request and determine whether this is appropriate.

Instrument	Legislation	Justification
Control Order	Section 53C (4) of the <i>Domestic Animals Act 2000</i> Regulation 6D <i>Domestic Animals Regulation 2001</i>	To ensure the dog remains under effective care and control and does not pose an unacceptable risk to public safety or other animals.

It is essential there be sufficient evidence obtained to justify the issue of this administrative order. This evidence should be obtained in the field, predominately through photos, videos, interviews with witnesses and the keeper/carer, observations and the making of detailed notes in notebooks and on DASCAMS.

A Control Order MUST only be issued in circumstances in which the Registrar/Deputy Registrar is satisfied there has been sufficient evidence obtained to require the issue of the Control Order given the requirements of the *Domestic Animals Act 2000* and the role of DAS.

The order should not usually be issued at the time of the initial incident response by a DAS Ranger due to the delegation requirements to approve this.

When an order is requested by DAS officers they must provide a case summary to the decision maker to consider the recommendation. A case summary is obtained from DASCAMS and summarises the background, incident, evidence obtained and actions requested.

9.2 Legal requirements

Requirement	Details
Recommended Approved Supported	Ranger/Investigator Operations Manager Enforcement committee
Issued by	Registrar/Deputy Registrar
Duration	No duration
Conditions	Refer to below and regulation 6D of <i>Domestic Animals Regulation 2001</i>
Discretion	May issue this

Service of order	Must give a copy to dog's keeper/carer – no other specific requirements
Amendment of order	Not stated
Revocation of order	May be revoked after six months if reasonably satisfied after carrying out an inspection the order has been complied with and adequate steps have been taken so that there is not an unacceptable risk to the safety of the public from the Control Order being revoked.
Appeal of issue of order	ACAT

Table 12: Control Orders

9.3 Key documents completed as part of the issue of a Control Order

The documents for a Control Order are prepared initially by the Ranger who is seeking the issue of the Control Order. When drafting such documents the Ranger MUST ensure the documents are:

- accurate;
- detailed;
- reflect the current situation and inquiries conducted;
- objective and factual.

This is contained in the form of a case summary which summarises the background, incident, evidence obtained and actions requested.

9.4 Conditions

The table below outlines common conditions which may be issued as part of a Control Order.

Condition	When this may apply
To reside at a specified location within the ACT.	For duration of Control Order
To be desexed within 28 days of the issue of the Control Order, unless there is approval of a sexually entire permit.	For duration of Control Order
Property to be maintained to ensure dog cannot escape – all gates, fences, doors and access points to be escape-proof.	For duration of Control Order
Microchipping and registration details to remain current. Under effective control, even in areas designated as "off leash" areas.	For duration of Control Order
When in a public place, dog is to wear a muzzle, be on a lead and under effective control.	For duration of Control Order
Must remain on a leash.	For duration of Control Order
Must be under effective control by a person over 18 years of age.	For duration of Control Order
If left in the care of another person, must be fully advised and capable of fulfilling all conditions and responsibilities.	For duration of Control Order

Table 13 Control Order Conditions

9.5 Steps to issue a Control Order

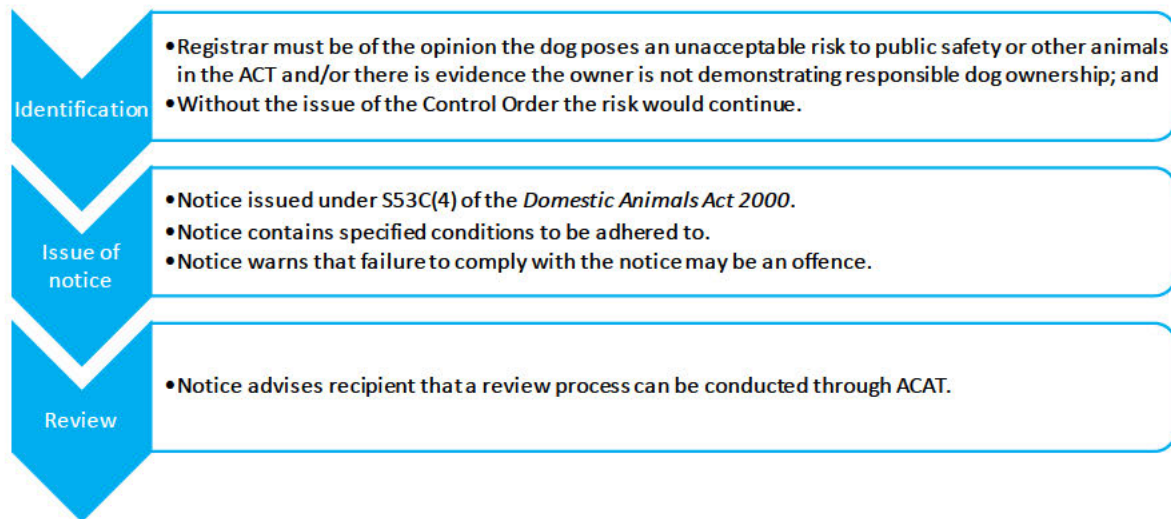


Diagram 1 Issuing a Control Order

10.0 Home Impoundment Notices

A DAS officer may issue a Home Impoundment Notice when responding to an incident where a keeper or carer may be directed to keep a dog on a stated premises. The decision to issue a Home Impoundment Notice will depend on the severity of the incident, the likely outcome and whether the dog can be safely and securely impounded at the home premises. A key criteria is the dog can be safely housed at the location whilst the investigation is conducted and it is in the public interest to do so.

This order is issued under section 56A(3)9b) of the Act where the authorised person (DAS Ranger) is reasonably satisfied that the dog can be kept by the keeper or carer on suitable and secure premises.

The diagram below outlines key processes for this order.

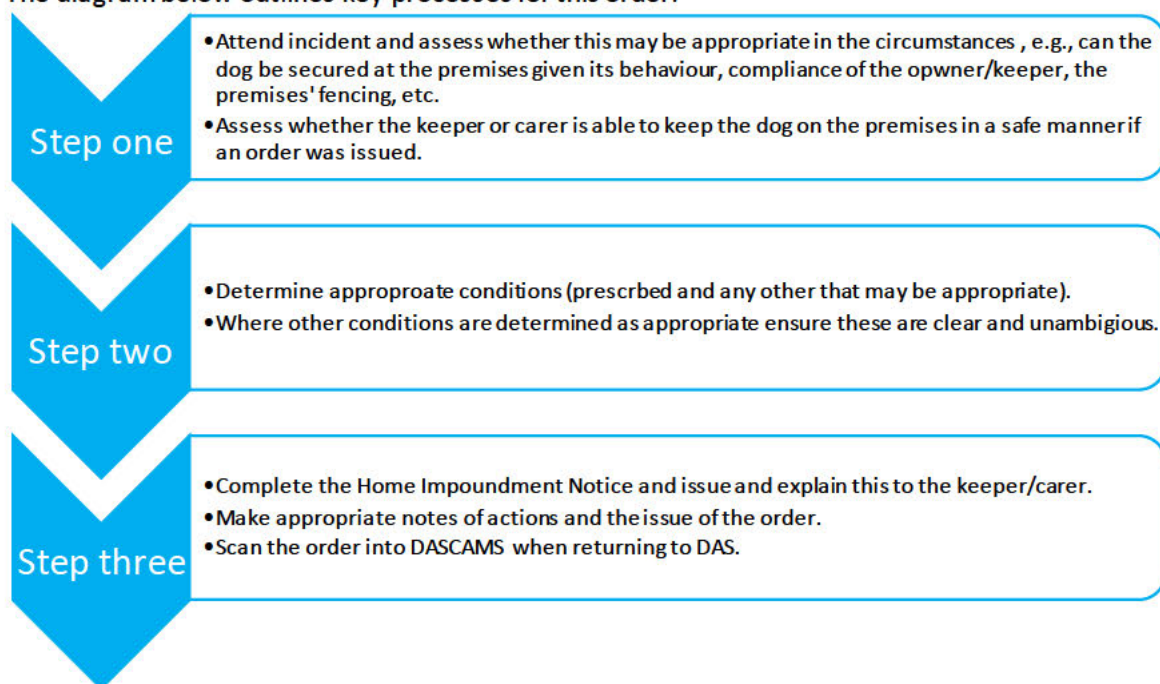


Diagram 2 Home Impoundment Notices

10.1 Conditions

The table below outlines common conditions which may be issued as part of a Home Impoundment Notice.

Condition
The dog must be kept at the premises for a stated period unless otherwise authorised by the Registrar.
The dog must be kept in a yard that is enclosed by a fence that: <ul style="list-style-type: none"> • is higher than a stated minimum height; and • is constructed in a stated way or from a stated material; and • is in good repair and structurally sound; and • has no gaps or holes in or under it large enough to allow the dog to escape.
Any gate or door to a yard in which the dog is kept must: <ul style="list-style-type: none"> • be spring-latched and self-closing; and • be padlocked when the keeper is not in the yard; and • be of a stated minimum height; and • be constructed in a stated way or from a stated material; and • be in good repair and structurally sound; and • not have any gaps or holes in or under it large enough to allow the dog to escape.
If the dog leaves the premises at which the dog is kept, the dog must: <ul style="list-style-type: none"> • only be in the care of the keeper or another stated person who is at least 18 years old; and • be restrained by a leash, or muzzle, of a stated kind; and • be under the effective control of the keeper or other person; and • (iv) not be taken into, or within a stated distance of, an off-lead area or another stated place.
The dog must not leave the premises at which the dog is kept or may only leave the premises within stated times or for stated periods.
A stated thing must be done in relation to the dog within a stated time.

Table 14 Home Impoundment Notice Conditions

11.0 Infringement notices

11.1 Key legal requirements

DAS is able to issue infringements for certain breaches. These breaches are outlined in the below table. These are not issued in the field at the time but only after they have been reviewed by the Operations Manager and enforcement committee. This is to ensure they are only issued where appropriate and appropriate evidence has been obtained to prove the offence should it be challenged.

The requirements relating to infringement notices are set out in Part 3.8 of the *Magistrates Court Act 1930*.

11.2 Key principles

Requirement	Details
Recommended by	Ranger/Investigator
Supported by	Operations Manager
Approved by	Operations Manager
Issued by	Ranger/Investigator (authorised person)
Discretion	Yes, of DAS officer
Admission of liability	If the notice is paid the person is taken to not have been convicted of the offence.
Service	Required to be served before 1 year in which a prosecution may be brought
Request for review	Person may apply to Deputy Registrar in writing to withdraw the notice within 28 days after the notice or reminder notice is served.

Requirement	Details
Withdrawal	When a request for withdrawal is received DAS must withdraw or refuse to do so and tell the person in writing of this and if refused the reasons for this.
Prosecution	If an infringement notice is issued a decision is being made to not prosecute the matter at this time.
Dispute of liability	Where a party issued an infringement notice disputes this per section 132 of the <i>Magistrates Court Act 1930</i> , DAS should lay an information to the Magistrates Court within 60 days. If this is not laid within this timeframe DAS must (per s134(5) of the <i>Magistrates Court Act 1930</i>): <ul style="list-style-type: none"> • tell the person, in writing, that no further action will be taken against the person for the offence; and • take no further action against the person for the offence. Further DAS is not permitted to lay an information against a person for an offence after the end of the time.
Payment	Is paid by person issued infringement

Table 15 Key terms

11.3 Infringement offences

Section	Offences	Penalty Units
12 (1)	Former keeper fail to tell Registrar of change of ownership of dog	10
12 (2)	New keeper of dog for longer than 28 days fail to tell Registrar	10
14 (1) (a)	Keeping unregistered dog	15
14 (1) (b)	Keeping of registered dog by person not registered keeper	15
16 (1)	Registered keeper fail to tell Registrar of change of address	5
16 (2)	Registered keeper fail to tell Registrar of change of address where registered dog kept	5
18 (1)	Keeping multiple dogs without licence	50
21 (5)	Multiple dog licence—fail to comply with condition prescribed under s 21 (4) (a)	50
23 (1)	Keeping dangerous dog without licence	100
23 (1)	Dangerous Dog Licence—fail to comply with condition prescribed under s 26 (3) (a)	100
27 (1)	Unmuzzled dangerous dog in public place—carer	20
27 (2)	Dangerous dog in public place without carer/keeper	20
28 (1)	Fail to display dangerous dog warning sign	5
39D (1) (a)	Keep unregistered racing greyhound	50
39D (1) (b)	Keeping of registered racing greyhound by person not registered keeper or licensed racing greyhound controller	50
39G (1)	Have day-to-day control of racing greyhound without holding racing greyhound controller licence	50
39G (2)	Fail to comply with condition of racing greyhound controller licence	50
41 (5)	Taking dog into prohibited area	5

Section	Offences	Penalty Units
42 (1)	Taking dog into grounds of child-care centre, etc.	15
42 (2)	Taking dog into grounds of high school, etc.	10
42 (3)	Taking dog onto sporting field, etc., where sport, etc., being played	10
42 (4)	Taking dog into public place within 10m of certain things	10
44 (1)	Dog not on leash in public place—keeper/carer	15
44 (2)	Dog not under effective control in public place—keeper/carer	15
44 (3)	Dog without carer in public place—keeper	15
45 (1)	Dog off leash on private premises without occupier's consent—carer	10
45 (3)	Dog off leash on private premises without occupier's consent—keeper	10
45 (5)	Dog without carer on private premises without occupier's consent—keeper	15
46 (1)	Not hygienically disposing of faeces	5
46 (2)	Not carrying equipment for hygienic disposal of faeces	5
47 (1)	Female dog on heat in public place— keeper/carer	15
49A (1)	Dog attacks or harasses person/animal—carer	50
49A (2)	Dog attacks or harasses person/animal—keeper	50
53CB (2)	Fail to give carer copy of Control Order—keeper	50
53E (1)	Control Order—fail to comply with order prescribed under s 53CA (a)	50
56A (6)	Home impoundment direction—fail to comply with condition prescribed under s 56A (4) (a)	50
60 (6)	Home impoundment direction—fail to comply with condition prescribed under s 60 (4) (a)	50
72 (1)	Breeding dog or cat without licence	50
72 (2)	Breeding racing greyhound without licence	50
72K (1)	Breeding dog or cat without licence	50
72K (2)	Selling or giving away dog or cat without providing required information	50
72K (3)	Failing to include required information when publishing statement in relation to dog or cat	10
72M (1)	Fail to report breeding of litter of greyhounds	10
74 (1)	Keeping dog not desexed without permit	50
74 (2)	Keeping cat not desexed without permit	50
74A (1)	Sale of older dog or cat not desexed	50
79 (1)	Fail to produce permit for not desexed dog or cat within 24 hours	5

Section	Offences	Penalty Units
82 (1)	Cat in breach of cat containment—keeper/carer	10
84 (1)	Keeping dog or cat without prescribed form of identification	15
84 (2)	Selling dog or cat without prescribed form of identification	15
106E (3) (b) (i)	Stop person accompanied by accredited assistance animal entering public place/public premises	50
106E (3) (b) (ii)	Stop accredited assistance animal entering public place/public premises	50
106E (3) (b) (iii)	Remove accredited assistance animal from public place/public premises	50
106E (4)	Impose fee or charge for accredited assistance animal in public place/public premises	50
106F (2)	Falsely claiming animal is accredited assistance animal	20
112 (7)	Fail to comply with nuisance notice	5
134A (2)	Fail to comply with request to produce animal for inspection	50
9A(1)	Keeping multiple cats without licence	20
11 (1)	Selling or supplying fake identifying microchip	10
15 (1)	Person not vet or authorised identifier implanting identifying microchip in dog or cat	10
15 (2)	Implanting microchip in dog or cat that is not identifying microchip	10
16 (3)	Implanting identifying microchip not in accordance with code	10
17 (1)	Operator of animal shelter or pound not scanning dog or cat for identifying microchip within 3 days after dog or cat enters shelter or pound	10

11.4 DAS process for issuing infringement notices

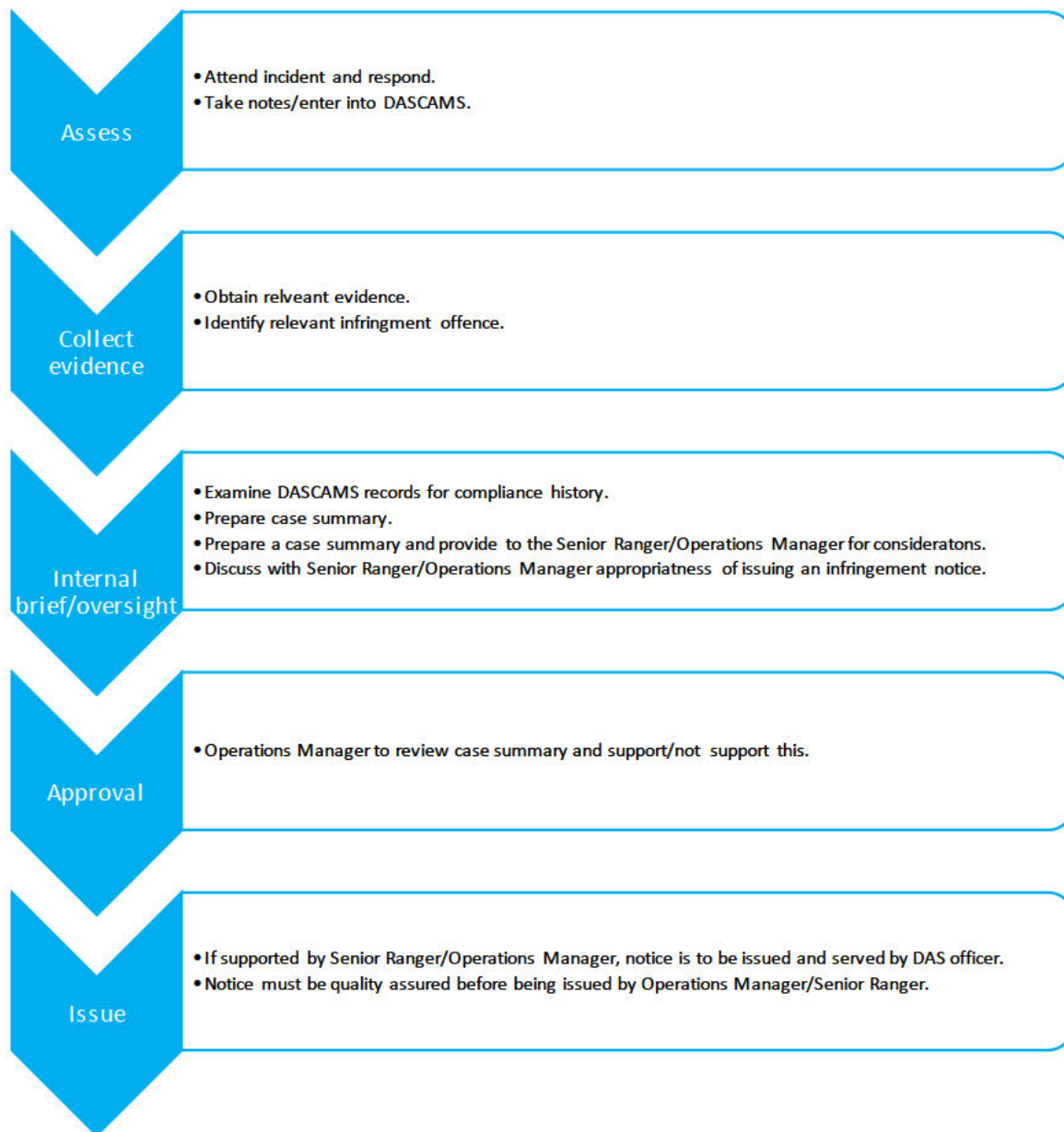


Diagram 3 Issuing Infringement Notices

12.0 Nuisance notices

12.1 Key terms

An animal causes an animal nuisance where there is:

- damage to property owned by a person other than the keeper;
- excessive disturbance to a person other than the keeper because of noise;
- an unacceptable risk to the public or another animal;
- for a dog— there are repeated occurrences of the dog—
 - not being kept under control by the dog's keeper or carer; or
 - the dog is not restrained as required in a public place or on a private premises.

12.2 Steps to issue a nuisance notice

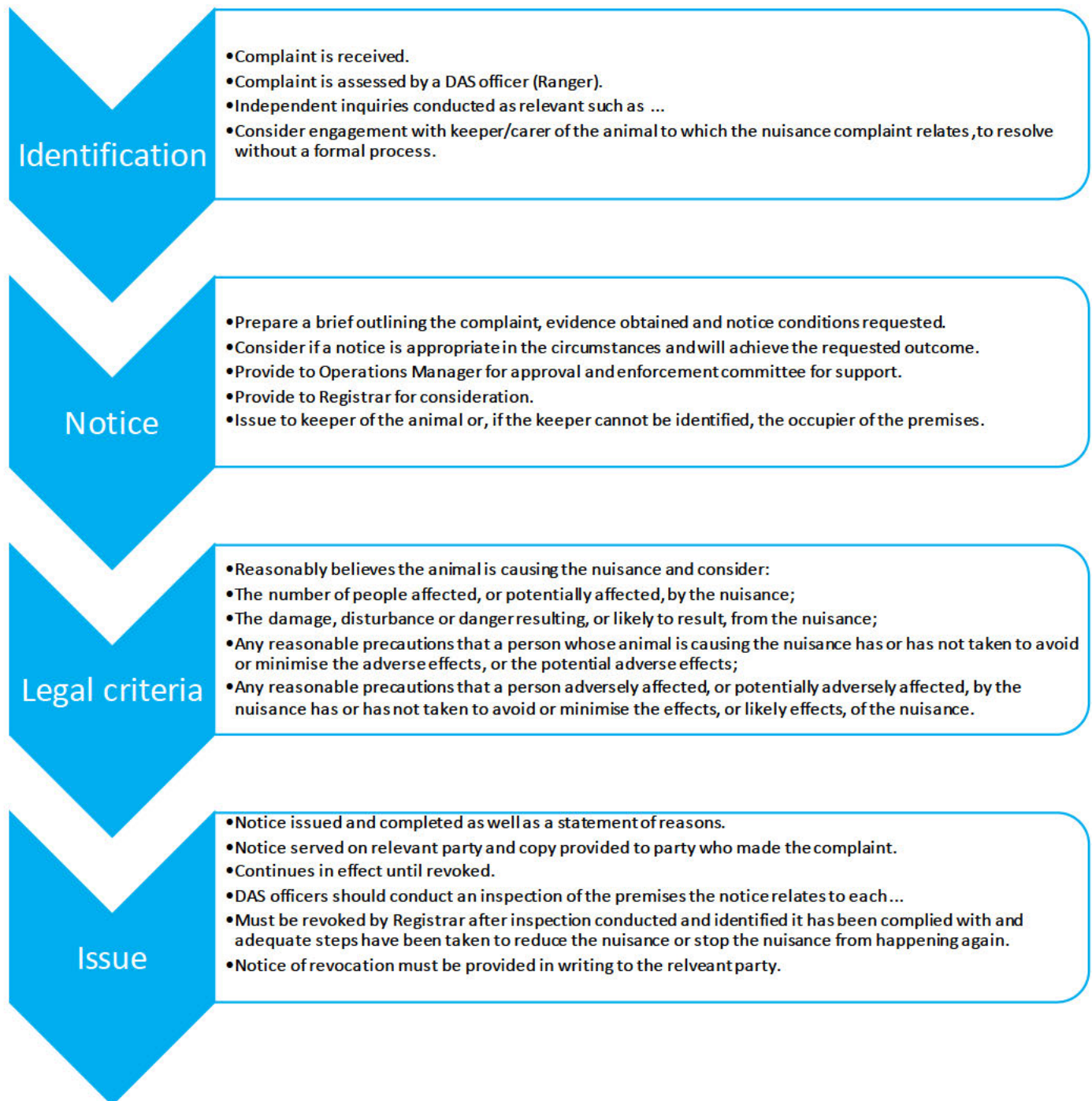


Diagram 4 Issuing a Nuisance Notice

13.0 Relevant legislation

<i>Domestic Animals Act 2000</i> (including codes of practice)	https://www.legislation.act.gov.au/View/a/2000-86/current/PDF/2000-86.PDF
<i>Domestic Animals Regulations 2001</i>	https://www.legislation.act.gov.au/View/sl/2001-17/current/PDF/2001-17.PDF

<i>Animal Welfare Act 1992 (including codes of practice)</i>	https://www.legislation.act.gov.au/View/a/1992-45/current/PDF/1992-45.PDF
<i>Work Health and Safety Act 2011</i>	https://www.legislation.act.gov.au/View/a/2011-35/current/PDF/2011-35.PDF
<i>Information Privacy Act 2014</i>	https://www.legislation.act.gov.au/View/a/2014-24/current/PDF/2014-24.PDF
<i>Code of Practice for the Handling of Companion Animals in Pounds and Shelters in the ACT</i>	https://www.legislation.act.gov.au/View/di/1995-97/current/PDF/1995-97.PDF
<i>ACT Public Service Code of Conduct 2012</i>	http://www.cmd.act.gov.au/data/assets/pdf_file/0017/363230/codeofcond2012_2013edit_wtables.pdf
<i>Legislation Act 2001</i>	https://www.legislation.act.gov.au/View/a/2001-14/current/PDF/2001-14.PDF

14.0 Supporting documents – N/A

15.0 Appendixes – N/A