

Destruction of Dogs Policy

Date first adopted:	December 2004
Dates amended:	October 2009 October 2014 May 2022
Next review date:	May 2026
Position title of responsible business unit Manager:	Manager Community Safety and Compliance
Approved by:	Council
Internal external or both:	

CONTENTS

1.	TITLE	3
2.	OBJECTIVES	3
3.	SCOPE	3
4.	BACKGROUND.....	3
5.	DEFINITIONS AND ABBREVIATIONS.....	4
6.	POLICY	4
7.	HUMAN RIGHTS CHARTER COMPATIBILITY.....	4
8.	ASSOCIATED INTERNAL DOCUMENTS	5
9.	EXTERNAL REFERENCES/RESOURCES	5

1. TITLE

Destruction of Dogs Policy

2. OBJECTIVES

The objectives of this Policy are to:

- to provide guidance for the administration of section 84P of the *Domestic Animals Act 1994* (the **Act**) in relation to the destruction of dogs;
- balance the rights of dog owners and the wider community; and
- ensure public safety of residents and visitors to the municipality.

3. SCOPE

This policy applies to the administration of section 84P of the *Domestic Animals Act 1994* (**Act**). Section 84P of the Act provides Council with further power to destroy dogs. Under section 84P of the Act, Council may destroy a dog that has been seized under Part 7A of the Act at any time after its seizure if—

- the dog is a dangerous dog or a restricted breed dog that is able to be registered or have its registration renewed under this Act and if—
 - (i) Council has made a decision to refuse to register or renew the registration of the dog; and
 - (ii) a review of that decision has affirmed the decision, or the owner has not applied for a review of that decision within the time fixed for review under section 98(2A) of the Act; or
 - the dog is a dangerous dog whose owner has been found guilty of an offence under Division 3 of Part 3 of the Act with respect to that dog; or
 - the dog is a restricted breed dog whose owner has been found guilty of an offence under Division 3B of Part 3 of the Act with respect to that dog; or
 - the dog's owner has been found guilty of an offence under section 28, 28A or 29 of the Act with respect to the dog; or
 - a person other than the dog's owner has been found guilty of an offence under section 29 of the Act with respect to the dog.

Under section 28 of the Act it is an offence for a person to set on or urge a dog to attack, bite, rush at or chase any person or animal.

Under section 28A of the Act, except in certain circumstances, it is an offence for a person to train a dog to attack, bite, rush at, chase or in any way menace persons, animals or anything worn by persons.

Section 29 of the Act provides for various offences in relation to dog attacks.

4. BACKGROUND

- 4.1 Council may, by instrument, appoint as a Council authorised officer any specified employee of Council.
- 4.2 A Council authorised officer may exercise powers under the Act to seize a dog.
- 4.3 Under section 84P of the Act, a delegated Council Officer has the power to destroy a dog that has been seized under Part 7A of the Act.

5. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Council authorised officer	means a person appointed as an authorised officer under section 72 of the <i>Domestic Animals Act 1994</i>
Council	means Glen Eira City Council.
Policy	means this Destruction of Dogs Policy
Act	means the <i>Domestic Animals Act 1994</i> (Vic)
delegated Council Officer	means the Council officer delegated powers under section 84P of the <i>Domestic Animals Act 1994</i> (Vic)

6. POLICY

6.1 If a delegated Council Officer:

- a) proposes to exercise their power under section 84P of the Act to destroy a dog at any time after its seizure under Part 7A of the Act; and
- b) has the contact details of the owner of the dog

then the delegated Council Officer must undertake the review process set out in paragraphs 6.2 to 6.6 below before deciding whether to exercise their power to destroy the dog under section 84P of the Act.

6.2 The delegated Council Officer must notify the dog owner in writing of the proposed decision to destroy the dog.

6.3 The delegated Council Officer must provide reasons in writing for the proposed decision to destroy the dog.

6.4 The delegated Council Officer must advise the dog owner in writing that they have seven (7) days from the date of receipt of the letter of notification within which to make written submissions to Council.

6.5 The delegated Council Officer must consider any written submissions received from the dog owner when deciding whether to exercise their power under section 84P of the Act to destroy the dog seized under Part 7A of the Act.

6.6 The delegated Council Officer must notify the dog owner in writing of their decision and the reasons for the decision.

6.7 If, following the review process set out in paragraphs 6.2 to 6.6 above, the delegated Council Officer decides to destroy the dog; the dog must be destroyed humanely no earlier than 14 days after the date of the notification referred to in paragraph 6.6.

7. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and*

8. ASSOCIATED INTERNAL DOCUMENTS

- Glen Eira Community Wellbeing Plan 2021-2025
- Glen Eira Council Community Safety Plan 2018-2022
- Procedure - Serving notices of seizure relating to seizing of identified dogs.
- Procedure - Seizure and impounding of dogs after a dog attack.
- Procedure - Dealing with owners when recovering dogs that have been seized by Council.
- Procedure - When a dog is declared dangerous (s.34).
- Procedure - When a dog is declared menacing (s.41A).
- Procedure - When a dog is declared to be of a restricted breed (s.98A).
- Procedure - Provide details of dangerous dogs on the Victorian Declared Dog Registry (VDDR) (s.44AE).
- Procedure - Provide details on VDDR of dogs destroyed in relation to s.84TA, TB and TC (s.44AEA).
- Procedure - Seizure and impounding of dangerous and restricted breed dogs.
- Procedure - Assessment of restricted breed dogs.
- Procedure - Process for the registration/refusal of registration/renewal of registration of dangerous and restricted breed dogs (s.17).

9. EXTERNAL REFERENCES/RESOURCES

- *Charter of Human Rights and Responsibilities 2006 (Vic)*
- *Local Government Act 2020 (Vic)*
- *Local Government Act 1989 (Vic)*
- *Domestic Animals Act 1994*