



Local Government Association Tasmania

15 August 2017

Our Ref: PF/FM

File No.:

Greg Brown
Deputy Director
Local Government Division
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7000

Dear Mr Brown

**Dog Control Amendment Bill 2017 - Amendment to give
General Managers a power to review a dangerous dog declaration**

The Local Government Association of Tasmania (LGAT / the Association) is incorporated under the Local Government Act 1993 and is the representative body for Local Government in Tasmania.

The objectives of LGAT are to:

- protect and represent the interests and rights of Councils in Tasmania;
- promote an efficient and effective system of Local Government in Tasmania; and
- provide services to Members, councillors and employees of Councils.

Thank you for the opportunity to comment on the further amendment to the *Dog Control Amendment Bill 2017* that would give the General Manager of councils the power to review a dangerous dog declaration.

Having consulted with councils, it is clear that most do not support the amendment as drafted and take the view that the decision to destroy a dog still should lie with the court.

The general view was that;

1. revocation of a dangerous dog declaration potentially places the person making this decision in a very difficult position. Concern was expressed about the risks that General Managers would be taking if there was to be a subsequent incident involving that animal and the Court focussed its attention on the qualifications and experience of the decision-maker.
2. the declaration is based on evidence of dangerous behaviours and a revocation would be based on opinion and potentially a lack of evidence of continuing behaviours. This would not necessarily provide an accurate reflection of how the animal will behave in the future.

Noting the above, it has been suggested that the use of control orders which exist within the provisions of Section 47 of the *Companion Animals Act NSW* may address the intent of the proposed amendment; as well as provide the rigour and independence of the court.

A control order would be registered in Magistrates Court and enable a Council officer to issue an order for those animals deemed deserving of a second chance.

However as stated previously the Local Government sector does not support this amendment as it is currently drafted.

LGAT received additional comments that could be considered at later consideration of this issue. Please contact Penny Finlay penny.finlay@lgat.tas.gov.au if there is any further assistance required with this matter.

Yours sincerely



Dr Katrena Stephenson
CHIEF EXECUTIVE OFFICER