

Royal New South Wales Canine Council Ltd ABN 69 062 986 118 trading as DOGS NSW

## **AGGRESSIVE DOG**

### **REGULATIONS AND INCIDENT REPORT**

Printed hereunder are the relevant Regulations which regulate the procedure for dealing with a reported Aggressive Dog incident and the conduct of an inquiry leading to a decision to either declare that the dog concerned was aggressive or that it was not aggressive. All Show Officials should become fully conversant with the required procedures because it is very possible that they could be called upon to form part of an Inquiry panel. Also attached are an Aggressive Dog Incident Report form (to be completed in triplicate) and a suggested draft for the preparation of Minutes highlighting the steps that need to be followed which must both be lodged together with all of the documents required by Regulations Part 2: Show 14.10 (g) below, within five working days after the incident. Finally attached are more detailed Guidelines to assist Affiliates in dealing with such incidents and a Check List to ensure correct procedures are followed.

#### **DOGS NSW Regulations Part II-Show, Section 14: Disqualification from Exhibition:-**

##### **14.10 (Revised 12/12)**

- (a) It is the obligation of each owner, exhibitor and handler at a show to take all such steps as may be necessary to ensure that any dog under that person's care or control or for which that person is responsible does not behave in an aggressive manner.
- (b) It is the obligation of any person at a show who observes a dog behaving in an aggressive manner to report the incident either orally or in writing to a member of the Show Committee as soon as possible after the incident.
- (c)
  - (i) Upon receipt of a report of an incident involving aggressive behaviour by a dog, the Show Committee shall meet to consider the matter as soon as possible on that day after all available relevant statements have been obtained in writing from the complainant, the owner, handler or person having the care and control of the dog complained of at the event and any witnesses. Such meeting must be conducted by the Show Committee notwithstanding the non-availability of any party to the inquiry.
  - (ii) The owner, handler or person having the care and control of the dog at the event shall identify that dog to the Show Committee. For the purposes of this clause "identify" means provide appropriate information including the DOGS NSW registered name and number.
  - (iii) The complainant and the owner or handler of the dog complained of must be permitted to be in attendance throughout the inquiry excepting when the Show Committee are deliberating their decision. **(09/11)**
  - (iv) During the conduct of the inquiry, the dog complained of must be held in a secure situation such that any aggressive behaviour would not interfere with any other person or dog.
- (d) In reaching their decision, if the Show Committee is satisfied that the incident comprised or included the dog attacking, or attempting to attack, any person or dog at the show, or has demonstrated any other serious aggressive behaviour, the Show Committee shall declare the dog to be an aggressive dog, provided the Committee conducting the investigation believes that no justified provocation for the incident occurred.

- (e) As soon as possible after reaching its decision, the Show Committee shall advise the person who appears to be responsible for the care and control of the dog, either that the dog has been declared aggressive or that it has not been declared aggressive and provide them with a copy of the Aggressive Dog Incident Report form after it is signed by that person.
- (f) Forthwith upon the Show Committee declaring a dog to be an aggressive dog:-
- (i) the owner, exhibitor or handler responsible for the dog, shall ensure that the dog is retained in the same secure situation in which it was placed for the duration of the inquiry and until such time as it is ultimately removed from the showground.
- (ii) the dog shall ipso facto be suspended for a period of two months and for such further period until the Board of Directors have made their decision in accordance with 14.10 (h). During that period the dog shall not be allowed to enter or remain upon any showground.
- (g) Following completion of an aggressive dog inquiry, the Show Committee shall, within 5 working days, provide DOGS NSW with a full written report of the incident and of the Show Committee's decision. Such report shall include a copy of all written statements concerning the incident, the Minutes of the Show Committee Meeting, the Incident Report form referred to in (e) above, relevant catalogue pages and any other related documents.
- (h) Within 2 calendar months of receipt of the report referred to in (g) the Board of Directors shall consider the report and if satisfied that the dog is likely to constitute a danger to persons, other dogs or property at any Show, taking into consideration the responsibility of the handler or of any individual involved, may for such period as the Board of Directors consider appropriate **(10/18)**:-
- (i) suspend or disqualify or otherwise debar the dog from being an exhibit,
- (ii) impose conditions in relation to the exhibition of that dog at a Show,
- (iii) direct that the dog is not to be bred with,
- (iv) direct that the dog not be transferred within the register, or **(06/16)**
- (v) cancel the registration of the dog,
- (vi) impose a requirement that the dog undertake a temperament test in accordance with Part I of the Regulations (Section 20) and impose any such conditions relating thereto.
- (vii) record a breach of Clause 14.10 **(10/18)**:-
- (a) It is the obligation of each owner, exhibitor and handler at a show to take all such steps as may be necessary to ensure that any dog under that person's care or control or for which that person is responsible does not behave in an aggressive manner.
- |                          |   |
|--------------------------|---|
| 1 <sup>st</sup> Offence: | Reprimand Letter                          |
| 2 <sup>nd</sup> Offence: | \$100.00                                  |
| 3 <sup>rd</sup> Offence: | Matter referred to Inquiry <b>(10/18)</b> |
- (viii) Require the owner/handler or other persons concerned to complete an examination based on the DOGS NSW Regulations Part XIII-Code of Ethics and DOGS NSW Regulations as set by the Members Education Committee. **(10/18)**

Should the Board of Directors make a determination that the dog is not likely to constitute a danger as described above, the Board may resolve to immediately end any suspension that was imposed in accordance with (f)(ii).

- (i) If for any reason the Board of Directors has not finally dealt with the matter within the 2 month period referred to in (h), the owner of the dog may make written application to the Board of Directors for the removal of the suspension referred to in (f)(ii).

Upon receipt of such application, the Board of Directors shall either:-

- (a) grant the application, or
- (b) reach a decision in relation to the matter, but if such decision is not reached within a period of one month from the date of such application, the application shall be deemed to have been granted.

(j) Subject to (k), no person shall have any claim upon or recourse against any member of the Show Committee or any other person as a consequence of any action taken purportedly pursuant to the foregoing provisions of this regulation. **(11/93)**

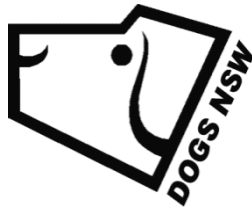
(k) It shall be the responsibility of the affiliate concerned to ensure that the Show Committee complies with the requirements of this Regulation 14.10.

If the Show Committee fails in any respect to comply with the procedures and requirements of this regulation, the Board of Directors may impose on the affiliate and the affiliate shall pay (within such time as the Board of Directors may require) a fine of no less than \$250 (but not exceeding \$1,000).

(l) For the purpose of this Regulation 14.10, 'show' includes any trial, parade, picnic day, event or other activity in which a member participates with a registered dog. If the incident occurs at an activity which did not require approval of DOGS NSW, the Show Committee for the purposes of this Regulation 14.10 shall comprise the most appropriate three persons from amongst the organisers.

(m) This Regulation 14.10 shall have effect commencing 1 hour prior to the commencement of a Show and continuing for 30 Minutes after the conclusion of the Show. **(10/97)**

(n) The DOGS NSW Representative shall attend and observe any inquiry held at a Recognised Show in relation to an Aggressive Dog Incident for the purposes of reporting only. The Representative should not be asked for advice by any party to the inquiry. **(06/08)**



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## **GUIDELINES FOR SHOW COMMITTEES WHEN DEALING WITH AGGRESSIVE DOGS**

Due to the increased awareness of the general public to dog attacks there has been a necessity for DOGS NSW to implement Regulations to attempt to overcome the incidence of dog attacks at shows.

We are all aware that on a showground where a large number of dogs gather there will always be incidents of dogs being aggressive toward one another especially in the terrier, guarding and hunting breeds. However, this natural tendency of dogs to fight must not be used as an excuse for an overly aggressive temperament or a dog which continually or without reason attacks. This type of animal must be reported and steps taken to improve its behaviour.

The question of a dog which bites a person is of far greater concern. Members must be made aware that under the NSW Companion Animals Act, the owner of a dog who attacks a person is liable to hefty fines, possible declaration of their dog as a dangerous dog, as well as possible seizure and destruction of their dog. Show Committees because of their authority at shows must accept the responsibility of taking all actions possible to lessen the chance of attacks. If one does occur they must report it diligently. Some of the actions which the Regulations allow you to implement to lessen the chance of an attack are:

1. Ensure that a clear two metres pathway is kept around all rings.
2. Have a designated assembly area for each ring and only allow the breed being judged into that area.
3. If possible, when setting up your rings, have separate entry and exits. If not possible ensure that the Stewards control the gateway so only one class is trying to use it at a time.
4. Ensure that dogs if they are tethered have a responsible person with them at all times
5. Ensure the exhibitors do not exercise dogs on retractable leads or off lead while the show is in progress.
6. In extreme cases where exhibitors are seemingly guilty of misconduct, as defined in Regulations Part II – Show 16.1, the Show Committee has the authority to implement the following related Regulation: 16.2 A person who contravenes Regulation 16.1 may be cautioned by an official of the Show. If thereafter he again contravenes Regulation 16.1, he may be requested by an official to leave the Showground (and to remove any exhibit thereon) and, if so requested shall leave forthwith. **06/07**

All these measures are common sense but if Show Committees implement them the number of incidents will decrease considerably.

### **AN ATTACK OCCURS AND IS REPORTED**

If an incident occurs at a show and is reported, the Regulations require your Show Committee, as soon as possible after the report to conduct an investigation. The inquiry must be held irrespective of whether any relevant party has left the grounds.

Immediately the owner, handler or person having the care and control of the dog is advised that an aggressive dog inquiry is to be held, they should immediately ensure that the dog concerned is placed in a secure situation such that any aggressive behaviour does not interfere with any other person or dog.

Prior to the inquiry commencing, the Show Committee shall obtain from all relevant persons and witnesses still on the showground, a written statement of what occurred in the incident. The statements of the two principal parties must be made available to each other so they may prepare to question the other's statement during the inquiry.

The Show Committee must consist of three Show Officials excluding officiating Judges and must not include the DOGS NSW Representative. At an Agricultural show the Show Committee shall consist of three of the persons nominated as the Dog Section Committee on the Show application.

Note: Show Officials is defined in the Constitution as “all judges, stewards and similar officials engaged in the administration of the show in question and includes the members of any show committee”.

From among its three Members, the Show Committee shall elect one of its members to be Chairman.

### **CONDUCT OF INQUIRY**

Apart from the Show Committee, the complainant and owner or handler of the dog complained of must be permitted to be in attendance at all times excepting during deliberation of the Committee’s decision.

Other witnesses should only be present when called to present their evidence.

The Chairman shall introduce all parties at the investigation and in particular the members of the Show Committee.

The Chairman shall initiate the investigation with the following statement:

“This investigation is to examine an alleged incident that the dog “.....” acted aggressively in that it  
.....

The inquiry must look at all evidence relating to the incident but only to that incident, comments like "he's been having a go at everything all weekend" or "he's always like that" are not relevant, and must not be allowed. The person making the report must give evidence as should all witnesses, where possible in writing. The owner or person responsible for the dog must be permitted to be in attendance at all times and must be allowed to question witnesses, make statements, and generally defend his dog.

### **DECISION**

He/she must be excused while the Show Committee deliberates its decision. The Show Committee must take into account any provocation which occurred. If a person teases or torments the dog, or acts cruelly towards it, it would be seen as provocation. Equally if a dog were to attack, or enter an area that a second dog would normally be expected to defend, this could also be seen as provocation; which must be considered in each case before a dog is declared aggressive. Similarly, if another dog attacks or threatens the dog, his owners, or the owners property this would also constitute provocation, and the dog would not automatically be declared aggressive.

However, these type of actions are not to be allowed in the judging ring or an assembly area. If a dog is to be exhibited it is expected to be adequately trained and calm enough to stand in a class and be handled by the judge without aggressiveness.

Once the Show Committee has heard all the available evidence it must make a judgement as to whether the dog was aggressive or not. The principal parties must be advised of the decision forthwith and the reasons for that decision.

Upon completion of an inquiry, the Aggressive Dog Incident Report form must be completed and signed by the owner or person in charge of the dog who is to be provided with a copy of that form at the time.

#### **IF DOG FOUND AGGRESSIVE**

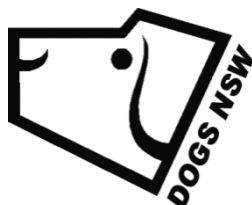
- i. the owner, exhibitor or handler responsible for the dog, shall ensure that the dog is retained in the same secure situation in which it was placed for the duration of the inquiry and until such time as it is ultimately removed from the showground.
- ii. the dog shall ipso facto be suspended for a period of two months and for such further period until the Board of Directors have made their decision in accordance with 14.10 (i). During that period the dog shall not be allowed to enter or remain upon any showground.
- iii. If for any reason the Board of Directors has not finally dealt with the matter within the 2 month period of suspension referred to above, the owner of the dog may make written application to the Board of Directors for the removal of the suspension.

#### **IF DOG NOT FOUND AGGRESSIVE**

Although there is no immediate action taken against a dog following a finding by the Show Committee that the dog was not aggressive, the matter is not finalised until such time as the Board of Directors review the case in accordance with Regulation 14.10 (i) and make the determination required.

#### **CLUB RESPONSIBILITIES FOLLOWING INQUIRY**

Within 5 working days a report must be submitted to DOGS NSW, together with a copy of all written statements, the Minutes of the Show Committee Inquiry, the Aggressive Dog Incident Report Form, catalogue pages and any other relevant documents



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### **CHECKLIST FOR AGGRESSIVE DOG INCIDENTS**

<b>INCIDENT</b>	<b>ACTION</b>
<b>An attack occurs and is reported</b>	<p>Owner or person in charge of alleged aggressive dog required to immediately place the dog in a secure situation.</p> <p>Obtain available written statements from the complainant, the owner or handler of the dog complained of, and any witnesses.</p> <p>Convene an Inquiry Committee as soon as possible consisting of three Show Officials excluding officiating judges, or, if at an Agricultural Show, three of the persons nominated on the Show Date Application as being the Dog Section officials.</p> <p>The Inquiry Committee is to elect a Chairman from among its number. The DOGS NSW Representative must observe, but must not otherwise participate in the Inquiry.</p>
<b>Conduct of Inquiry</b>	<ol style="list-style-type: none"> <li>1. Apart from the Show Committee, the two principal parties must be permitted to be in attendance at all times excepting during deliberation of the Committee's decision. Other witnesses should only be present when called to present their evidence.</li> <li>2. Chairman to make opening statement per the Guidelines.</li> <li>3. The two principal parties must be given the opportunity to question each other and any witnesses during the inquiry.</li> </ol>
<b>Decision</b>	<p>Upon completion of the presentation of evidence, the Show Committee will deliberate its decision and either find the dog aggressive or not aggressive after taking into consideration any provocation which may have occurred. Upon that decision being made, the two principal parties shall be called back into the room to be informed of the decision and given the reasons for that decision.</p> <p>Irrespective of whether the dog was found aggressive or non-aggressive, the Aggressive Dog Incident Report form must be completed and signed by the owner or person in charge of the dog who is to be provided with a copy of that form at the time</p>
<b>If Dog Found Aggressive</b>	<ol style="list-style-type: none"> <li>1. the owner, exhibitor or handler responsible for the dog, shall ensure that the dog is retained in the same secure situation in which it was placed for the duration of the inquiry and until such time as it is ultimately removed from the showground</li> <li>2. the dog shall ipso facto be suspended for a period of two months and for such further period until the Board of Directors have made their decision in accordance with 14.10 (h). During that period the dog shall not be allowed to enter or remain upon any showground.</li> </ol>
<b>If Dog Found Not Aggressive</b>	<p>Although there is no immediate action taken against a dog following a finding by the Show Committee that the dog was not aggressive, the matter is not finalised until such time as the Board of Directors review the case in accordance with Regulation 14.10 (h) and make the determination required.</p>
<b>Club Responsibilities Following Inquiry</b>	<p>Within 5 working days a report must be submitted to DOGS NSW, together with a copy of all written statements, the Minutes of the Show Committee Inquiry, the Aggressive Dog Incident Report Form, catalogue pages and any other related documents.</p>

The following form is a suggested draft for the preparation of Minutes of an Aggressive Dog Inquiry meeting highlighting the steps that need to be followed.

**Minutes of an Aggressive Dog Incident Inquiry**

Name of Affiliate: \_\_\_\_\_

Date of Meeting:     /     /                                      Time meeting commenced: \_\_\_\_\_ am/pm

Grounds: \_\_\_\_\_

Type of Show or Trial: \_\_\_\_\_

Present: \_\_\_\_\_ (Show Committee - Chairman)  
 \_\_\_\_\_ (Show Committee)  
 \_\_\_\_\_ (Show Committee)  
 \_\_\_\_\_ (Complainant)  
 \_\_\_\_\_ (Owner or Handler of dog)  
 \_\_\_\_\_ (Membership Number of Owner)  
 \_\_\_\_\_ (Witness/es when called)

Name of Dog complained of: \_\_\_\_\_

Registration Number: \_\_\_\_\_ Catalogue No: \_\_\_\_\_

Brief Description of Incident: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The Chairman gave an introduction as required by the Guidelines.

All written statements received in relation to the incident were then read. The Complainant and the owner/handler of the dog were then given an opportunity to question each other’s statements.

One by one, other witnesses were called into the inquiry to be questioned by the Committee and the parties in relation to their statements.

The Committee then asked all the parties to leave the room whilst they deliberated their decision.

Upon making their decision, which was to declare the dog: they called both the complainant and the owner or handler of the dog back into the room to advise them of their decision and to complete and sign the Aggressive Dog Incident Report form and to advise the owner of the dog his/her rights and obligations as required by the Regulations as a consequence of the decision.

Meeting closed at: \_\_\_\_\_ am/pm.