



Personal injury claims due to a dog attack

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Dogs are considered one of the friendliest of animals with their loving and obedient nature. However, a dog on the loose and/or not in the control of its owner has the potential to be aggressive and cause serious physical and psychological injury. In this blog, we look at the compensation options available if you're injured as a result of a dog attack.

Dog attacks can lead to both physical and psychological injury

The first thing you may think of when you hear 'dog attack' is physical injuries, including bites. But dog attacks are not limited to physical injuries. Your injuries may also be psychological, and, in many cases, this can be long-lasting. For example, if you have been chased by a dog, this can be a traumatising experience and can lead to a psychological injury. The psychological harm that may come from a dog bite can also be severe and ongoing.

Each dog attack is unique and situational based. If you've suffered physical and/or psychological injury as a result of a dog attack, it's important to seek legal advice about your options to pursue personal injury compensation.

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Compensation after a dog attack at work

If your workplace encourages employees to bring their dogs to work, keep in mind that while a man's best friend can seem cute and adorable, a dog outside their regular environment surrounded by strangers can quickly turn aggressive.

An unfamiliar environment may cause the dog to act out, which can cause someone at work serious physical and/or psychological injury.

It is your employer's responsibility to ensure that if pets are allowed at work, appropriate safeguards are put in place to prevent the possibility of attacks. Your employer has a duty of care to protect your health and safety while at work.

If you have been attacked by a dog while at work, you may be entitled to [lodge a WorkCover claim](#). This will allow you to claim worker's compensation statutory benefits for the following:

- Medical and like expenses;
- Weekly payments for loss of income;
- Domestic and home care;
- Travel expenses relating to medical appointments; and
- Lump sum payment for permanent impairment.

In addition to the above benefits, if your workplace injury occurred as a result of your employer's or a third party's negligence, you may also be entitled to common law damages. Common law damages include a payment for pain and suffering and economic loss and often, these claims can result in substantial compensation if successful.

You can learn more about entitlements under the Victorian WorkCover scheme in our earlier blogs:

- [WorkCover weekly payments – a comprehensive guide](#)
- [WorkCover lump sum compensation for permanent impairment](#)
- [WorkCover and mental health claims for psychological injury](#)
- [WorkCover common law claims and serious injury applications](#)

Dog owner's duty of care to keep the public safe from injury by their dog

There is a strict liability rule that is placed on dog owners to ensure that their dogs stay within their property when the owners are not at home (e.g. adequate fencing or keeping dogs inside), are properly trained and under the control of the owners and have a leash on when out and about.

As a result of this strict liability, more often than not, if a dog is wandering outside their home without their owner or a leash, the owner is in breach of their duty of care to the public. If an injury is caused as a result of the owner's negligence, they may be liable for personal injury.

If a dog attack occurs on private property where the dog was not trained and/or the owners did not have adequate control of the dog, this can also lead to liability for a personal injury claim, known as a [public liability claim](#).

Dog owners may be in breach of their duty of care and obligations to the public if:

- all necessary steps are not taken to prevent their dog from escaping their premises;
- when outside the home/property, their dog is not kept on a leash;
- their dog is untrained or uncontrolled;
- their dog roams into places in which they are not allowed such as a shopping centre, playground or a school.

Ultimately, the dog's behaviour is the responsibility of their owner, and if the owner fails in their duty of care, this may lead to a public liability claim if their dog causes injury to someone.

What public liability compensation can I claim after a dog attack?

It is important to remember that there is a three-year statute of limitations period for adults and a six-year statute of limitations period for children. A statute of limitations period is a time limit to commence legal proceedings in relation to the dog attack. These limitation periods commence at the date of the injury.

During this period, if you wish to bring a public liability claim (a type of personal injury claim) against the dog's owner, you are able to seek compensation for the following:

- Past and future loss of earnings;
- Pain and suffering;
- Medical and like expenses;
- Gratuitous care;
- Paid attendant care.

Should your personal injury claim be successful, you will receive a lump sum compensation amount from the dog owner's insurer.

Unidentified owners and unregistered dogs

What can pose an issue when pursuing compensation after a dog attack is when the attack or injury is caused by a stray dog or by a dog who flees from the scene. If there is no way to trace the dog owner, proving that the injury occurred as a result of the owner's negligence is difficult. Recording details of the attack (date, time, location, dog description) as soon as possible after the incident, together with (where possible) photo or video evidence, may assist in identifying the dog and, subsequently, the owner.

On occasions where the dog who attacked you is not registered to an owner, the person liable is the individual who owns and keeps the dog at their residence or the person who controls the dog.

Gathering evidence after a dog attack will assist your personal injury claim

Whilst being attacked by a dog can be a traumatic and fearful experience, if you can manage to note the following (if known), it may be beneficial for you in the future:

- Breed and/or description of the dog;
- Dog's name;
- Owner's name;
- Owner's details (contact information and address);
- Details of witnesses to the attack.

Once you have sought medical treatment, you should try and collate the above information as soon as possible after the incident. Seeking medical treatment immediately also ensures that there is a record of your injuries after the incident.

Report the attack to the police and your local council. This also ensures that there is a record of the attack. If the attack was a particularly violent attack, it may be that the dog has a prior history. Notifying the police and/or council will shed more light on the dog's behaviour and if necessary, a decision may be made for the dog to be put down.

If the injuries were physical, take photos of any wounds as soon as possible. Should the injuries worsen, you have evidence of your wounds at first instance. The doctor/hospital you attended will also have a record of your injuries.

Can my actions make me liable for a dog biting me?

Every dog attack claim varies, and though there is a heavy onus on the owner to have control of their dog to ensure that they do not cause injury to the public, your involvement may impact your claim.

If you were injured as a result of:

- trespassing;
- teasing the dog;
- organised dogfighting (which is illegal across Australia); or
- the dog defending an individual known to them (e.g. you are attacking the dog's owner);

your injury may be seen as a defence mechanism of the canine. If this is the case, the amount of compensation you are entitled to may be reduced. This is referred to as contributory negligence.

Get help from a public liability lawyer

Although some dog attacks are cut and dry, there can be complications. Often, where victims pursue compensation on their own, the offer from the owner (or their insurer) is insufficient and does not cover all their losses. Contacting a lawyer as soon as possible after injury from a dog attack will allow you to receive advice that is case-specific.

At Guardian Injury Law, we provide an initial free assessment of your claim's potential and run cases on a no-win, no-fee basis. So, it costs you nothing to find out where you stand.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

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This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.