

<b>SUBJECT:</b> <i>DOG MANAGEMENT POLICY</i>	<b>FILE NO:</b>	ANI/0204
<b>ADOPTED BY COUNCIL ON:</b> 15 May 2008	<b>MINUTE NO:</b>	218.05.08
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## Background

The *Dog Control Act 2000* came into force on 4<sup>th</sup> April 2001. This Act replaced the *Dog Control Act 1987* as the primary Act managing the control of dogs in Tasmania.

The object of the *Dog Control Act 2000* (as amended) is:

(a) *To make better provision for the care and control of dogs except those exempted by the Minister under Section 15A(2)(b) of the Act;*

- i. By requiring the registration and micro-chipping of all dogs; and*
- ii. By making special provision in relation to Restricted Breeds/Dangerous Dogs; and*
- iii. By imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person or other animal.*

*and*

(b) *To make provision in relation to damage caused by dogs.*

Council is responsible for the implementation of the provisions in the Act. This includes the development of a code for responsible dog ownership, provision for declared exercise and prohibited areas if so required, enforcement of dog control and the operation of a dog pound.

## Responsible Dog Ownership Code

The current Legislation gives rights to dog owners in the Flinders Municipality and clearly defines their responsibilities.

### Dog Owners' Responsibilities

- You must ensure your dog has adequate food, shelter and water;
- You must register and microchip your dog unless in a group of dogs exempted by the Minister eg: working dogs;
- You must provide your dog with adequate daily exercise;
- You must walk your dog on a lead within town boundaries;
- You must ensure your dog's living area is kept hygienically clean and tidy;
- You must remove your dog's faeces from any public place;
- Ensure your dog doesn't attack/harass/frighten any other animal or person;
- Ensure that your dog is not a nuisance (e.g. barking excessively);
- You must never take your dog into a prohibited area;
- You must restrain your dog while it is in or on a vehicle. It should be restrained on a lead short enough so as it cannot leave the vehicle or reach people that are walking by;
- Don't let your dog run up to people or jump up to greet them;

- Ensure your dog can't escape from its yard;
- Always put your dog on a lead when approaching other dogs and people;
- Respect signage regarding dogs on leads or dog prohibited areas; and
- Notify Council if your dog has passed away.

**REMEMBER BREACHES OF THE ABOVE MAY RESULT IN 'ON THE SPOT FINES'.**

## **Council Responsibilities and Objectives**

### **Objective 1:**

To actively promote responsible ownership of dogs

- By encouraging registration and micro-chipping of all dogs; and
- By education on responsible ownership.

### **Objective 2:**

To achieve the highest possible level of voluntary compliance within the Dog Control legislation

- By promoting the benefits of having a registered dog;
- By offering inducements for those that register early;
- By offering free advice on containing dogs and related problems; and
- By placement of Dog Waste Dispensers where appropriate.

### **Objective 3:**

To properly balance the rights of people to own dogs against the rights of non-dog owners not to be unduly effected by the presence and/or activities of dogs

- To encourage dogs to be kept on leads within townships;
- To assist people to remove their dog's feces by installing Dog Waste Dispensers;
- To encourage people to walk their dogs (under effective control) on tracks and walk ways to promote healthy lifestyles for human and hound; and
- To promote public events as being 'dog free' in the interest of those who do not appreciate dogs.

## **Promotion of the Objectives**

### **Education**

Council sees education as the best tool to combat problems associated with dogs and we will endeavour, where practicable, to use education as our main "tool".

### **Community Health and Safety**

Council has a role in improving community safety and health. Therefore, it is necessary to manage the activities of dogs. This involves avoiding potential conflict and minimising danger and distress caused by dogs to the community.

To maintain an acceptable level of community safety and health, Council will encourage all dog owners to ensure that their dogs are kept under effective control at all times by:

- Ensuring that all dogs are either on a lead, in a car or close to their owner in the townships of Whitemark and Lady Barron and the Villages of Emits, Killiecrankie and Palana;
- Requiring dogs to be tethered at all times when riding in the back of utilities.
- Ensuring that dogs are not allowed in shops, cafés or where food is served for hygiene reasons; and
- Regularly monitoring the Municipality for straying dogs.

Dogs are not permitted to be taken into the grounds of a school, pre-school, kindergarten, crèche, shop, public swimming pool, playing area of a sports ground on which sport is played, or any area within 10 metres of a playground or any National Park.

## **Enforcement**

When dogs have attacked or threatened a person or animals, or compromised community health and safety, enforcement action will be taken to control the problem.

### This may include:

- Issuing of a warning or infringement notice;
- Prosecution when the offence or the effects of the offence are significant, in accordance with the Dog Control Act 2000;
- Impounding of roaming dogs; or
- Euthanasia of the offending animal.

## **Dangerous Dogs**

Problems exist within a small section of the dog population, which pose a significant threat to the community through aggressive behavior. These are the dogs that may threaten or attack people or animals causing injury, damage or distress. It is important that where dogs are perceived (through their behavior) as dangerous, that the Council or the Police are informed to enable a proper investigation to take place and any necessary action to be taken to ensure public safety.

A dog may be declared dangerous if the dog has caused serious or non-serious injury to a person or another animal, or there is reasonable cause to believe that the dog is likely to cause injury to a person or another animal.

A guard dog is also a dangerous dog under the Act.

### **When dealing with dangerous dogs Council may:**

- Issue a warning or an infringement notice;
- Prosecute, where the offence or the effects of the offence are significant;
- Declare offending dog(s) to be a dangerous dog(s);

- Seize and detain a dog believed to have attacked a person or animal to enable a proper investigation to take place;
- Ensure all requirements of the Dog Control Act 2000 are undertaken with regard to a dangerous dog; or
- Euthanise the animal.

## What Are the Regulations?

### ➤ **Dangerous Dog Collars**

The dog must wear an approved Dangerous Dog Collar at all times.  
(Available only from Council)

Failure to do so may lead to a fine of up to \$2000.00.

### ➤ **Microchip Identification**

If there is no appeal in regard to the declaration of a dangerous Dog, an owner must ensure the dog is implanted in an approved manner with an approved microchip within 30 days after receiving a notice

Failure to do so may lead to fine of up to \$1000.00.

The microchip is not to be removed from the dog without the approval of the General Manager

Failure to do so may lead to a fine of up to \$2000.00.

### ➤ **When in a public place**

In addition to the regulations regarding collars and microchips:

1. The owner or person in charge of a dangerous dog must ensure that the dog is securely muzzled; and
2. The dog must be on a lead not exceeding 2 meters which is capable of controlling and restraining the dog; and
- 3 A dangerous dog must be under the control of someone who is at least 18 Year's old.

### ➤ **When on private premises**

In addition to the regulations regarding collars and microchips:

The owner or person in charge of a dangerous dog must ensure that the dog is housed in a child proof enclosure

## Child Proof Enclosures

A child proof enclosure is to meet the minimum standards of being:

- ↑ Fully enclosed;

- ↑ With walls, roof, and gate to be constructed of brick, timber and iron, or chain mesh made from 3.15mm or 4mm weld mesh with a maximum mesh spacing of 50mm; and
- ↑ Floored which is to be constructed of concrete with a minimum depth of 100mm and graded to allow drainage.
- ↑ The walls are to be fixed to the floor or constructed to be no more than 50mm above the floor;
- ↑ The gate is to be self- closing and contain a lock which is to be used whenever the dog is in the pen;
  
- ↑ Have a minimum floor area of 10 square meters;
- ↑ Have a minimum height of 1.8 meters, and the area must be roofed;
- ↑ Have a minimum width of 1.8 meters; and
- ↑ Contain a raised (50mm) weatherproof sleeping area.

## Property Inspections

Properties containing dangerous dogs will be inspected from time to time to ensure compliance with the required conditions and regulations.

## Warning Signs

The property where a dangerous dog is kept must display approved Dangerous Dog Signs at all entrances.

## When you must notify Council

The owner or person in charge of a dangerous dog must notify Council if:

- ↑ The dog is missing; or
- ↑ The dog dies.

## Restricted Breed Dogs

Dogs of a breed which have been banned from importation into Australia may be declared restricted breed dogs. Of the breeds banned from importation, only the American Pit Bull Terrier or Pit Bull Terrier is understood to be in Tasmania.

Once a dog has been declared a restricted breed it must be de-sexed and microchipped within 28 Days and an approved Restricted Breed Sign must be displayed at front entrance of your property.

## Control of a Restricted Breed dog in a public place

When a Restricted Breed dog is in a public place, the owner or person in charge of the dog must ensure that the dog is:

- Muzzled so as to be unable to bite a person or animal;
- Held on a lead that is not more than two meters long, and which is sufficient to control and restrain the dog;
- Under the control of a person at least 18 years old; and
- Wearing an approved collar at all times (an approved collar has distinctive markings and is available through Council).

For Further information regarding Restricted Breeds and Dangerous Dogs please call into Council to collect an information sheet.

## How to Avoid Being Bitten

- ↑ Never Approach a strange dog.
- ↑ Stand still but never turn your back on a dog.
- ↑ Avoid direct eye contact (eye to eye)
- ↑ Clasp hands in front of you, place your hands on upper chest and tuck your arms in close to your body.
- ↑ Slowly back up to a safe area.
- ↑ Contact Council if a dog is not under effective control and behaves in a threatening manner towards you.

## Signs of an Aggressive Dog

A dog may be aggressive toward you for a number of reasons. It may be that they are hurt and scared. Be that as it may, if you see a dog showing any of the following signs do not approach the dog;

- ↑ Growling.
- ↑ Lifts its lips and shows it's teeth.
- ↑ Raises the hair on its back.
- ↑ Backs Away.

## Nuisance

The activities of dogs can cause annoyance and discomfort to members of the community. The nuisances caused by dogs cover a wide range of issues and include:-

- Barking dogs;
- Dog pooing in public places and other peoples property; and
- Roaming dogs.

The *Dog Control Act 2000* states that a dog is a nuisance if:

- (a) it behaves in a manner that is injurious or dangerous to the health of any person; or
- (b) it creates a noise, by barking or otherwise, that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

## Barking

Barking dogs can be a difficult issue to deal with as every situation is different.

A noise that consistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place may be harmful to people's health and constitute a noise nuisance.

We urge residents to politely contact the owner directly, initially to resolve the problem as this is proven to be the most effective approach and also assists to maintain neighborhood harmony.

If initial contact fails to make improvements, keeping a diary of the times and longevity of the nuisance is recommended. The diary may then be used to either further indicated to the dog owner what a nuisance their dog is creating or can be submitted to Council as evidence to accompany an official complaint.

## Working Dogs

The Dog Control Act 2000 states that a working dog means a dog used principally for:

- (a) droving or tending livestock; or
- (b) detecting illegal substances; or
- (c) searching, tracking or rescuing; or
- (d) working with police officers.

To be classified as a working dog, a dog must be used *principally* for the above.

Working dogs should also be of a “working breed” and therefore household pet breeds may not be registered as such by Council.

Under section 15A(2)(b) of the *Dog Control Act 2000*, working dogs are declared as a class of dog that is not required to be implanted with an approved microchip under section 15A of the Act.

## Lost/Stray Dogs

If you lose your dog contact the Council Office on **63 595 001**.

If a dog is impounded there are charges for the collection of the dog and daily impoundment fees that are incurred for each day that the dog remains in the pound. The dog must be registered and booked in for microchipping before being released from the pound (if it is not already).

If you find a dog that seems to be lost or is roaming unattended, contact the Council on **63 595001**.

## Costs

The provision of a dog control service includes the maintenance of dog registration databases, the monitoring of regulations, management of the pound, investigation of complaints, enforcement actions, provision of education programs and the servicing dog poo bag dispensers etc.

Where possible Council will recover the cost associated with dog control from those who benefit from the service, where they can be identified.

Council aims to recover the majority of the costs associated with dog control through:-

- Registration and control fees
- Enforcement through infringement notices.

Fees will be reviewed annually, with the focus being to minimise cross subsidisation of dog control wherever possible.

## **Registration/Microchipping**

The maintenance of a registration/microchipping system is both a statutory requirement and an essential component of the efficient operation of a dog control service.

Information will be provided to owners and potential owners about their obligation to register their dog. Registration will be monitored and action taken against owners that fail to register. This includes:-

- Issuing of a warning or an infringement notice.
- Requiring all dogs to be registered/Microchipped before they are released from the pound.

## **Wildlife and Dogs**

Native or protected wildlife can be adversely affected by dogs, which can damage both populations and habitat. Where it is identified that dogs have a significant adverse effect on wildlife or their habitats, access for dogs may be restricted or in some instances prohibited (with the exception of Guide and Hearing dogs).

Areas declared to be restricted or prohibited areas will be identified by the appropriate signage.

## **Dogs on reserved land**

### **What is reserved land?**

Reserved land is any land as defined under the *Nature Conservation Act 2002* and includes National Park, conservation area and Crown Land. Within the Flinders Municipality, this land is managed by Parks and Wildlife Services (PAWS).

### **Where is the reserved land?**

The most significant areas that dog owners should be aware of are the beaches, Strzelecki National Park and recreational areas controlled by PAWS. Some of the bush areas may be conservation areas also under this jurisdiction.

## What do I need to do?

Generally respect any signage that PAWS have erected and always try to check who the property owner is prior to taking your dog for an outing.

PAWS have their own set of legislation and regulations with regards to dogs. To ensure you are compliant with their requirements always check for and read the PAWS signage and if you are still unaware contact the local ranger in charge.

## Prohibited Areas

Section 22 of the *Dog Control Act 2000* states:

1. *A council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.*
2. *A person must not take a dog that is not a guide dog or hearing dog into a prohibited area.*

Section 28 of the *Dog Control Act 2000* states that a person must not take a dog into:

- (a) any grounds of a school, preschool, kindergarten, crèche or other place for the reception of children without the permission of a person in charge of the place; or
- (b) any shopping centre or any shop; or
- (c) the grounds of a public swimming pool; or
- (d) any playing area of a sports ground on which sport is being played; or
- (e) any area within 10 metres of a children's playground; or
- (f) any National Park.

## Fees

It is mandatory that all dogs, over the age of 6 months, are registered.

Visiting dogs must display a registration tag from the Municipality in which they are registered, otherwise it must be a current Flinders Council tag.

Council will continue to support guide dogs by exempting fees for those animals, however contact must be made with Council to ensure that your guide dog is still 'registered' each year and you have obtained your tag. Guide dogs are still required to be microchipped.

Sterilised dogs will continue to be cheaper than 'entire' dogs though working dogs will remain cheaper again.

Registration fee discounts are provided in the month of July each year.

Dogs found "wandering" the streets, obviously out of any ownership control or reported by the public will be impounded and a fee will be charged for the collection and impounding of the dog. The owner of the dog will be contacted immediately if the animal is found to be wearing a registration tag, however additional fees will be charged for each day that the dog remains impounded.