



central  
highlands  
COUNCIL

# **CENTRAL HIGHLANDS COUNCIL**

## **DOG MANAGEMENT POLICY 2020**

**Policy adopted by Council -**



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## DEFINITIONS

### **In this policy -**

#### **"animal"** means-

- (a) any animal or bird kept for farming, breeding or other commercial purposes; or
- (b) any domestic animal; or
- (c) any native bird or native animal;

**"appropriate fee"** means a fee determined by the Council;

**"approved"** means approved by the Director of the Local Government Division;

**"at large"** means at large as referred to in section 5 of the *Dog Control Act 2000* (DCA2000);

**"attack"** includes bite, menace or harass;

#### **"authorised person"** means –

- (a) a police officer; or
- (b) a general manager; or
- (c) a person appointed by a general manager to be an authorised person; or
- (d) a person who is a ranger under the *National Parks and Wildlife Act 1970*; or
- (e) a person appointed as a bailiff of Crown Lands under the *Crown Lands Act 1976*;

**"breeding dog"** means a pure bred dog used for breeding purposes, the owner of which has a registered stud with the Tasmanian Canine Association;

#### **"built-up area"** means an area in which-

- (a) there are buildings on land next to the road; and
- (b) there is street lighting at intervals not over 100 metres for a distance of at least 500 metres or, if the road is shorter than 500 metres, for the whole road;

**"collar"** means a collar of leather or other durable material

**"complaint"** means a complaint referred to in section 47

**"dangerous dog"** means a dog declared to be a dangerous dog under section 29 or 30 of the *DCA 2000*;

**"declared area"** means a declared area under division 2 of part 3 of the *DCA 2000*;

**"de-sexed dog"** means a dog of either sex which has been sterilised or neutered;

**"Director"** means the Director of Local Government;

**"dog"** means an animal of the species *Canis familiaris* or *Canis familiaris dingo*

**"domestic animal"** means an animal or bird kept as a domestic pet;

**"effective control"** means effective control as referred to in section 4 of the *DCA 2000*;

**"exercise area"** refers to an area declared under section 20 of the *DCA 2000*;

**"General Manager"** means the General Manager of the Council appointed under the *Local Government Act 1993*;

**"Infringement notice"** means a notice referred to in Division 2 of Part 4 of the *DCA 2000*;

**"lead"** means a lead, leash, cord or chain of sufficient strength to restrain a dog;

**"licence"** means a licence to keep on premises –

- (a) more than two dogs over the age of 6 months; or
- (b) more than 4 working dogs over the age of 6 months;

**"occupier"** in relation to premises, includes a person who has or is entitled to possession or control of the premises;

**"owner of a dog"** means a person referred to in section 6 of the *DCA 2000*;

**"pensioner"** means a person in receipt of a Commonwealth Pension as defined in the *Local Government Act 1993*

**"pound"** means a pound established under the *Local Government Act 1993*;

**"premises"** includes land or any part of any premises or land;

**"prohibited area"** means an area declared under section 22 of the *DCA 2000*;

**"public notice"** means a notice published in a daily newspaper or the *Derwent Valley Gazette*;

**"public place"** means-

- (a) a public place as defined in the *Police Offences Act 1935*; and
- (b) a road; and
- (c) a road related area;

**"register"** means a register kept under section 15 of the *DCA 2000*;

**"registered dog"** means a dog registered in accordance with the *DCA 2000*;

**"registration disc"** means a disc or tag referred to in section 10(1) of the *DCA 2000*;

**"restricted area"** means an area declared under section 23 of the *DCA 2000*;

**"road"** means-

- (a) an area that is developed for, or has as one of its main uses, the driving or riding of motor vehicles and is open to, or used by, the public: and
- (b) a part of the kerb: and
- (c) an unsealed part of a sealed road:

**"road-related area"** means –

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) a footpath or track that –
  - (i) is not a road; and
  - (ii) is designed for use by cyclists or pedestrians; and
  - (iii) is open to the public;

**"shopping centre"** means a collection of shops in an enclosed area covered by a roof or forming a courtyard or square, excluding any area provided for the parking of vehicles;



**“special assistance dog”** means a dog specifically trained to assist a person with a disability and includes;-

- (a) a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967*; or
- (b) a hearing dog as defined by the *Guide Dogs and Hearing Dogs Act 1967*; or
- (c) a dog training to be a guide dog or hearing dog.

**“training area”** means an area declared under section 21 of the DCA 2000;

**“veterinary surgeon”** means a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1987*;

**“working day”** means a day on which the public office of the Council is open for business;

**“working dog”** means a dog used principally for –

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

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## 1. INTRODUCTION

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The Dog Control Act 2000 (DCA 2000) was introduced into State Parliament in December 2000. The Act became effective on the 4<sup>th</sup> April 2001 and replaced the Dog Control Act 1987 as the primary Act managing the control of dogs in Tasmania. It is now the primary legislation in this area.

The DCA 2000 requires that Councils develop and implement a **Dog Management Policy** with the Policy to include the following:

- A code relating to responsible ownership of dogs;
- The provision of declared areas;
- A fee structure;
- Any relevant matter

The Dog Management Policy is to be reviewed at least once every 5 years and the Central Highlands Council (Council) is committed to working in partnership with the community to produce a Policy to encourage a compatible relationship between dog owners and non-dog owners and ensuring a quality of life for the animals themselves.

Council is required to manage most of the provisions in the Act. This includes providing dog control and impounding operations.

## 2. RESPONSIBLE OWNERSHIP

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Dogs are an important part of society and many value their companionship. As with any animal there are standards of care and welfare that need to be observed. The views and concerns of neighbours and other members of the community need to be considered.

Responsible dog ownership requires accepting full responsibility for dogs, in terms of their needs and the standards for dog management that are expected by the community.

It is the responsibility of every dog owner to:

- Ensure that the dog is registered and that registration is maintained, as well as ensuring that the dog is microchipped in accordance with the Dog Control Act 2000
- Ensure that the dog is kept under effective control at all times and not allowing a dog to be at large;
- Ensuring that it is collared and on a lead in public places and that it is properly restrained when in or on a vehicle so that it is unable to leave the vehicle or attack any person or animal outside the vehicle.
- Ensure that the dog does not cause a nuisance to any other person, whether by persistent or loud barking, howling or by any other means;
- Ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person. An owner is responsible for the actions of a dog;
- Ensure that the dog does not damage or endanger any property belonging to any other persons;
- Ensure that dogs are not allowed to roam unsupervised;
- Take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any livestock, poultry, domestic animal, or protected wildlife;

- Ensure that the dog receives proper care and attention and is supplied with sufficient food, water and shelter;
- Ensure that the welfare of the dog is protected as required by the Animal Welfare Act 1993;
- Ensure that the dog receives adequate exercise; and
- Clean up after the dog should it defecate in a public place and dispose of waste in a responsible way.

An owner can be held liable for the actions of a dog and can be fined or penalised for dog control offences. Owners can also be liable to pay compensation for injury or damage caused by a dog in their charge. An owner's failure to properly control a dog may in some circumstances result in the dog being seized, impounded and possibly destroyed.

### **Responsibilities of the Owner or Person in Charge of a Dog**

Under the Act the owner or person in charge of a dog must ensure (that):

1. That the dog remains under effective control and does not cause a nuisance in private premises, in a public place, or rushes at or chases any person.
2. The dog is on a leash no longer than 2 metres when in a built-up area in a public place.
3. The dog is not tethered to a fixed object in a public place by a lead longer than 2 metres or for longer than 30 minutes.
4. They have no more than 2 dogs on a lead on a footpath or road.
5. They have no more than 4 dogs in their charge in a public place.
6. When on private property the dog/s are securely confined to that property.
7. They clean up after the dog should it defecate in a public place.
8. The dog is wearing a collar and registration disc when in a public place.
9. Council is notified on the death, loss or disposal of a dog, or a change of address.
10. The dog does not rush at or chase motor vehicles or bicycles in a public place.
11. The dog does not attack or chase any person or another animal.
12. Dogs are not taken into prohibited areas.
13. Dogs are not taken into restricted areas outside allowable times.
14. The dog is microchipped in accordance with the Act.

## **3. DECLARED AREAS**

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### **ACCESS TO PUBLIC PLACES**

The following will allow dogs and owners access to public places, while ensuring public safety and comfort. Where it has been determined that there is a potential danger to public safety "restricted" access applies to identified areas.

Dogs are allowed anywhere in the towns on a leash not exceeding two (2) metres or if under effective control in accordance with Section 3 of the Dog Control Act 2000, except for those particular areas identified as "Prohibited Public Places". Section 3 of the Dog Control Act 2000 states:

- (1) *A dog is under the effective control of a person in a public place if the dog is –*
  - (a) *on a road or road-related area in a built-up, or any other public place declared under Division 2 of Part 3 to be an area where a dog must be on a lead, and the dog is secured and restrained by means of a lead not more than 2 metres long held by hand by a person able to control the dog; or*

- (b) *tethered to a fixed object by a lead not more than 2 metres long for a period not more than 30 minutes.*
2. *A dog is under the effective control of a person while not on a lead if the dog is-*
- (a) *a working dog engaged in working; or*
  - (b) *a hunting dog engaged in hunting; or*
  - (c) *engaged in racing or showing; or*
  - (d) *engaged in obedience or agility trials; or*
  - (e) *engaged in training for any activity referred to in paragraph (a), (b), (c) or (d); or*
  - (f) *engaged in training in a training area.*
- (3) *In an area where a dog is not required to be on a lead, the dog is under the effective control of a person if;*
- (a) *it is in close proximity to the person; and*
  - (b) *it is in sight of the person; and*
  - (c) *the person is able to demonstrate to the satisfaction of an authorised person that the dog is immediately responsive to the person's commands.*
- (4) *A dog is under the effective control of a person on private premises if the dog is securely confined to those premises.*
- (5) *A person, at any one time, must not have in his or her charge more than –*
- (a) *2 dogs on a lead on a footpath; or*
  - (b) *4 dogs in a public place.*

Access restrictions to public places are identified by four defined areas. The DCA 2000 classifies "public places" as follows:

- Exercise – Dogs may be exercised subject to any specified conditions
- Training – Dogs may be trained subject to any specified conditions
- Prohibited - Dogs are not allowed under any circumstances;
- Restricted (specified times) - Dogs are not allowed at specified times unless they are on a lead

*Dogs must be kept under control at all times.*

### **EXERCISE AND TRAINING AREAS**

(in these areas dogs are allowed off a "lead" but be under "effective control")

Specific Exercise and Training areas will be considered by council upon written requests from dog obedience trainers, registered clubs and/or community representatives. Owners are required to maintain control over their dog at all times.

Please note – dogs are prohibited within 10 metres of a children's playground as per Section 28 (e), dogs are not allowed within 20 metres of a BBQ area unless on a leash not exceeding two (2) metres.

### **PROHIBITED AREAS**

(in these areas dogs are not allowed at any time)

#### **PROHIBITED PUBLIC PLACES** (As defined in the Dog Control Act)

- Any grounds of a school, preschool, kindergarten, crèche or any other place of the reception of children without the permission of a person in charge of the place.



- Any shopping centre or any shop.
- The grounds of a public swimming pool.
- Any playing area of a sports ground on which sport is being played.
- Any area within 10 metres of a children's playground.

**PROHIBITED AREAS / PLACES** (As defined by Council)

- Any Community Hall or Premises where food is being served.

**DECLARED PROHIBITED AREAS** (As per the National Parks and Wildlife Act 1970, which includes the National Parks and Reserved Land Regulations 1999 and the Crown Land Act 1976 which include the Crown Lands Regulations 2001)

Alma Tier Nature Reserve	24 Hours a Day	7 Days a Week
Central Plateau Conservation Area Proclaimed CPR1872	24 Hours a Day	7 Days a Week
Central Plateau Conservation Area Proclaimed CPR4609	24 Hours a Day	7 Days a Week
Central Plateau Conservation Area Proclaimed CPR4654	24 Hours a Day	7 Days a Week
Central Plateau Conservation Area Proclaimed CPR5006	24 Hours a Day	7 Days a Week
Cradle Mountain-Lake St Clair National Park - Proclaimed CPR487	24 Hours a Day	7 Days a Week
Cradle Mountain-Lake St Clair National Park - Proclaimed LM211	24 Hours a Day	7 Days a Week
Dickinsons Nature Reserve	24 Hours a Day	7 Days a Week
Duckholes Lagoons Nature Reserve	24 Hours a Day	7 Days a Week
Great Western Tiers Conservation Area - Proclaimed CPR4547	24 Hours a Day	7 Days a Week
Great Western Tiers Conservation Area - Proclaimed CPR4577	24 Hours a Day	7 Days a Week
Mount Bethune Conservation Area	24 Hours a Day	7 Days a Week
Pelham Nature Reserve	24 Hours a Day	7 Days a Week
Pelham North Nature Reserve	24 Hours a Day	7 Days a Week
Pelham West Nature Reserve	24 Hours a Day	7 Days a Week
Silver Plains Conservation Area	24 Hours a Day	7 Days a Week

Strickland Conservation Area	24 Hours a Day	7 Days a Week
Table Mountain Conservation Area	24 Hours a Day	7 Days a Week
The Steppes Conservation Area	24 Hours a Day	7 Days a Week
The Steppes State Reserve	24 Hours a Day	7 Days a Week
Tiger Rise Conservation Area	24 Hours a Day	7 Days a Week
Wayatinah Conservation Area	24 Hours a Day	7 Days a Week

Please refer to the Tasmania Parks and Wildlife Service for further details on locations at <https://parks.tas.gov.au/explore-our-parks/map-of-parks>

**RESTRICTED AREAS – SPECIFIED TIMES, DAY OR SEASONS** (In these areas, dogs are not allowed during the times specified unless they are on a lead. These are areas where it is considered that a significant conflict exists, however this is limited to particular times. In order to prevent danger, and to minimise distress and nuisance, dogs shall be prohibited from these areas during the times specified)

The following public places will be classed as "**Restricted Areas**" for the times specified in relation to dogs and pursuant to a resolution made under section 23 (1b) (dogs restricted within these times unless they are on a lead not exceeding two (2) metres) of the DCA 2000. Please note – dogs prohibited within 10 metres of a children's playground as per section 28 (e) and are not allowed within 20 metres of a BBQ area unless on a leash not exceeding two (2) metres.

**Restricted** areas dogs must be "on leash" and under "Effective Control"

Residential Areas surrounding Great Lake	24 hrs	7 Days
Residential Area surrounding Arthurs Lake	24 hrs	7 Days
Residential Area surrounding Bronte, Bronte Lagoon & Bradys Lake	24 hrs	7 Days
Residential Area surrounding Derwent Bridge	24 hrs	7 Days
Townships of Bothwell, Hamilton, Ouse, Gretna, Ellendale, Westerway, Wayatinah	24 hrs	7 Days

## 4. FEE STRUCTURE

Council must determine all fees payable under the DCA 2000. The schedule of fees will be set annually and will be in line with the financial year, i.e. 1<sup>st</sup> July to 30<sup>th</sup> June. In addition to setting a schedule of fees, Council will also determine categories of dog

registration, discounted registration fees and the required evidence in order to claim a discounted registration fee.

All dogs must be registered at the age of 6 months and this must be done by the end of the month in which the dog becomes 6 months old. An application for registration is required to be completed and submitted to Council. The registration year is from 1<sup>st</sup> July to 30<sup>th</sup> June the following year.

### **Registration Categories**

1. Domestic Dog (Desexed)
2. Domestic Dog (Not Desexed)
3. Pensioner (1<sup>st</sup> Dog Only)
4. Working Dog (used for the purpose of working farm stock)
5. Hunting Dog (used to flush game)
6. Greyhound (TGRA registered)
7. Registered Breeding Dog (TCA Registered & Dog Owner holding current membership of the TCA)
8. Special Assistance Dog (Guide Dog / Hearing Dog)
9. Declared Dangerous Dog

Where a dog is to be registered in one of the categories below it will be necessary for the owner to provide that his / her dog fits the category. The evidence required for each category is as follows:-

1. **Dangerous Dog** – Means a dog declared to be dangerous under Section 29 of the *Dog Control Act 2000*.
2. **Desexed Dog** – Certificate of Sterilisation from a veterinary surgeon that the dog is sterilised or the provision of a statutory declaration.
3. **Guard Dog** – A dog used to guard non-residential premises.
4. **Guide Dog / Hearing Dog** – Same meaning as provided under the *Guide Dogs and Hearing Dogs Act 1967* or subsequent relevant legislation.
5. **Pensioner** – prescribed pensioner under the meaning of the *Local Government (Rates and Charges) Remissions Act 1991*.
6. **Pure Bred Dogs** – Certificate of registration and pedigree issued by the Tasmanian Canine Association (TCA) or equivalent interstate certification, together with a current membership card of the TCA.
7. **Working Dog** – Used principally for droving or tending stock, detecting illegal substances, searching, tracking, rescuing or working with police officers.
8. **Hunting Dog** – Used to flush game.
9. **Grey Hound** – Registration Certificate of the Tasmanian Greyhound Racing Council.

### **Payment and Setting of Fees**

Fees are set by Council in April / May each year and fees not paid by 31 July each year will incur penalties.

Council advises current dog owners of the fees at the commencement of the financial year and provides a period of approximately 8 weeks to the 31<sup>st</sup> July each year from prompt registration to be encouraged. During this time a discount rate applies to the

fees for each relevant registration category. Higher fees apply following 31<sup>st</sup> July each year.

### **Applications for registration made after 31<sup>st</sup> December**

Where an application is made to register a new dog a reduction of fee by 50% is to be applied to the registration fee provided the dog is registered within four weeks of purchase and the registration application is voluntary.

### **Replacement Cost of Lost Tags**

A fee, as set by Council, will be charged for a replacement Tag.

## **5. KENNEL LICENCES**

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Any person wanting to keep more than 2 dogs on premises, or in the case of working dogs, more than 4, must apply to the General Manager for a licence to do so.

The application is to be in the approved form. The applicant must advertise, by public notice, their intent to apply for a licence and the address and the number, and breed or kind of dogs to which the application relates.

The notice must also call for any objections to the granting of the licence. Persons residing or owning land within 200 metres of the boundary of the premises to which the application relates may object to the granting of a licence. Any objection is to be made within 14 days of the public notice being published. **It is to be in writing to the General Manager and it is to set out the reasons for the objection.**

Council will not consider a kennel licence application until 28 days after the publication of the public notice, and all objections will be considered.

A property inspection will be carried out to ensure that kennel requirements are complied with and that adequate provisions for the health, welfare and control of the dogs on the premises are provided. If granted the period of the licence will expire on the 30<sup>th</sup> June following the date of granting the licence and is renewable on payment of the appropriate annual fee.

Property inspections will be conducted to ensure that:

- No dogs other than stipulated in the licence are being kept on the property;
- All dogs over 6 months of age on the property are registered;
- Provisions for the health, welfare and control of the dogs is maintained;
- No nuisance to any other persons' property or premises is likely to be caused.

The General Manager or his/her delegate may cancel a licence if satisfied that:

- Provisions of the Dog Control Act 2000 or other relevant Act are not complied with;
- Conditions of the licence are not complied with;
- The situation or condition of the premises is creating a nuisance;
- It is in the public interest that the licence be cancelled.

An applicant or holder of a licence may, by notice in writing to the clerk of petty sessions, appeal to a Magistrate any decision by the General Manager or his/her delegate to:

- Refuse to grant or renew a licence;
- Cancel a licence;

## **KENNEL REQUIREMENTS**

### **Residential and Surround Areas**

The following specifications are considered the minimum required for domestic dogs / pets:

- The kennel is to be at least 9 metres from any neighbouring dwelling house, where possible;
- The kennel shall be at least 2 metres from any boundary of the premises, where possible;
- The premises shall be enclosed in such a manner so as to contain any dogs kept in the yard;
- The kennel shall be constructed in such a way as to provide effective methods of cleaning and disinfecting;
- There shall be sufficient room to allow dogs reasonable freedom of movement;
- There shall be a raised (50mm) and weatherproof sleeping area;
- Adequate ventilation and insulation shall be provided to maintain a comfortable internal temperature free from condensation;
- A sanitary method of disposal of excreta and waste shall be provided.

The above is the minimum requirements for working dogs (more than 4).

### **Rural Areas**

- The kennel or yard shall be constructed in such a way as to provide effective methods of cleaning and disinfecting;
- The kennel or yard shall be constructed to the approval of the General Manager or his/her delegate.

*Council may issue a kennel licence for the keeping of a specified number of dogs on premises which shall not comply with some or all of the above minimum specifications provided that, the General Manager or his/her delegate is satisfied that adequate provisions for the health, welfare and control of the dogs is provided, and that no nuisance is likely to occur to any other persons' property or premises.*

## **6. ENFORCEMENT**

The DCA 2000 provides several powers to authorities to control dogs and enforce the requirements of the Act. The use of enforcement mechanisms is provided to allow authorities to effectively carry out their obligations, to protect the community and to offer a sufficient deterrent against non-compliance with the law.

This section outlines the different enforcement mechanisms that are available to the Central Highlands Council and identifies how they will be applied. The applications of many of the mechanisms that are discussed in this section are prescribed by the DCA 2000 and are not open to interpretation by Council. These have been identified where relevant.

The different methods of enforcement are outlined below:-

### **PROSECUTION**

The DCA 2000 sets out the obligations of dog owners. Where a person has failed to comply with a particular obligation under the DCA 2000 they can be prosecuted in a

Court of Law. These offences can carry heavy fines. The situations for which a person can be prosecuted are defined in the DCA 2000.

Prosecution can be a costly process both in terms of time and resources and alternative methods of enforcement do exist. However, where an offence is considered to be serious and sufficient evidence exists, Council will consider prosecuting an offender in a Court of Law. This includes situations where a dog has:

- caused significant damage or injury to any person or animal;
- caused danger, distress or nuisance to any person or the community on a number of occasions.

### **INFRINGEMENT NOTICES**

The DCA 2000 empowers Animal Control Officer's (ACO) to issue Infringement Notices that impose an "on-the-spot" fine on the recipient. Infringement Notices can only be issued for particular offences (called infringement offences). These fines are set under the DCA 2000 and once issued, the recipient has 28 days to settle. After this period the infringement is lodged with the Monetary Penalty Enforcement Service.

The use of Infringement Notices is considered a more efficient method of enforcement and allows Council to effectively fulfil its objectives under this policy. Council will consider issuing an infringement notice rather than referring an offence to the court.

Where an ACO considers that an infringement offence has occurred, the ACO may choose to issue the offender with an official caution notice in the first instance and an Infringement Notice in all subsequent situations.

There are some infringement offences that are considered to be more serious or intentional. In these situations caution notices will not be issued.

## **7. DANGEROUS DOGS**

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Classifying dogs as dangerous is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour. Council will, where appropriate, classify dogs as dangerous.

The General Manager of a Council may declare a dog dangerous if:

- the dog has caused serious injury to a person or another animal; or
- there is reasonable cause to believe that the dog is likely to cause serious injury to a person or another animal.

A dog may be considered dangerous because of an obvious act or incident in which it has threatened, attacked, and in some cases, caused serious injury or death to an animal or person. This physical act is an expression of aggression and in most cases this aggression has been contributed to by human intervention. There are several triggers for aggression in dogs, which may be more prominent depending on the breed. They are:

- Territorial aggression
- Protective aggression
- Fear aggression
- Predation aggression
- Dominance aggression

- Learned aggression

No matter what the trigger, or the level of human intervention, it is not an acceptable community standard that dogs who display aggression be allowed to be in a position to carry out the physical act. Council, in its commitment to ensuring a safer environment, endorses legislation in relation to dangerous dogs.

The owner of a dog declared to be dangerous has the right to appeal the decision to a Magistrate, the appeal must be lodged within 14 days of notification of the declaration.

ACO's investigating a dog attack incident will make recommendation to the General Manager or his/her delegate as to whether the dog should be declared a dangerous dog. Any recommendation should be made after consultation with the victims, witnesses and the dog owners, and is to take into consideration:-

- The severity of the incident
- The history of the dog/owners
- The degree of human intervention
- Any other mitigating circumstance
- The desired outcome and the *need* for legal proceedings

The owner of a declared dangerous dog must comply with all relevant conditions of the DCA 2000. Council will act in accordance with standard operating procedures to any breaches of these conditions.

Properties where a declared dangerous dog lives will be inspected from time to time by ACO's to ensure compliance with conditions of the DCA 2000 and Council's Dog Management Plan.

Council will maintain a register of declared dangerous dogs in accordance with standard operating procedures. Any request for details from this register must be made in writing to the General Manager.

### **RESTRICTED BREED**

An authorised person may declare a dog to be a restricted breed dog, having regard to any approved guidelines relating to restricted breeds, and is satisfied that the dog is a dog of a restricted breed.

The following breeds of dog are restricted breeds:

- (a) Dogo Argentino;
- (b) Fila Brasileiro;
- (c) Japanese Tosa;
- (d) American Pit Bull Terrier or Pit Bull Terrier
- (e) Perro de Presa Canario or Presa Canario;
- (f) Any other breed, kind or description of dog whose importation into Australia is prohibited by or under the *Customs Act 1901* of the Commonwealth.

### **GUARD DOG (Non-residential)**

For a dog to be a worthy guard dog, it must exhibit certain characteristics of which the need to dominate is a major one. They are required to be strong, courageous, disciplined and intelligent animals. These dogs are easily trained and would exhibit learned territorial / protective aggression. The professionally trained guard dog should pose no greater threat than any other dog when it is "off duty".

Unfortunately, most guard dogs encountered receive very little or no training and their natural characteristics coupled with no discipline make them a threat in some situations. Council endorses legislation in relation to guard dogs.

The owner of a dog that is used to protect non-residential property must notify Council that they have a guard dog. The General Manager or his/her delegate will declare that dog to be a dangerous dog while it is working. The owner must comply with all conditions relating to a guard dog as prescribed by the DCA 2000.

Details of guard dogs will be maintained in the Dangerous Dog Register. Properties where guard dogs are kept will be inspected from time to time to ensure compliance with conditions of the DCA 2000.

Once notified in writing by the owner of a guard dog that the dog is no longer used to guard non-residential properties, the General Manager or his/her delegate may revoke the declaration that the dog is a dangerous dog.

### **REQUIREMENTS FOR KEEPING A DANGEROUS DOG/GUARD DOG**

**Micro-chipping** - The owner of a dog declared dangerous must ensure that the dog is implanted with an identifying micro-chip in an approved manner within 30 days of being served notice of the declaration.

**Warning Signs** - The owner or person in charge of a dangerous dog must ensure that *approved* signs are displayed at all entrances to the property where the dog is kept. These are available only through Council.

**Collars** - The owner or person in charge of a dangerous dog must ensure the dog wears an *approved* collar at all times. These are available only through Council.

**Childproof Enclosure** - When on private premises and not under adult supervision, or in the case of a guard dog, when the dog is not performing guard duties, it is to be housed in a childproof enclosure.

The owner or person in charge of a dangerous dog must ensure that the dog, when in a public place is:

- a) muzzled; and
- b) on a lead not exceeding 2 metres that is of sufficient strength to control and restrain the dog; and
- c) under the control of a person at least 18 years of age.

### **CHILDPROOF ENCLOSURE**

A childproof enclosure is to meet the following minimum standards:-

- be fully enclosed.
- walls, roof and gate to be constructed of brick, timber, iron or 3.15mm chain mesh or 4mm weldmesh with a maximum spacing of 50mm.
- The floor is to be constructed of concrete to a minimum depth of 50mm 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 have affixed to it a lock, which is to be used whenever the dog is in the pen.
- Have a minimum floor area of 10 square metres.
- Have a minimum height of 1.8 metres.
- Have a minimum width of 1.8 metres.



- Contain a raised (50mm) weatherproof sleeping area.

## 8. IMPOUNDING

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The DCA 2000 sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of the Act, or, on any property other than the owner's, it may be impounded. Where any dog is impounded and the owner is known, Council shall make all attempts to contact the owner. The owner then has five working days to recover the dog from the pound.

In the event that the owner of the dog is unknown, Council must keep the dog for three working days. If the dog is not claimed after this time, the dog may be disposed of (for example a new owner found) or destroyed as Council sees fit. Where a dog is recovered from the pound, it shall not be released until it is registered and all registration and pound fees are paid.

There are pounds at the Bothwell and Hamilton Council Depot yards, and dogs are transferred from these pounds to the Dogs' Home, Risdon Vale.

## 9. COMPLAINTS

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With an ever-increasing urban animal population, there will invariably be associated problems with them. It is expected that with a balance of proactive and reactive education and enforcement this will minimise the impact of inappropriate dog behaviour.

Council recognises the right of community members to seek assistance in dealing with nuisances created by dogs. Council exists to represent the community and ensure that quality services are provided. This is best achieved by open communication between Council staff, the complainant, and the dog owner/s.

To this end, ACO's will not respond to complaints made anonymously. Council maintains the right to ask the complainants name, address and telephone number. It is essential that staff have access to this information so they may clarify details, seek further information, and to advise outcomes of investigations into the complaint. This information is strictly confidential and not passed on to any other member of the community.

A refundable fee, as set by Council, will be charged for all official complaints.

**COUNCIL'S ANIMAL CONTROL OFFICER WILL ONLY DEAL WITH OFFICIAL COMPLAINTS.**