
Derwent Valley Council



DERWENT VALLEY COUNCIL

Dog Management Policy 2011

Policy adopted by Council – 14 July 2011

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1. Introduction and Objective

There has been a steady increase in dog ownership over recent years and the Derwent Valley Council recognises the many benefits of companion animal ownership. However with a large and increasing urban animal population there will always be associated problems.

The *Dog Control Act 2000* (DCA 2000) requires that Councils develop a Dog Management Policy and that adequate community consultation takes place. Council is committed to this requirement and has aimed at producing this plan in partnership with the community ensuring quality of life for dog owners, non dog owners and the animals themselves.

The objective of the Derwent Valley Council's Dog Management Policy, in conjunction with the DCA 2000 and the *Local Government Act 1993*, is to:-

“Ensure a caring and safe environment, where any conflict caused by dogs within the community is minimised, and the rights of dog owners and non dog owners are respected”

2. Background

Amendments to the DCA 2000 were made in 2009 with the aim of increasing public safety and highlighting the responsibilities of dog owners.

The majority of these amendments will commence on 1 July 2011.

From that date, dog owners will need to comply with new control requirements which have been introduced to reduce the risk of dog attacks in the community.

An outline of the new requirements, and general information on other dog ownership issues, is provided in this document.

The DCA 2000 requires that Councils develop a Dog Management Policy and that adequate community consultation takes place.

The Derwent Valley Council (Council) is committed to the viability of this process and has produced this plan in partnership with the community ensuring quality of life for dog owners, non-dog owners and the animals themselves.

Council has the requirement to manage most of the provisions in the Act. This includes providing a dog control and impounding operation.

Council is obligated to develop a policy on dogs within their area. Section 7 of the DCA 2000 states:

- (1) *A Council is to develop and implement a policy relating to dog management in its municipal area;*
- (2) *A dog management policy is to include the following:*
 - (a) *A code relating to responsible ownership of dogs;*
 - (b) *The provision of declared areas;*
 - (c) *Any relevant matter*

From 1 July 2011 all dogs in Tasmania will be required to be micro-chipped. The benefits of micro-chipping your pet, such as being able to more easily identify lost animals, can be of huge benefit.

3. Education

Derwent Valley Council recognises that it is important that the provision of education will help to promote greater awareness amongst owners and the general community about the issues associated with dog control.

Education and the provision of information about dogs and ownership responsibilities is seen as a method of being able to address dog control problems before they occur. With the new requirements of the DCA 2000, it is important that owners are aware of what is demanded of them and how they are able to address dog control problems as they arise such as noisy dogs.

Dog ownership can impact on all members of the community. Council recognises it is important to provide information and education regarding responsible pet management to all sectors of the community.

Mechanisms used to provide education to all members of the community include:

- Brochures on responsible dog management
- School based learning packages
- Public meetings
- Individual counselling
- Raising community awareness by media advertising
- Regular news articles and obedience tips in the Derwent Valley Gazette
- Referring to statutory bodies and associated professionals

Most members of the community come into contact with dogs on a regular basis. For this reason, it is important to educate the wider public about dog control issues.

Education should focus on those groups in the community that come into regular contact with dogs or are at a higher risk from dogs, these include:

- Prospective owners;
- Children;
- Other groups.

4. Guidelines

Pre-Purchase

Dogs are valuable companion animals that require a commitment to their welfare over their entire life span. In order to fully understand the obligation research should be undertaken prior to making the final purchase decision.

Some issues that need to be considered before purchasing a dog are:-

- The breed of the dog and its suitability to the home environment e.g. the number and age of family members, compatibility with other pets, size of the yard, adequacy of fencing, proximity of neighbours, housing of dog.
- Vaccinations and ongoing veterinary requirements.
- Dietary requirements.
- Arrangements if going on holidays- proximity and cost of kennels
- Familiarisation with the community environment – e.g. proximity and location of dog exercise areas, areas in which dogs are prohibited, location of veterinary clinics, location of pet shops, availability of obedience classes.
- Initial and continuing costs. – purchase, vaccinations, de-sexing, veterinary costs, registration costs, dietary requirements, obedience classes, grooming.
- Regulations governing dog management – *DCA 2000, Dog Management Policy, and Animal Welfare Act 1993.*

Consideration of Others

As a member of the broader community there are obligations for us all in considering the impact of our actions on others. For the dog owner this includes taking action to:-

- Ensure your dog does not bark excessively
 - Ensure your dog does not wander off your property.
- Irrespective of how much positive education on responsible dog ownership the

community is exposed to, there will always be an element of our society that is unresponsive and uncooperative. Such people either fail or simply refuse to conform to acceptable codes of behaviour and reasonable community expectations. Examples - owner allows dog to roam, excessive barking etc.

It is this minority group that makes it necessary to have legislation and develop policies through our Dog Management Policy to govern the keeping of dogs in our community.

5. General Dog Control Issues

You have an obligation to keep your dog under effective control.

This means that, when your dog is in a public place, such as on a road or in a road related area, it must be held on a lead not more than two metres long by a person able to control the dog. For example, a small child should not be put in control of a large dog.

When your dog is off-lead in other areas, including off-lead exercise areas, you must still keep it under effective control. This means that it must be close to you and in sight at all times and respond to your commands.

You may not have in your charge more than two dogs on a lead on a footpath, or more than four dogs in a public place.

Not complying with these control measures can be an offence punishable by a fine not exceeding 5 penalty units. A court may also order that a dog be destroyed.

Rushing or chasing

If you allow a dog in your charge to rush at, or chase, a moving vehicle or bicycle in a public place you may be liable to a penalty of up to not exceeding 5 penalty units. If you urge the dog to do this, you may face a fine not exceeding 10 penalty units.

If your dog rushes at or chases any person, as owner you are guilty of an offence punishable by a fine not exceeding 5 penalty units. A court may also order that the dog be destroyed.

An offence of rushing or chasing does not occur if the dog is under effective control on private premises, i.e. it is securely confined to those premises; for example, by being kept behind a fence.

An offence of rushing or chasing also does not occur if the dog is under effective control in a public place, as described in 'Keeping your dog under effective control' above. For example, a dog being held on a lead might rush at or chase a person nearby but, if properly restrained, should be prevented from actually injuring them.

Who is the owner of a dog?

The person in whose name a dog is registered is taken to be the owner of the dog.

If an unregistered dog is found, the person who ordinarily keeps the dog is taken to be the owner.

If a dog is a child's pet, the child's parent or guardian is taken to be the owner.

A person who is in company of a dog, or whom a dog is closely following, is also taken to be the owner of the dog.

The owner of a dog is responsible for registration of a dog, ensuring that it is collared and on a lead in public places and is properly restrained when in or on a vehicle.

An owner is also responsible for not allowing a dog to be at large, keeping it under effective control and is responsible for the actions of a dog, for example if it rushes at, chases or attacks a person or animal.

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 also result in the dog being destroyed.

Dog attacks

It is an offence for a person in control of a dog to allow the dog to bite, menace, or harass a person. The menacing or harassing of a person does not have to actually result in any injury for an offence to be proven.

If a dog attack results in a bite causing minor injuries to a person or animal, the person in control of the dog is guilty of an offence. Both of these offences are punishable by fines not exceeding 5 penalty units.

However, if a dog attack results in a bite causing more serious injuries to a person or animal that require medical or veterinary attention, the offence is punishable by a fine not exceeding 20 penalty units.

In addition to these penalties a court may also order that the owner of the dog pay compensation for any damage or costs caused. The court may also order that the dog be destroyed.

The owner of a dog that has attacked a person must notify the council of the attack within 24 hours. Failure to do so may result in a fine not exceeding 5 penalty units.

What are the control requirements when my dog is in or on a vehicle?

The owner or person in charge of a dog must restrict the dog sufficiently while it is in or on a vehicle so that it is unable to leave the vehicle or attack any person or animal outside the vehicle.

Failure to achieve this control is an offence punishable by a fine not exceeding 5 penalty units.

Dogs should be restricted when in open vehicles in such a way that the restraint does not allow the animal to reach over the side of the vehicle.

Using a restraint that permits a dog to be strangled or otherwise injured, should it fall from the vehicle, may be an offence under the *Animal Welfare Act 1993*. Animal welfare offences are punishable by fines of up to \$12,000 and/or a term of imprisonment of up to 12 months.

6. Registration

The greatest benefit for dog owners to have their dogs registered is the rapid identification of the animal. If for whatever reason the dog escapes and is wearing a collar and current registration tag, it can be quickly reunited with its owner.

The owner of a dog that is wearing a current registration disc will be advised by the council of its whereabouts should the dog be impounded. Attempts to reunite the dog with its owner will be made in preference to impounding the dog, pursuant to the standard operating procedures of the Councils Municipal Inspector.

7. Micro-chipping

Mandatory micro-chipping of dogs is planned to take effect from 1 July 2011. From that date, all dogs over six months of age will have to be micro-chipped with a twelve month exemption for working dogs.

The following is a list of breeds which have been approved by the Australian national council as “working dogs”.

Anatolian shepard dog	Biards
Australian cattle dogs’ red and blue heeler	Collies (rough and smooth)
Australian kelpies	Hungarian pulis
Bearded collies	Maremma sheepdogs
Belgian shepard dogs(groenedaels)	Norwegian buhunds
Belgian shepard dogs (laekenois)	Old English sheep dog

Border collies

Shetland sheepdogs

Bouvier des flandres

Swedish valhunds

However, to avoid possible bottlenecks near July 2011 you should arrange for your dog to be micro-chipped as soon as possible. By doing so you will receive the immediate protection that micro-chipping offers - if your dog becomes lost or strays, it is more likely to be returned to you if it is micro-chipped.

If you are buying a dog after 1 July 2011 it will be your responsibility to ensure that it is micro-chipped – either before you buy it or immediately after you take possession of it. In the meantime this is a good thing to check with any dog you plan to buy anyway.

Where can I have my dog micro-chipped?

Your local council, a veterinary surgeon, animal welfare agencies like the Dogs Home or RSPCA, or a pet shop can either micro-chip your dog or provide you with information as to where you can have it micro-chipped.

How much will it cost to have my dog micro-chipped?

The cost of micro-chipping can vary anywhere between \$30 and \$60.

The cost may be reduced if the micro-chipping is carried out in conjunction with other treatments such as vaccinations and neutering.

Why does my dog still have to be registered with my council even after it has been micro-chipped?

Your dog will still have to be registered with your council. This allows councils to police requirements in relation to the number of animals kept at a premises.

The registration disc that your dog is required to wear enables the council to return your dog to you if it becomes lost or strays and is impounded by a council ranger.

If a second disc containing personal contact details is added to your dog's collar, your dog may be able to be returned to you by a member of the public without the need for a council ranger to be involved. But registration discs can also become detached from dog collars and micro-chipping is a good back-up to ensure that your dog can be identified and returned to you quickly.

If your dog is stolen, a collar and registration tag can be easily removed. However, if the dog is micro-chipped, and the registry has been advised that it has gone missing or is believed to have been stolen, a veterinary surgeon, animal shelter or council may detect any errors in ownership information if the dog comes to their attention in the future.

What happens after my dog is micro-chipped?

Soon after micro-chipping you will receive confirmation by mail of the micro-chipping and a record of the micro-chip number. This is called the Certificate of Identification. Some registry operators can provide this information by email.

How can I keep my contact details stored on the micro-chip database up to date?

You need to have the micro-chip registry details altered if any of your contact details change.

The Certificate of Identification you receive after your dog has been micro-chipped should include a Change of Particulars section which can be filled out and sent to the relevant micro-chip registry. Some registries provide an on-line form for this purpose.

What happens if I sell or otherwise transfer ownership of my dog?

The contact details held by the micro-chip registry will need to be changed if you sell or transfer ownership of a dog. The registry will need confirmation of the change from both parties.

What is a micro-chip?

Micro-chips are very small – about the size of a grain of rice. The micro-chip number is stored in a database with details about your pet and your contact details.

Each micro-chip is individually identifiable through a unique number and can be detected using a micro-chip scanner. Should your dog stray, veterinary surgeries, animal shelters and councils can scan your dog for its micro-chip and contact you via the database.

It is important to advise the registry if you move or change other contact details so that you can still be contacted.

Where is the micro-chip inserted?

Micro-chips must be put in a standard location. They are placed just under the skin between the shoulder blades at the back of your dog's neck.

Does micro-chipping hurt my dog?

Implanting a micro-chip is very much like giving your dog a vaccination. Micro-chipping will only be carried out by an approved implanter who has been trained to carry out the procedure. It will not cause your dog any discomfort.

Micro-chips are inert – they do not contain chemicals or batteries, don't have any side effects, and will last the life-time of your dog.

A veterinary surgeon may exempt a dog from micro-chipping if he or she considers that it may adversely affect the dog's health and welfare.

Do I have to have my dog de-sexed?

No. Under the Dog Control Act 2000 only dogs declared dangerous or as a restricted breed dog are required to be de-sexed.

However, you should consider having your dog de-sexed. The RSPCA encourages the de-sexing of all domestic dogs kept as pets, to prevent unwanted breeding and to reduce the numbers of unwanted animals.

Most councils offer discounts on registration fees for dogs that have been de-sexed.

8. De-sexing

De-sexing is not compulsory for ordinary dogs under the Dog Control Act. However, de-sexing can have many positive benefits for the community, those who must handle dogs, and dogs themselves.

All dog owners should consider the benefits of having their dog de-sexed.

Why should I have my dog de-sexed?

De-sexing is an important step in avoiding unwanted pregnancies in dogs. Much of the pressure faced by our Dog Homes is created by the litters resulting from unplanned breeding. Unfortunately, not all dogs placed in Dog Homes can be found new owners and many have to be euthanised. De-sexing can help minimise this problem.

De-sexing generally reduces behavioral problems in dogs such as roaming, aggression and territorial scent marking by male dogs. It can reduce mating behavior and false pregnancies in female dogs.

What benefits can de-sexing have for my dog?

It is generally recognised that de-sexing provides some health advantages to dogs.

De-sexing can reduce the incidence of diseases and illnesses.

For example, female dogs will be less likely to suffer from mammary cancer and uterine infections. Heat cycles in female dogs are also eliminated.

Similarly, male dogs can be expected to have lower levels of cancer and prostate problems.

As a result, de-sexed dogs usually live longer and have healthier lives.

When should I have my dog de-sexed?

It is generally accepted that dogs should be de-sexed before they are five to six months old. Most dogs are de-sexed between three and six months of age.

RSPCA Australia recommends early age de-sexing from the age of eight weeks. The RSPCA says early age sterilisation is simpler and recovery is rapid and straightforward.

Will de-sexing hurt my dog or have long lasting effects?

De-sexing is a surgical sterilisation procedure carried out by a veterinary surgeon. Veterinary surgeons have all the facilities and training needed to carry out this surgery safely and effectively.

As de-sexing generally reduces the incidence of diseases and illnesses, de-sexed dogs can be expected to have longer and healthier lives.

I have heard that a female dog should have a litter before being de-sexed. Is this true?

No. This is a myth - there is no evidence to support the commonly held view that whelping will have a calming effect on, or improve the behavior of, female dogs.

On the contrary, it is de-sexing which is more likely to have a calming effect on behavior.

Where can I have my dog de-sexed?

De-sexing must be carried out by a registered veterinary surgeon.

De-sexing is a surgical procedure requiring proper skills, equipment and facilities.

Veterinary surgery carried out by a person who is not a registered veterinary surgeon is an offence under the *Veterinary Surgeons Act 1987*, punishable by a fine not exceeding 10 penalty units.

What other benefits result from de-sexing?

Dog owners have several responsibilities under the Dog Control Act. These include keeping a dog under effective control and confining a bitch on heat. Failures to carry out these responsibilities are offences punishable by fines not exceeding 5 and 2 penalty units respectively.

De-sexed male dogs are less prone to territorial marking and therefore straying. The owner of a de-sexed male dog may therefore be less susceptible to being fined for having a dog at large.

As heat cycles are eliminated in spayed females their owners would no longer have to ensure their confinement while on heat.

There are also often financial benefits from having your dog de-sexed as many councils offer discounts on registration fees for dogs that have been de-sexed.

Can my dog be compulsorily de-sexed?

If your dog is declared a dangerous or restricted breed dog after 1 July 2011 it must be de-sexed and micro-chipped within 28 days. Dogs declared a dangerous dog prior to 1 July 2011 will also have to be de-sexed. The owner is responsible for these costs.

After 1 July 2011, failure to ensure that a dangerous or restricted breed dog is de-sexed and micro-chipped will be an offence punishable by a fine not exceeding 20 penalty units. A dangerous or restricted breed dog that has not been de-sexed and micro-chipped may also be seized and detained.

9. Responsible ownership

Derwent Valley Council promotes the “responsible ownership” of dogs in the Municipality. To be considered a “responsible owner,” individuals will have to provide evidence to Council that their dog has been de-sexed, vaccinated and microchipped. Individuals who can demonstrate responsible ownership will be entitled to a reduction in the fees due annually.

“Responsible ownership” can be claimed for whole purebred dogs that are kept for breeding and whose owner has a current TCA Membership. Proof of membership will be required at the time of registration to be classified as a “responsible owner”.

10. 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 except for those particular areas identified as "Prohibited Public Places".

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.

Dogs must be kept under control at all times.

11. Exercise and Training Areas

(In these areas dogs are allowed “off lead” but must 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) and are not allowed within 20 metres of a BBQ area unless on a leash not exceeding two (2) metres.

The following areas shall be classed as Exercise Areas:

- Lachlan River Walkway
- Henry Crescent Reserve
- Warner Avenue Reserve

Your dogs can be exercised in the above areas 24 hours a day, 7 days a week off lead but must be under effective control at all times. (*See attachment A*)

The designated training area in New Norfolk is the Esplanade.

12. Prohibited Public Places

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

As per the *DCA 2000*.

- Any grounds of a school, preschool, kindergarten, crèche, or any other place of the reception of children without permission of a person in charge of the place.
- Any shopping centre or any shop other than a pet shop, veterinary clinic, pet grooming shop or other premises related to the care and management of dogs.
- 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. TYNWALD PARK

13. Declared Prohibited Public Places

Your dog is allowed to be off-lead in signposted exercise areas and while undergoing obedience trials.

However, even in signposted exercise areas you still have to keep the dog under effective control. This means that it must be close to you and in sight at all times.

You may also be required to demonstrate to a council officer that the dog is immediately responsive to your commands.

These are areas where it is considered that a significant conflict exists. In order to prevent danger and to minimise distress and nuisance, dogs are prohibited from these areas.

The following area is classed as *Prohibited Public Places* in relation to dogs (Section 28 DCA 2000):

Granton Recreation Area	24 Hours a day	7 Days per week
Derwent Valley Sports Centre surrounding area	24 hours a day	7 Days a week
Maydena pool and playground surrounding area	24 hours a day	7 Days a week

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 includes the Crown Lands Regulations 2001.

Adamsfield Conservation Area	24 hours a day	7 Days per week
Derwent Cliffs State Reserve (Between Tynwald park and Big Log reserve)	24 hours a day	7 Days a week
Derwent River Coastal Reserve (River edge from Valley Field to Granton)	24 hours a day	7 days a week
Franklin-Gordon Wild Rivers National Park	24 hours a day	7 Days per week
June Cave State Reserve	24 hours a day	7 Days per week
Lachlan River Riparian Reserve	24 hours a day	7 days a week
Marriotts Falls State Reserve	24 hours a day	7 Days per week
Molesworth Conservation Area	24 hours a day	7 Days per week
Mount Faulkner Conservation Area	24 hours a day	7 Days per week
Mount Field National Park	24 hours a day	7 Days per week
Southwest National Park	24 hours a day	7 Days per week
Toll House Historic Site (Fitzgerald Park)	24 hours a day	7 Days a week

Restricted Areas

(Specified times, day or seasons)

In these areas, dogs are not allowed during the times specified. 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 are 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.

Boyer Oval (non oval area)	9.00am – 12 noon	Monday – Friday
Molesworth Recreation Ground	Daylight savings 9.00am – 9.00pm Non-Daylight savings 9.00am – 5.00pm	7 Days per week

14. Kennel Licences

Any person wanting to keep more than 2 dogs on a 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 and accompanied by the appropriate fee. The applicant must advertise by public notice their intent to apply for a licence and the address and the number and breed of dogs to which the application relates. The advertisement must also call for any objections to the granting of the licence. The applicant must agree to have site notices attached to all public frontages of the property where the kennels are to be situated. 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 and is to be in writing to the General Manager setting 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 30th 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 person is likely to be caused.

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

- Provisions of the *DCA 2000* or other relevant Act is not complied with;
- Conditions of the licence are not being 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 delegate to:

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

The General Manager may grant a temporary exemption of a licence for the keeping of more than the allowed number of dogs if in the opinion of the General Manager that in doing so it will not cause a nuisance to any other person in any other premises.

Kennel Requirements

The following specifications are considered the minimum required for the construction of kennels and yards on licensed premises:

- The kennel or yard is to be at least 9 metres from any neighbouring dwelling house;
- The kennel or yard shall be at least 2 metres from any boundary of the premises on which the yard is constructed;
- The premises shall be enclosed in such manner so as to contain any dogs kept in the kennel or yard;
- The kennel or yard shall be constructed in such way as to provide effective methods of cleaning and disinfecting;
- There shall be sufficient room to allow dogs reasonable freedom of movement;
- Their bed shall be a raised (50mm minimum) 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.

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 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 person

15. Dangerous Dogs

If a dog has caused a serious injury to a person or animal Council may declare the dog to be dangerous dog.

However, if Council believes that a dog is likely to cause serious injury to a person or another animal, it does not have to wait for an attack or serious injury to occur and may immediately declare the dog to be a dangerous dog.

When a dog has been declared a dangerous dog, the owner or person in charge has to meet stronger control provisions.

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 following check list has been adopted by council.

DOG ATTACK CHECKLIST

Date:

ADDRESS:

OWNER:

	CAR REFERENCE	Y / N	STEPS	Comments	Officer
1.	Receive Complaint				
2.	Investigate complaint				
3.	Ensure that dog is secure if at scene				
4.	Interview witness and compile statements		<ul style="list-style-type: none"> • Take statement Y/N • Take photos Y/N • Interview owner if located Y/N • Vet report Y/N 		
5.	Locate dog and identify / secure				
6.	Report all findings to General Manager				
7.	Seek legal advise				
8.	Dog declared dangerous?				
9.	Are there any conditions set if dog not declared dangerous?				
10.	Final outcome		<ul style="list-style-type: none"> • Reimbursement Y / N • Stock fees, • Vet Fees • Medical fees • Monitoring 		

The General Manager will consider the declaration of a dangerous dog under the following circumstances:

1. Proof of dog biting a person
2. Proof of dog attacking a domestic animal
3. Proof of an aggressively natured and therefore potentially dangerous dog.

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 endorse legislation in relation to dangerous dogs. A General Manager of a council may declare a dog to be a dangerous dog if:-

- (a) The dog causes serious injury to a person or another animal; or
- (b) There is reason to believe the dog is likely to cause serious injury to a person or another animal.

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 also 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 Policy.

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.

Subsequent attacks by a dangerous dog

If a dangerous dog subsequently attacks a person or animal, the owner is guilty of an offence and liable on conviction to a fine not exceeding 50 penalty units and/or up to 12 months imprisonment.

A person convicted or found guilty in relation to a subsequent dog attack will also be automatically banned from owning or being in charge of any dog for a period of five years. Breaking a five year ban can lead to a fine not exceeding 30 penalty units.

Can I buy a dangerous dog?

A person who wishes to acquire a dog declared to be a dangerous dog must apply to their council for approval to have ownership transferred to them.

All dogs declared to be a dangerous dog in another State will be recognised as a dangerous dog in Tasmania and approval will be required before they can be imported.

Can I sell or give away a dangerous dog? What happens if my dangerous dog strays or is lost?

If a dangerous dog goes missing, strays or dies, or is lost the owner, or a person on behalf of the owner, must notify the council as soon as possible. Failure to notify the council may incur a penalty not exceeding 20 penalty units.

A dangerous dog may only be sold after the buyer has received prior approval from their council. Once the council has approved the transfer the seller must notify their council within 24 hours of completion of the sale. Failure to notify the council may incur a penalty not exceeding 20 penalty units.

A dangerous dog must not be allowed to stray or be abandoned. It is also an offence under the *Animal Welfare Act 1993* to abandon an animal. Under that Act abandonment of an animal is an offence punishable by a fine in the case of -

- (a) A body corporate, a fine not exceeding 500 penalty units; or
- (b) A natural person, a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

Existing dangerous dogs

A dog that has been declared a dangerous dog prior to the commencement of the Dog Control Amendment Act 2009 must ensure that the dog be de-sexed within 28 days after the commencement of that Act.

Owners of existing dangerous dogs will be contacted by councils before the new legislation becomes effective and will have ample time in which to meet the new requirements if their dog has not already been de-sexed.

The new housing requirements will also apply to existing dangerous dogs. Again, owners will be contacted by councils before the new legislation becomes effective.

While the council can require an approved enclosure to be built within 28 days, owners will have had advance warning of the new requirements and therefore additional time in which to have the enclosure built. The council may extend the 28 day deadline if satisfied that adequate progress is being made.

However, if the new housing enclosure is not built on time, or adequate progress is not being made, the council may detain the dog and not return it until the approved enclosure has been completed.

However, if an approved enclosure is not ultimately provided the council may destroy the dog. All costs of detention and destruction may be recovered from the owner.

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 given a particular situation. Council endorses legislation in relation to guard dogs (Dog Control Act 2000).

The owner of a dog, which is used to protect non-residential property, must notify Council that they have a guard dog. The General Manager or their 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.

Requirements for Keeping A Dangerous Dog/Guard Dog

Once declared as dangerous, a dog must be de-sexed and micro-chipped within 28 days. The owner of the dangerous dog is responsible for the de-sexing and micro-chipping costs.

The owner of a dangerous dog must ensure that the microchip is not removed from the dog without approval. Failure to ensure this is an offence punishable by a fine not exceeding 20 penalty units.

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. (see page ???)

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

- muzzled so as to be unable to bite a person or animal; and
- held on a lead that is not more than two metres long, and which is sufficient to control and restrain the dog; and
- under the control of a person at least 18 years of age; and
- wearing an approved collar at all times.

Childproof Enclosure

When not under the control of a person, a dangerous dog must be kept in an enclosure that meets certain requirements. Owners of dangerous dogs should refer to the *Dog Control (Regulations) 2011* for the full requirements.

The childproof enclosure must be a full enclosure and:

- have a minimum height of 1.8 metres and minimum width of 1.8 metres
- have a floor area of at least 10 square metres for each dog in the enclosure
- have walls, roof and door or gate made of brick, timber, concrete, iron or mesh, or a combination of those materials, of sufficient strength and durability to prevent the escape of a dog
- have a sufficient weatherproof sleeping area for each dog in the enclosure
- have a sealed, graded concrete floor
- be situated so as not to require a person to pass through it to gain access to other parts of the property
- if fitted with a door or gate, be fitted with a self-closing and self-latching mechanism for the gate, be locked from the outside when a dog is inside the enclosure, and have a clearly legible sign saying “Dangerous Dog” displayed on the door or gate, and
- be sufficient to prevent any dog in it from escaping.

If the walls, roof or gate of the enclosure are made of mesh, that mesh must be chain mesh of at least 3.15 mm gauge with a maximum spacing of 50 mm, or weldmesh of at least 4 mm gauge with a maximum spacing of 50 mm.

Dangerous dog signs must also be erected at each entrance to the property. The enclosures and signs must be of an approved type.

Council may detain the dog until a suitable enclosure has been built and the dog owner will be responsible for the costs of holding the dog. If a suitable enclosure is not built, Council may destroy the dog and recover all costs from the owner.

The Animal Control Officer can advise on where approved collars and signs can be obtained.

16. Restricted Breeds

The Government has introduced these controls in response to widespread community concern about dog attacks.

The effects of dog attacks are compounded when the dog is of a breed that is predisposed to aggressive behavior and has physical traits that make the effects of an attack more severe.

These attacks can result in horrific injuries which leave the victims with not only physical, but also emotional scars. In extreme cases dog attacks can result in the death of the victim.

The Government is therefore committed to increasing dog controls so that owners can be held accountable for the proper control of their dogs.

Which dog breeds will be declared to be 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 exist in Tasmania.

These breeds have already been recognised as a threat to public safety when they were banned from importation into Australia over 15 years ago.

Restricted breed dogs do not include cross breeds.

How will an individual dog be determined to be a restricted breed dog?

Dogs will be assessed on the basis of approved guidelines which will include key characteristics of dog breeds such as height, weight, coat, colouration, tail carriage, and facial and body features.

Council officers will be able to declare a dog as a restricted breed dog.

If my dog is declared a restricted breed dog, what obligations will I have?

The owner of a dog declared a restricted breed dog will have to have the dog de-sexed and micro-chipped within 28 days of its declaration. The owner must provide the council with a veterinary surgeon's certificate, certifying that the dog has been de-sexed and/or implanted with a micro-chip, within seven days of the operation. Failure to do so may result in a fine not exceeding 10 penalty units.

When a restricted breed dog is in a public place, the owner will have to ensure that the dog:

- is muzzled so as to be unable to bite a person or animal;
- is held by a lead that is not more than two metres long, and is sufficient to control and restrain the dog; and
- is under the control of a person at least 18 years of age.

Once a restricted breed dog has been micro-chipped the owner must ensure that the microchip is not removed from the dog without approval. Failure to ensure this is an offence punishable by a fine not exceeding 20 penalty units.

Failure to meet any of these requirements may incur a penalty not exceeding 20 penalty units.

If your restricted breed dog attacks or bites any person or animal, as owner you will be guilty of an offence which will be punishable by a fine not exceeding 30 penalty units, or imprisonment for up to one month, or both. Your council may also declare the dog to be a dangerous dog and stronger enclosure and control requirements will then have to be met.



When a restricted breed dog is not in a public place, the owner must ensure that **approved warning signs** are displayed at every entrance to the premises on which the dog is kept. Failure to do so may incur a fine not exceeding 10 penalty units

A restricted breed dog will also be required to wear an approved collar at all times. An approved collar has distinctive markings and is available through councils.

A person will not be allowed to own, keep or allow to be kept on any premises more than two restricted breed dogs over the age of six months. A person will be allowed to keep a dog that was not a restricted breed dog immediately before the legislation becomes effective. However, other controls on the number of dogs that are allowed to be kept on a premises still have effect.

Can I buy a restricted breed dog?

A person who wishes to acquire a restricted breed dog must apply to their council for approval to have ownership transferred to them.

All dogs declared to be a restricted breed dog in another State will be recognised as a restricted breed dog in Tasmania and approval will be required before they can be imported.

Can I sell or give away a restricted breed dog? What happens if my restricted breed dog strays or is lost?

If a restricted breed dog goes missing, strays or dies, or is lost, the owner, or a person on behalf of the owner, must notify the council as soon as possible. Failure to notify the council may incur a penalty not exceeding 20 penalty units.

A restricted breed dog may only be sold after the buyer has received prior approval from their council. Once the council has approved the transfer the seller must notify their council within 24 hours of completion of the sale. Failure to notify the council may incur a penalty not exceeding 20 penalty units.

A restricted breed dog must not be allowed to stray or be abandoned. It is also an offence under the *Animal Welfare Act 1993* to abandon an animal. Under that Act, abandonment of an animal is an offence punishable by a fine in the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) a natural person, a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

I have an American pit bull terrier or pit bull terrier. If this breed has been banned from importation into Australia how is it that I can have one?

While pit bull terriers have been banned from importation into Australia for over 15 years, there is a remnant population built up from dogs imported before the ban.

There are also many cross-breed dogs that have many similarities to a pit bull terrier, but cross-breed dogs will not be declared a restricted breed dog.

Can I appeal against the declaration of my dog as a restricted breed dog?

If your dog has been declared a restricted breed dog you may appeal against the declaration to the Magistrates Court (Administrative Appeals Division). An appeal must be made within 28 days of the service of notice of the declaration.

However, the onus will be on you to prove that the dog is not a restricted breed dog.

If an appeal is turned down by the court you must ensure that the dog is de-sexed and micro-chipped within seven days of the court order.

What else will happen if my dog is declared a restricted breed dog?

The Council will record the fact that the dog is a restricted breed dog on the dog register.

What is the difference between a restricted breed dog and a dangerous dog?

A restricted breed dog is a dog that, because of its breed characteristics, is pre-disposed to aggressive behavior. It also has physical traits that can make the effects of any attack more severe and even life threatening.

A dangerous dog is a dog that has actually attacked a person or animal or which, in the opinion of a council, is likely to cause serious injury to a person or another animal.

A restricted breed dog can become a dangerous dog if it causes serious injury to a person or animal or if a council believes that it is likely to cause serious injury to a person or another animal.

The owner or person in charge of the dog will then have to meet stronger control provisions, including the erection of an approved housing enclosure.

17. Complaints

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.

ACO's will not deal with complaints of a frivolous or vexatious nature.

Nuisance

Council currently spends considerable time dealing with problems caused by nuisance dogs and in particular, the issue of excessive barking. Council's preferred option is to consult with both the complainant and the dog owner addressing the issues of why the dog is barking and offering advice and Council's resources which will hopefully

resolve the issue quickly without the need for lengthy legal proceedings which are costly and time consuming. The most important issue is for the owner to be made aware of the nuisance and to be advised as to the best methods available to alleviate the problems. Upon receipt of a complaint regarding a nuisance dog, the following procedure is followed:

Step 1

ACO's will make a personal visit to the property and will:

- Assess the validity of the complaint. if not validated proceed to step 3
- Inform the dog owner/s of the nature of the complaint
- Advise the dog owner/s of their legal responsibilities
- Provide recommendations and advice to modify/prevent nuisance behaviour
- Advise the dog owner/s of subsequent action should any nuisance not be abated

By using this approach, it is anticipated that the majority of complaints may be dealt with quickly and satisfactorily without the need to instigate legal proceedings or undertake lengthy investigations.

Step 2

The owner of the dog is given a reasonable amount of time, normally two weeks, to address the nuisance and if requested, an authorised officer may inspect the property and offer advice to overcome the problem such as the use of an anti bark collar or other methods. The aim of the discussion/s is to reach agreement acceptable to both the complainant and the dog owner without the need for legal action.

Step 3

Should ACO's conclude that little or no progress is being achieved, they may ask the complainant to lodge a formal notice of complaint with Council in accordance with the DCA 2000. A formal notice of complaint is to be on the approved form, accompanied by the appropriate fee, and state the nature of the nuisance. A complainant must keep a log for 72 hours of date/time and length of time noise existed for which is available on the Derwent valley web site. The complainant must also be prepared to appear in court as a witness if legal proceedings are instigated. It is only by this means that formal action can be initiated.

If a complainant is not prepared to lodge a Formal Notice of Complaint and/or not prepared to appear as a witness in court, ACO's may determine that no further action will be taken in regard to the complaint.

On receipt of a Formal Notice of Complaint, the matter will be dealt with expediently and in accordance with standard operating procedures of Council's Animal Management Program. Where a complaint has been received and an ACO considers that a nuisance exists the officer will issue the owner with an official caution notice requiring the owner to take such steps as are specified in the notice to abate the nuisance.

BARKING DOG CHECKLIST

ADDRESS:
OWNER:

	CAR Reference	Steps	Y / N	Comments
1.	Receive Complaint	<ul style="list-style-type: none">• Received log of time and date when dog has been barking		
2.	Investigate and log details of complaint	<ul style="list-style-type: none">• Monitor on site 3 x 30 mins• Recorded for a 24hr period• Complaint substantiated		
3.	Contact Owner and inform them of their legal responsibilities	<ul style="list-style-type: none">• Discuss how to alleviate the situation		
4.	Advise Complainant of outcome			
5.	Any further action required			

COMMENTS

18. After Hours Service Provision

On receipt of an out of hours telephone call from a member of the public to the Council regarding the management of animals, the telephone operator is to adhere to the following process:

- If the caller states that a person(s) has been attacked by an animal(s), the operator is to direct the caller to Tasmania Police;
- If the caller states that livestock are posing a traffic hazard or threatening a person's safety, the operator is to direct the caller to Tasmania Police;
- If the caller states that they are reporting about a sick or injured animal the operator is to refer the caller to the RSPCA;
- If a caller states that an animal(s) has been attacked by a dog the call is to be directed to the authorised officer;
- For all other calls regarding the management of animals out of hours, the operator will advise the caller that the authorised officer will respond to their issue during Council business hours. The operator will need to note general details from the caller, plus their contact telephone number in order for the authorised officer to respond the next working day.
- Where callers insist that a response be made by Council, the caller is to be directed to the authorised officer.

Members of the public who have secured a stray dog outside of Council's normal working hours are encouraged to take the dog to the Dog's Home (Scotts Rd, Risdon Vale) between the hours of 10 am and 5 pm. Alternatively, they can keep the dog until the next working day and contact Councils ACO's. In the instance of an emergency situation you can also contact the Tasmanian Police.

Sick and Injured Animals

Enquiries regarding sick and injured animals should be directed to the RSPCA or the animal taken to a veterinarian practice.

19. Frequently Asked Questions

Do I have to register my dog?

According to the *DCA 2000*, every dog over the age of 6 months must be registered by its owner with their local council. It is a legal requirement, and trying to avoid this by concealing or disposing of a dog is a punishable offence.

In the Derwent Valley the annual registration fee is due by the end of July each year.

How old does my dog have to be before it has to be registered?

The *DCA 2000* requires all dogs over the age of six months to be registered with the local council.

How do I register my dog?

Simply visit the Council Chambers Customer Services Counter.

What information is kept about registered dogs?

The following information is held on Council's dog register:

- the dog's name, age, sex and reproductive capacity
- the dog breed if identifiable
- any identifiable feature of the dog
- whether the dog is a dangerous dog
- the owner's name, address and contact phone numbers mobile etc.
- any other information about the dog the council considers relevant (eg microchip numbers)

What happens if I move house?

If you are moving house permanently, or moving temporarily for more than 60 days with your dog, you will need to notify the council. This needs to be done within 14 days of moving. If you're transferring to a different municipal area, both your old and new councils will need to be notified in writing.

What happens if I sell or give my dog to someone else?

The person who buys your dog will need to notify the council of the change of ownership, in writing, within 14 days of the sale. As the previous owner, you must notify the General Manager in writing that you no longer own the dog. This must occur within 14 days of the sale.

What happens if my dog dies?

If the unfortunate situation arises and your pet dies, you are obliged to notify the Council in writing within 14 days of the dog's death. This also applies if your dog is lost, or permanently removed from your premises. Once notified, the Council will cancel your dog's registration.

What are my responsibilities as a dog owner?

As the owner or person in charge of a dog, you have certain responsibilities and legal requirements. These include:

- registering a dog that is over the age of six months
- register your dog on time every year to avoid a fine
- keeping your dog on a lead (2 metres or less) when you are walking on a road or footpath in a city or town
- obey signage on walking tracks, permitted dog areas etc. and be courteous to other users
- do not permit your dog to bark excessively creating a nuisance
- ensuring that the dog does not roam and that it is under your effective control
- remove your dog's droppings from public places or penalties will apply
- restricting your dog sufficiently while it is in or on a vehicle so that it is unable to leave the vehicle or attack any person or animal outside the vehicle
- preventing your dog from rushing at, or chasing a moving vehicle or bicycle whilst in a public place
- making sure that a bitch on heat is confined away from public places
- cleaning up after your dog.

Does my dog have to wear a collar?

Under the *DCA 2000* the owner or person in charge of a dog, other than a guide dog or hearing dog, must ensure that the dog is wearing a collar whilst in public. The dog's current registration disc should be attached to the collar. It is an offence for anyone, without a good reason, to unfasten the collar. This provision does not apply to dogs engaged in:

- working
- hunting
- racing
- showing
- obedience or agility trials
- training for any of the above activities.

Does my dog have to be on a lead in public areas?

The *DCA 2000* has provisions for dogs which are, and which are not on a lead, whilst in a public place. If a dog is off a lead and in a public place, then the dog is still said to be under effective control if the following applies:

- the dog is in close proximity to the person
- the dog is in sight of the person
- the person handling the dog can demonstrate satisfactorily to an authorised person that the dog will immediately respond to their commands.

To be under effective control on a road or footpath in a city or town a dog must be on a lead. If the dog is on a lead, it is said to be under effective control only if the lead is less than two metres long, and if the person is of a sufficient age and strength to control the dog. If a dog is tethered to a stationary object, it must be by a lead which is less than two metres long, and for a period not exceeding 30 minutes.

Where can I exercise my dog?

The *DCA 2000* provides for a council to set aside areas for the exercising of dogs, subject to any specified conditions.

Are there areas where my dog is not allowed?

As well as earmarking areas for exercising dogs, The *DCA 2000* enables Councils to declare areas where dogs are not allowed. These can include areas of sensitive habitat for native wildlife. This does not apply to guide dogs or hearing dogs, which are still allowed access. Council may declare an area to be one where dogs are restricted from entering:

- during specified hours, days or seasons
- during specified hours, days or seasons, unless they are on a lead.

There are other public places where dogs are prohibited. These include:

- any grounds of a school, preschool, kindergarten, crèche or other place where children assemble, without the permission of the person in charge of that place
- shopping centres and other shops
- the grounds of a public swimming pool
- public barbecue facilities
- any playing area of a sportsground on which sport is being played
- within 10 metres of a children's playground.

This does not apply to:

- a guide dog that is accompanying a wholly or partially blind person, or is in training for that purpose
- a hearing dog that is accompanying a wholly or partially deaf person or is in training for that purpose
- a special assistance dog that is accompanying a disabled person or is in training for that purpose
- a pet shop
- the premises of a veterinary surgeon
- a pet-grooming shop
- any other premises related to the care and management of dogs.

Do I have to clean up after my dog?

When exercising your dog in a public place you are always required to clean up after them. Dog faeces are unpleasant and damage the environment. Cleaning up can be done simply and easily with the aid of a scooper or plastic bag and placing the faeces into the nearest rubbish bin. This does not apply to a guide dog that is accompanying a wholly or partially blind person.

Rain dissolves dog faeces and it is washed into our waterways. Marine plant and animal life is affected by this pollution. Australian beaches are closed for several days after rain because of this type of pollution. Dog faeces contain E-coli bacteria which can cause ongoing illness in people including vomiting, diarrhoea, and ear, nose and throat infections.

Failure to dispose of any faeces left by a dog in your charge is an offence and can result in a fine not exceeding 3 penalty units.

Can my dog be removed from my property?

If an authorised council employee has reason to believe that a dog owner has breached a provision of the *DCA 2000*, then he or she is legally able to:

- enter onto land owned or occupied by the dog owner, but not any dwelling on that land; and
- search for and seize any dog on that land.

If the authorised person wishes to enter a dwelling on that land, he or she is able to do so by a warrant issued by a magistrate.

How many dogs may I keep?

Under the *DCA 2000* you are required to apply for a kennel licence if you intend to keep:

- more than two dogs over the age of six months; or
- more than four working dogs over the age of six months.

If you have more dogs than this and do not have a current kennel licence you can be liable to a fine of up to \$500. In this case you should apply to your local council for a kennel licence. If you need a kennel licence you should also check with your local council about local planning laws as some council's require you to submit a Development Application as well. Applications for a kennel licence can be obtained from the Council Chambers.

What is a dangerous dog?

Dogs may be declared dangerous if they have:

- caused serious injury to a person or other animal
- displayed behaviour that shows the animal is likely to cause serious injury.

If either of the above occurs, the General Manager is able to serve notice on the owner of the dog in question, and declare the dog to be dangerous. When this happens the owner of the dog has added responsibilities. Whilst their dog is out in public they must ensure that:

- the dog is always muzzled
- the dog's lead is no longer than 2 metres and strong enough to control and restrain the dog
- the person in charge of the dog is over 18 years of age.

When the dog is on private premises the owner must ensure that:

- the dog is enclosed in a child proof area
- the dog is secured by a lead no longer than 2 metres when not under the supervision of an adult.

In addition, the dog must be microchipped and always wear an approved collar. The collar approved (by the Director of Local Government) is red and yellow striped, and is the same as that used in Victoria. Once a dog has been microchipped the chip cannot be removed without the consent of the General Manager. If it is removed without consent the maximum possible penalty is \$2000. If you own a dog that has been declared dangerous you must also ensure that there are approved warning signs on every entrance to your property. Your local animal control officer will be able to tell you what form these signs and collars should take.

What is a nuisance dog?

A nuisance dog is generally one that:

- behaves in a dangerous way towards any person
- is often noisy or disturbs the comfort and convenience of neighbours, or anyone in a public place.

As a dog owner you are responsible for ensuring that your pet is kept under control and does not become a nuisance. Neighbours can complain if your dog unreasonably disturbs the peace, and you risk being fined if you fail to prevent the disturbance. If you are being annoyed by a neighbour's dog the best way to handle the situation is to discuss your concerns in a friendly way with your neighbour. If this fails to resolve the problem, the next step is to speak with your local animal control officer. Lodging a formal complaint with the council should be your last resort, and to do so you will need to complete an appropriate form, pay a fee, and explain the nature and severity of the disturbance.

Can I keep a guard dog?

If you wish to keep a guard dog you need to notify the General Manager in writing. The General Manager will then declare the dog to be a dangerous dog, and the provisions relating to dangerous dogs will then apply.

What happens if my dog leaves my property and is impounded?

Under the *DCA 2000*, an authorised council officer (usually the animal control officer) of the council can apprehend and impound your dog if it is found at large outside your property. If the dog is wearing a registration disc the General Manager has to let you know in writing that your dog has been impounded, and tell you that the dog can be reclaimed. If, after five working days after the owner has received the notice, the dog has not been reclaimed, the General Manager may sell, destroy or otherwise dispose of the dog. If the dog isn't wearing a registration disc and the owner is unidentifiable, the General Manager has to make reasonable inquiries to identify the rightful owner. If unsuccessful in locating the owner, he/she is authorised after not less than 3 working days to sell, destroy or otherwise dispose of the dog. Under the *DCA 2000*, if your dog has been seized and impounded, you will be given 5 working days after having received the notice to pay:

- any fees due in relation to the dog's seizure and detention
- any other fees or charges that are applicable under the Act
- the appropriate registration fee if the dog isn't already registered.
- Impounded dogs may be reclaimed from the Pound at the Council Depot after payment of associated fees at the Council Chambers.
- Stray dogs are held for three (3) days if no tag is attached and five (5) days if dog is wearing a current registration tag.

-
- Fees charged are a seizure fee and a maintenance fee which is added each day the dog is in the pound. If the dog is not registered, you must also pay the registration fee prior to the dog being released.
 - Council has a microchip scanner and all dogs are scanned prior to being placed in the pound.

For more information on micro-chipping please contact Council's Animal Control Officer or speak to your veterinarian.

When can I destroy a dog?

The *DCA 2000* states that it is legal to restrain or destroy a dog under the following circumstances:

- if a dog is attacking you personally
- if you see a dog attacking another person, another animal, or a guide dog or hearing dog
- a person carrying on primary production relating to livestock on rural land or any other person acting under his or her authority may destroy any dog at large found on that land

If the situation calls for you to restrain a dog that is at large, you need to notify the council as soon as possible after the event. If you are a primary producer and you have livestock that need to be protected, you have the legal right to destroy any dog that is found at large on your property. It is recommended that such a primary producer seeks independent legal advice in respect to their rights and responsibilities for the manner of destruction of the dog in these circumstances. In extreme cases where a dog has been destroyed, the person who has carried out the deed must notify the Council within 14 working days and return the dog's registration disc if any was worn. An authorised council officer or a veterinary surgeon may also seize or destroy a dog if:

- its behaviour is likely to cause injury to another person or animal
- it has already caused injury or death to another person or animal
- it is found in such a distressed or disabled state that it is considered kinder to prevent it further suffering.

If a dog has been seized and destroyed, the authorised Council employee or veterinary surgeon must also notify the council of the animal's death, and the reasons why it was destroyed. There is also a provision in the *DCA 2000* that requires anyone who destroys a dog to do so quickly and humanely, without causing the animal unnecessary suffering.

Can I be fined if my dog strays into my neighbour's yard?

Your neighbours are entitled to enjoy their garden and backyard without having your dog roaming around in it. It is every dog owner's responsibility to ensure that his or her dog is under control at all times. Owners who do not control their dogs risk being fined up to \$500 each time their dog strays.

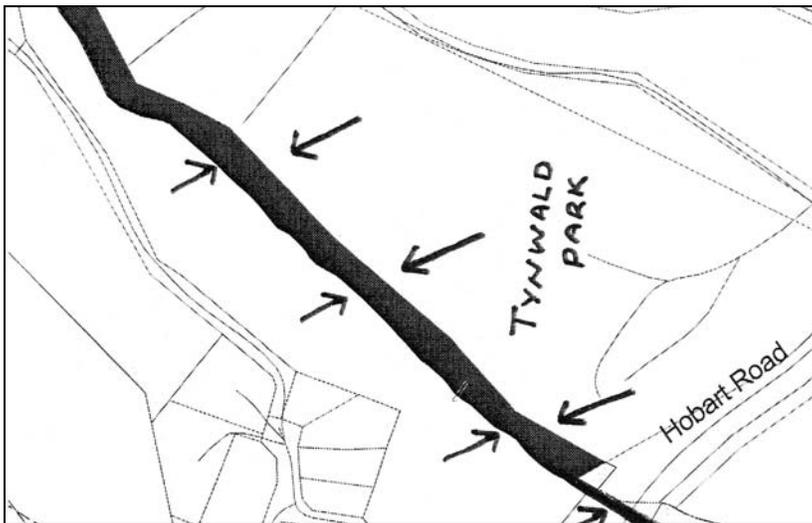
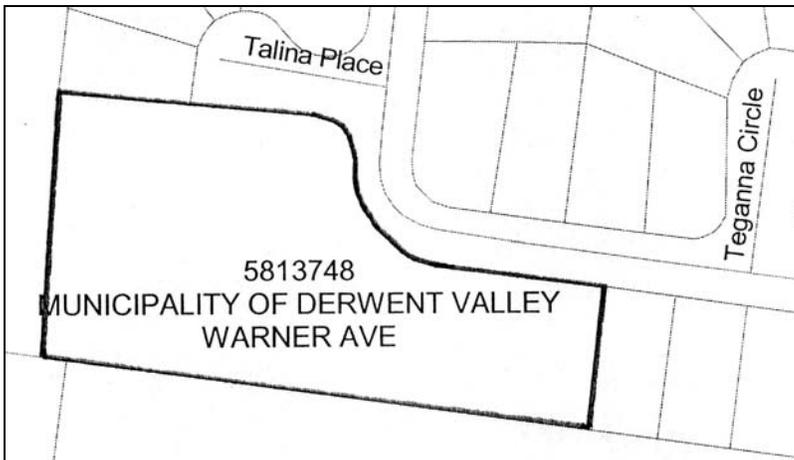
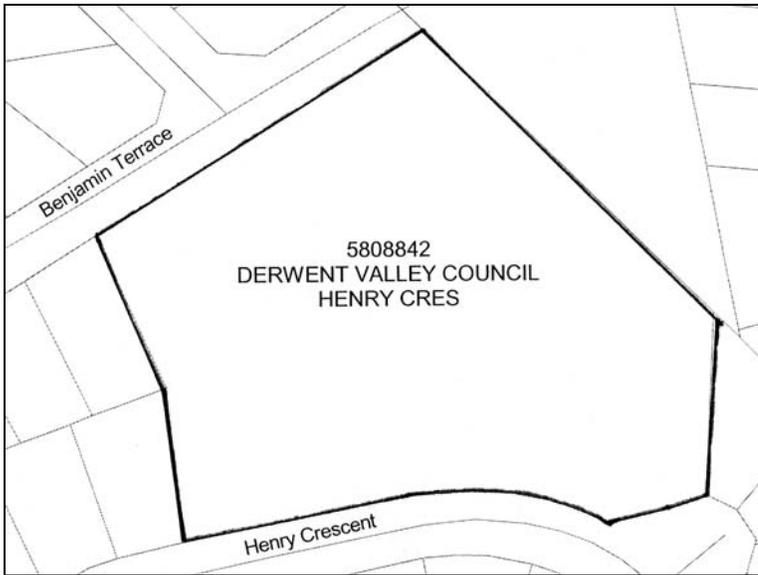
Can I be fined if my dog barks?

Yes, you may be fined. Under the *DCA 2000* you must not allow your dog to be or become a nuisance to your neighbours, or to the general public. If sufficiently annoyed, people can complain and owners may be fined up to \$500 if they fail to prevent their dog from disturbing people with incessant barking

Dog Control Act

A full copy of the Act can be found on the web site at www.thelaw.tas.gov.au

Attachment A



Registration fees for 2011/2012 are:

	Paid Before 31 July 2011	Paid After 31 July 2011
Entire domestic dog (not eligible for *responsible owner status)	\$70.00	\$110.00
De-sexed domestic dog (*responsible owner status available)	\$30.00	\$70.00
Working Dog (*responsible owner status available)	\$30.00	\$70.00
Purebred dogs kept for breeding whose owner has current TCA Membership Card (*responsible owner status available)	\$30.00	\$70.00
Greyhounds registered by Racing Services Tasmania (RST) (*responsible owner status available)	\$30.00	\$70.00
A dog owned by a pensioner (first dog only)	\$6.00	\$46.00
Approved special assistance dogs	Nil	Nil
Dangerous dog	\$210.00	\$250.00
Guard dog	\$210.00	\$250.00

* Responsible Owner Status – 50% reduction on regular fees (*Not applicable to first dog registered by Pensioner*).