

# POLICY MANUAL

**Policy Number: 43**

**Dog Management**

**Purpose:** To establish a Dog Management Policy for the Municipal Area that complies with the *Dog Control Act 2000*.

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**Minute Number:** 210/2022

**Next Review Date:** **October 2027**

## POLICY

### **1. Definitions**

As per *Dog Control Act 2000*.

Assistance dog: a dog which is an 'assistance animal' as defined in section 9 of the *Disability Discrimination Act 1992* (Cwth).

### **2. Objective**

The objective of this policy is to ensure that Council consistently and effectively fulfills its responsibilities under the *Dog Control Act 2000* (the Act), by:-

- ensuring that owners of dogs comply with their obligations under the Act;
- preventing the danger caused by dogs to the public and to other dogs and animals;
- minimising the distress and nuisance caused by dogs to the public;
- actively promoting the responsible ownership of dogs; and
- providing for the reasonable exercise and recreational needs of dogs, including the identification of on-lead and off-lead exercise areas.

### **3. Scope**

Applies to an owner or a person who has control of a dog/s, either residing within or visiting the Meander Valley Council local government area.

### **4. Principles**

This policy will apply in accordance with the following principles:-

1. Recognition: of the contribution that dog ownership can provide to community health and wellbeing;
2. Balance: the need for a balanced approach to achieve a compatible relationship between dogs, dog owners, neighbours and the general public; and
3. Compliance: the legislative requirement for both the Council to enforce, and for dog owners to comply with, the provisions of the Act.

## **5. Policy**

### **5.1 Code for Responsible Ownership of Dogs**

Council is committed to promoting responsible dog ownership through the following Code for Responsible Ownership of Dogs:

*"It is expected that dog owners or persons in control of a dog will comply with all requirements of the Dog Control Act 2000, and be responsible for:-*

- *ensuring that their dog is registered and microchipped once it is six (6) months of age (and older);*
- *ensuring that their dog is appropriately housed and contained within a secure yard;*
- *ensuring that their dog wears its Council identification tag;*
- *ensuring that their dog receives necessary care and attention in accordance with good veterinary practice, and is supplied with adequate food and water;*
- *ensuring that their dog receives adequate exercise;*
- *taking all reasonable steps to ensure that their dog does not cause a nuisance to others;*
- *ensuring that their dog is under effective control when in a public place; and*
- *cleaning up after their dog."*

### **5.2 Education**

Council recognises the importance of providing information and education regarding responsible dog ownership and management to all members of the community. Education promoting responsible and compliant ownership and control is viewed as the best tool to combat common issues associated with dogs in the community.

Mechanisms that may be used to provide education include:

- signage at declared areas (i.e. dog exercise areas);
- day-to-day interactions with Council Officers;
- pamphlets outlining the requirements of the Act, the Code for Responsible Ownership of Dogs, and the services available to assist community members to be responsible dog owners;
- regular articles in Council newsletters (e.g. Valley News) and updates via Council's social media channels, community radio and website; and
- visits to schools to make presentations to students on dog ownership issues and responsibilities (upon request).

## 5.3 Complaints, Nuisance & Community Safety

### Nuisance Barking

Barking dogs can be a difficult issue to deal with as every situation is different. The Act specifies a barking nuisance as a noise that consistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

#### *Management of barking complaints*

1. In the first instance, residents should contact the owner of the dog directly to resolve the problem, as this is proven to be the most effective approach and also assists to maintain neighbourhood harmony.
2. If unable to resolve the issue of a barking dog directly with the owner, then Council should be notified. The Council may elect to contact the dog owner to discuss their dog's behaviour and make suggestions as to how owners can remedy any problems.
3. A person may make a formal complaint to Council; this must be lodged on Council's official complaint form and the appropriate fee must be paid. Any fee paid will be refunded in the event that a complaint is substantiated.
4. In response to a formal complaint, Council may require the person making the complaint to keep a record of instances for a period of not less than 14 days (or otherwise determined by Council). In considering this action, Council will have regard to any other collaborating evidence. Council will then determine the appropriate response.

#### *Managing other nuisance complaints about dogs*

Other activities of dogs can cause annoyance and discomfort to members of the community, most commonly via dogs roaming and not being contained to their property, owners failing to pick up dog faeces, or dogs causing distress to others by behaving in a manner that may cause injury or pose a safety concern to a person or another animal. In such situations people may make a complaint to Council.

In the first instance people should attempt to resolve the problem directly with the owner.

Council will consider every complaint received relating to an alleged nuisance caused by a dog, however may not act upon anonymous or unsubstantiated complaints. Issues raised by complainants will be investigated in a manner which ensures that all facts are considered to avoid vexatious and/or false complaints being supported. A Council Officer may make enquiries as to the validity of a complaint by speaking to the dog owner, the complainant and surrounding neighbours and/or witnesses.

Where necessary, Council will institute proceedings against a dog owner for an offence relating to a nuisance or when dogs attack, threaten people or animals, or compromise community safety and health.

Enforcement actions Council may take include:-

- issuing a warning, an abatement or infringement notice;
- impounding roaming dogs; and/or
- prosecuting when an offence or the impact of an offence is significant.

### *Managing Dangerous Dogs*

A small portion of dogs may pose a threat to the community through aggressive behaviour. Dog behaviour that is threatening or results in an attack on people or animals causing injury, damage, distress or death is not acceptable and will be managed.

It is important that where dogs are perceived (through their behaviour) as dangerous, that the Council or Police are informed to enable a thorough investigation to take place and any necessary action to be taken to ensure public safety.

Council may declare a dog as 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.

When managing a potential or declared dangerous dog/s, Council may take one or more of the following actions:

- issue a warning or an infringement notice;
- initiate prosecution action where there is evidence of a contravention of the Act;
- declare an offending dog to be dangerous;
- seize and detain a dog suspected or known to have attacked a person or animal to ensure safety and to enable an investigation to occur;
- enforce compliance with requirements of the Act relating to a dangerous dog; and/or
- euthanize the offending dog.

### 5.4 Municipal Pound

Council will operate a municipal pound in accordance with the requirements of the *Dog Control Act 2000* and the *Local Government Act 1993*.

Dog owners will be encouraged to contact Council in the event of losing their dog to expedite the reuniting of impounded dogs with owners.

Where a dog is impounded and not claimed, Council will make reasonable efforts to secure an alternative home for the dog through a rescue organisation.

If a dog has been impounded by Council and is identifiable, a Council Officer will make contact with the owner as soon as practicable.



A dog owner will be required to pay any fees and charges relating to the impoundment and daily maintenance of a dog. Any veterinarian fees incurred during impoundment are the responsibility of the owner.

### 5.5 After-Hours Service

Council will operate a limited after-hours service for emergency situations, e.g. dog attacks.

After-hours attendance by a Council Officer or contractor will be at the officer's discretion considering the risk and circumstance.

Council will not attend after-hours for barking complaints. Residents experiencing barking nuisance should contact Council the next business day.

Dog(s) at large will only be collected if they are appropriately restrained. Collected dogs will be taken to the municipal pound. If a collected dog is identifiable, a Council Officer will make contact with the owner on the next business day.

### 5.5 Sick or Injured Animals

Council does not manage sick or injured dogs. Enquiries regarding sick or injured dogs should be directed to the RSPCA in the first instance. Alternatively the animal should be taken to a veterinarian.

### 5.6 Registration and Fees

Dog registration and other fees are set for each financial year as part of Council's budget.

The fees will be advertised and standard registration renewal notices will be provided to all those who have registered a dog previously.

Dog owners are encouraged to register their dogs early in the financial year: a discount in registration fees is applicable if paid prior to the 31 July each year.

Registration fees and concession discounts will be set by Council considering the following:-

- a discount will be provided for de-sexed dogs;
- Pensioners will receive a discount on one dog: other dogs will be charged at the applicable rate;
- owners who keep guide dogs, assistance dogs or hearing dogs are not charged;
- owners of dogs kept for breeding purposes which are registered with Dogs Tasmania [Tasmanian Canine Association (TCA)] will be levied a fee that recognises the purpose for which they are kept. The fee will, however, be discounted from that which would normally apply to an entire animal;
- greyhounds registered with the Office of Racing Integrity will be charged a discounted rate; and

- dogs considered 'working dogs' on farms or elsewhere will be charged at a discounted rate where the dog's status is demonstrated to Council.

Owners seeking concessional (discounted) registration may be required to produce written evidence of eligibility as prescribed in the Act, e.g. breeders must produce a current Stud Prefix issued by the TCA.

Registration and subsequent renewals for declared dangerous dogs are subject to satisfactory review of enclosure and adherence to requirements of the declaration notice.

Where a dog is registered with less than three months remaining in the financial year, then a pro-rata rate will be applied.

Fees also apply for kennel licences, impounding of dogs, and daily maintenance should a dog be impounded for consecutive days.

### *Lifetime Registration*

From 1 July 2023, owners may elect to pay one-off registration fee for the life of a dog. Lifetime registration is a flat fee and is not subject to other discounts. To be eligible, the microchip number of the dog must be provided to Council.

Lifetime registration is not available for dogs declared dangerous dogs or restricted dog breeds.

Council will provide an initial issue of a lifetime dog tag upon registration. A fee will apply for the provision of any replacement tag.

### 5.7 Monitoring and Evaluation

An annual report on dog management will be prepared and presented to Council.

The report will include the following information:

- number of dogs registered;
- number of dogs impounded;
- number of Infringement Notices issued;
- number of formal complaints received;
- financial evaluation of the provision of animal control services;
- number of kennel licences issued; and
- a summary of dogs declared to be dangerous.

## **6. Declared Areas**

Under the Act, Council may declare and regulate areas within its municipal boundary to be:

1. a prohibited area;

2. a restricted area; or
3. a dog exercise/training area – unrestricted.

Council may add or remove declared areas of the municipality pursuant to section 24 of the Act.

Council recognises the need to designate areas for owners to enjoy a range of recreational activities with their dogs and acknowledges that a well exercised dog is less likely to create a nuisance.

A combination of off-lead (unrestricted) and on-lead (restricted) areas have been provided throughout the municipal area. Areas may also be declared as prohibited to dogs due to their location or environmental significance. Maps of the declared areas are included in Appendix 1.

*Dog exercise/training areas – unrestricted (off-lead):*

Dogs, other than a dangerous dog, restricted breed dog or greyhound, may be exercised off-lead, providing they remain under effective control. The following areas have been declared as exercise/training areas pursuant to sections 20 & 21 of the Act:

1. Alveston Drive, Deloraine (part of Deloraine Community Complex site). Also accessed from Rickman Street, Deloraine (Location 1 on Map 1, Appendix A).
2. Pitcher Parade, Prospect Vale (to the east of Wetlands area) (Location 2 on Map 2, Appendix A).
3. River Reserve, between Foote Street and Browne Street, Hadspen (Location 3 on Map 3, Appendix A).
4. Westbury Town Common, off Mary Street, Westbury (Location 4 on Map 4, Appendix A).
5. Lomond Views Private Open Space, off Chris Street, Prospect Vale - Proposed fenced dog exercise/training area (Location 5 on Map 5, Appendix B).

*Restricted areas:*

The following areas have been declared as restricted areas pursuant to section 23 of the Act where dogs are not permitted at all times:

The playing surface of the sportsgrounds at -

1. Prospect Vale Park, Harley Parade, Prospect Vale (Map 6, Appendix C).
2. Westbury Recreation Ground, Franklin Street, Westbury (Location 7 on Map 7, Appendix C).

3. Deloraine Recreation Ground, Racecourse Drive, Deloraine (Location 8 on Map 8, Appendix C).
4. Bracknell Recreation Ground, Louisa Street, Bracknell (Location 9 on Map 9, Appendix C).

The following areas have been declared as restricted areas pursuant to section 23 of the Act where dogs are permitted provided they remain on a lead at all times:

- Deloraine riverbank, publicly accessible area both eastern and western sides of the Meander River, adjacent to West Parade (western side) and East Parade (eastern side), including Train Park and Rotary Park (Location 10 on Map 10, Appendix D).

## **7. Legislation**

*Dog Control Act 2000*

*Disability Discrimination Act 1992 (Cwth)*

## **8. Responsibility**

Responsibility for the operation of the policy rests with the Director Development & Regulatory Services.

**Appendix A – Declared Dog Exercise/Training Areas (off-lead) – existing**



Map 1: Location 1 – Alveston Drive, Deloraine (part of Deloraine Community Complex site) - fenced. Also accessed from Rickman Street, Deloraine.



Map 2: Location 2 – Pitcher Parade, Prospect Vale (to the east of Wetlands area) - fenced.





Map 3: Location 3 – River Reserve, between Foote Street and Browne Street, Hadspen.



Map 4: Location 4 – Westbury Town Common, Mary Street, Westbury.



**Appendix B – Declared Dog Exercise/Training Areas (off-lead) - proposed**



*Map 5: Location 5 – Prospect Vale, Lomond Views Private Open Space, off Chris Street, Prospect Vale – Proposed fenced dog exercise/training area.*

**Appendix C – Declared Restricted Areas (dogs restricted from entering at all times) – proposed**



*Map 6: Prospect Vale Park, Harley Parade, Prospect Vale – playing surface of sportsgrounds – dogs restricted from entering at all times - proposed.*





Map 7: Location 7 – Westbury Recreation Ground, Franklin Street, Westbury – playing surface of sportsground – dogs restricted from entering at all times - proposed.



Map 8: Location 8 - Deloraine Recreation Ground, Racecourse Drive, Deloraine – playing surface of sportsground – dogs restricted from entering at all times - proposed.

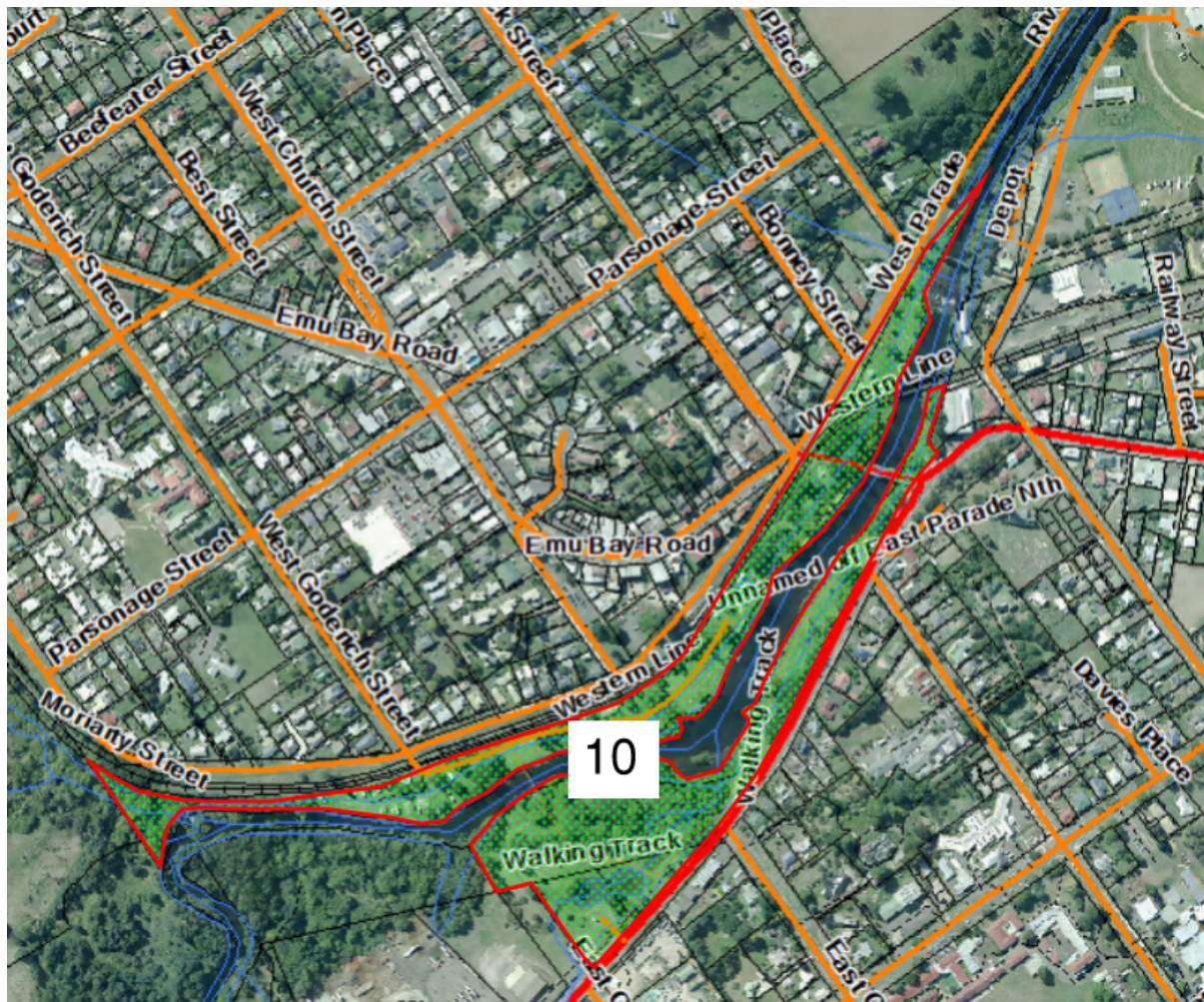




Map 9: Location 9 – Bracknell Recreation Ground, Louisa Street, Bracknell – playing surface of sportsground – dogs restricted from entering at all times - proposed.



**Appendix D – Declared Restricted Areas (dogs are permitted provided they remain on a lead at all times) – proposed**



Map 10: Location 10 – Deloraine Riverbank – restricted area (on-lead) - proposed.