



DOG MANAGEMENT & ANIMAL CONTROL POLICY

Adopted by Council (19/03/2015):

Related Documents:

Appendix A – Code of Responsible Dog Ownership

Appendix B – Declared Areas (*Dog Control Act 2000*)

Appendix C – Declared Areas (*Cat Management Act 2009*)

PURPOSE

1.0 Purpose

- 1.1 To provide clear direction on the Council's expectations for responsible dog ownership as required by the *Dog Control Act 2000* and in keeping with the following principles:
- (a) To value the contribution dogs can make to the community;
 - (b) To respect the rights of dog owners and non-dog owners alike;
 - (c) To minimise the risk of community conflict occurring due to the presence of dogs; and
 - (d) To minimise the risk of a dog threatening or attacking a person or animal.
- 1.2 To outline the involvement of Council in both dog control and other animal control activities that it is required to have in law, and the level of involvement that the broader community expects and is able to resource.

POLICY STATEMENT

2.0 Objective

2.1 Council's objectives outlined in this policy are:

2.1.1 Dog Management

- (a) Manage dogs through the education of individual ownership responsibilities and where necessary provide proactive enforcement in accordance with the principles of this policy;
- (b) Provide routine patrols during normal business hours;
- (c) Provide an emergency after hours dog management service if a dog attack occurs, provided that the alleged offending dog has been secured or remains in the immediate area;

- (d) Provide an after-hours dog management service to collect dogs at large provided that the dog has been secured or remains in the immediate area.

2.1.2 Cat Management

- (a) Encourage responsible ownership through promoting access to information offered by other service providers;
- (b) Not provide a cat management facility or cat management services;
- (c) Consider declaration cat management or prohibited areas on an as needs basis and record in Appendix C to this policy.

2.1.3 Livestock Management

- (a) Provide for public safety by assisting with the removal of stock on roads;
- (b) As a last resort impound stock in accordance with the *Local Government Act 1993* and *Law of Animals Act 1962*.

2.1.4 General Matters

- (a) Consider 'declared areas' on an as needs basis;
- (b) Not provide around the clock animal control services for all applicable matters;
- (c) Encourage responsible management, including fencing of land to reduce risk of escape and danger to road users, and where necessary apply statutory provisions to the fencing of land;
- (d) Council will not be responsible for resolving matters which are a civil matter or dispute between landowners;
- (e) Council will not respond to animal welfare incidents, but will communicate and cooperate with agencies that have statutory responsibility for this.

3.0 Scope

3.1 The scope of this policy is to cover the legislative obligations of Council and to outline the involvement of Council in animal control activities.

3.3 Dead animals, road-kill, invasive species or pests are not the subject of this policy.

4.0 Policy

4.1 Wherever possible, education and warnings will be provided in the first instance by a combination of verbal and written advice. Repeated failure to meet responsibilities or offenses of a more serious or intentional nature (e.g. threatening an officer, encouraging or allowing a dog attack etc.) may have no warnings issued prior to taking action. Actions available to Council include the seizure and impoundment of dogs or livestock, issue of infringement notices or prosecution.

4.2 Council acknowledge the right for complainants to not have their identifying details disclosed to other parties.

4.3 Council reserves the right to request verifying information from complainants such as written records, statutory declarations or diary entries to provide supporting evidence prior to or during investigating a complaint. This information is to be treated in confidence and only released if authorised by the complainant or required by legal proceedings.

4.4 Acceptance and investigation of complaints where people are unwilling to provide specific details to Council to allow verification will be allocated a lower priority and may not be allocated resource for investigation if a resolution is unlikely to be achieved.

4.3 Cat Management

4.3.1 Cat management is not a core activity of Council and is a State responsibility.

4.3.2 Cat management areas if declared in Circular Head, will be listed in Appendix C of this policy.

4.4 Livestock Management

4.4.1 The management of stock is a priority when it comes to removing stock from a road and therefore removing the hazard to road users.

4.5 Dog Management

4.5.1 Focus will be on education and cooperative ways of achieving outcomes consistent with the *Dog Control Act 2000* and any other relevant legislation.

4.5.2 Within the resources allocated, patrols and activities relating to Dog control will be focussed on the most at risk areas such as towns, beaches and settlements where there is a concentration of both people and dogs.

4.5.3 Dog owners who have registered their dogs and have affixed a current registration tag to their dog will be provided the extra benefit of Council attempting to contact and return dogs to them in the first instance, rather than impoundment. Exceptions to this guideline are: -

- The dog has committed another form of offence (eg attack);
- Warnings have been previously provided to the owner; or
- The owner could not be contacted.

4.5.4 Where possible, should a dog's details or owners be known they will be contacted to arrange collection of dogs reported missing or found roaming at large.

4.5.5 Dogs surrendered or not claimed will be considered for re-homing and will be organised through an approved animal welfare organisation. Suitability of the dog to be re-homed and the costs involved to Council will be considered when making this decision.

4.5.6 Decisions around declaration of dangerous dogs are taken on merits and are at the discretion of the delegated officer. Council principals that guide this

decision are that the declaration of a dangerous dog is a serious decision that is made in the interests of protecting the community. Other options may be considered before a declaration; including the voluntary surrender of the dog or alternative measures being implemented and committed to by the owner. The nature and severity of any incident will be weighed up during the decision making process. Council officers, in the interest of resolving these matters without drawn-out proceedings, may negotiate an outcome which protects the community and avoids further expense to Council.

4.5.7 Council's Code for Responsible Dog Ownership is outlined in *Appendix A* of this Policy and may be updated as required without the need to amend this Policy.

4.5.8 The decision to declare areas will be made based upon community needs and expectations, and reviewed at the time that this Policy is reviewed. Declared areas will be listed in *Appendix B* of this Policy which will allow the addition or removal of areas to occur outside of a review of this Policy and without the need to amend this Policy. The types of declared areas that may be included pursuant to the *Dog Control Act 2000* are:

- (a) Exercise Areas – Areas where dogs may be exercised off lead;
- (b) Training Areas – To facilitate an area for dog management courses to aid in responsible dog handling;
- (c) Prohibited Areas – Areas to ensure the protection of wildlife and native habitats;
- (d) Restricted Areas – To ensure public equity and promote safe usage of restricted beaches.

4.5.9 Council determines a fee structure for dog control annually. Fees have been structured to positively incentivise dog registration including a discount period in the early part of the year. Cost recovery is not achieved.

4.5.10 The fee structure is determined annually as part of Council setting an annual budget. Fees are published on the Council website www.circularhead.tas.gov.au.

4.5.12 As a general principle no refund to dog registration or license fees will be due if a dog or animal requiring registration dies or relocates from the municipal area following its annual registration or licence renewal.

4.6 Communication and Consultation

4.6.1 Council will make use of emerging technologies such as social media, and other digital forms of communication to keep in contact with registered animal owners and to attempt to re-unite missing animals with owners. This technology will be used in preference to paper based communication where possible.

4.6.2 This Policy will be reviewed as a minimum of every 5 years in accordance with section 7 of the *Dog Control Act 2000*, with public input sought.

5.0 Resources

Council is to allocate sufficient resources to meet the requirements of this policy.

6.0 Legislation and other Authorities

- (a) *Dog Control Act 2000*
- (b) *Cat Management Act 2009*
- (c) *Local Government Act 1993*
- (d) *Law of Animals Act 1962*
- (e) *Animal Welfare Act 1993*

6.1 Words and phrases used in this policy when referencing dogs and dog management have the same meaning as described in the *Dog Control Act 2000*.

6.2 Words and phrases used in this policy when referencing Cats and Cat management have the same meaning as described in the *Cat Management Act 2009*.

7.0 Responsibility

The Executive Manager Development Services and is responsible for the overall management of this policy.

RATIONALE/BACKGROUND

This policy is developed to fulfil both the statutory requirements of section 7 of the *Dog Control Act 2000*, and to outline the level of service provided for animal control, and seek public input into the process.

The policy guides decision making relating to animal control matters.

AMENDMENT RECORD

REVISION No.	DATE	DESCRIPTION	
			REFERENCE
1.	16.01.2003	Revised	Min. Ref 8.2
2.	17.12.2009	Revised	Min. Ref 11.3
3.	02.11.2011	Revised	Min. Ref 11.2
4	19.03.2015	Revised and Expanded to Animal Control	Min Ref 11.4



APPENDIX A
CODE FOR RESPONSIBLE DOG OWNERSHIP

Responsible dog ownership requires a dog owner or the person responsible for a dog to accept full responsibility for meeting all the care and attention needs of a dog and for ensuring the dog does not become a threat or nuisance to the safety or welfare of any other person or animal.

This Code for Responsible Dog Ownership is advisory, and does not replace any obligation under any law relating to the ownership or care of an animal.

Pet ownership can enhance the quality of lives of their owners, but also comes with responsibilities to provide for the safety and wellbeing of others. Dog owners should consider the following:

1. When choosing a dog, you should select a breed and temperament that meets your personal needs and that is best suited to the nature of your budget, lifestyle, household composition and the premises and location of where you live.
2. Well trained dogs make a positive contribution to the community.
3. As a dog owner, you are responsible for your pet and its behaviour and actions at all times regardless of whether you are with your dog or not.
4. All people within the state must abide by the *Dog Control Act 2000*.
5. Unless exemptions apply, any dog over the age of six (6) months must be micro chipped and registered in the Council area which it resides.
6. Registering your dog provides you the benefit of allowing it to be returned to you promptly if it is lost or goes missing. It also reduces the cost to the community if dogs can be promptly identified and returned to their owner. Keeping dogs registered and contact details up to date is important for these reasons.
7. It is your responsibility to ensure that your dog doesn't become a nuisance to other people within the community. The main nuisances in Circular Head are:
 - a) Roaming dogs;
 - b) Unreasonable noise;
 - c) Dog faeces in public;

a) Roaming Dogs

When walking your dog on a public street in town it must be on a lead to prevent it from becoming a nuisance.

Dogs can only be allowed to exercise or run off a lead if on private land with the permission of the land owner or occupier and is confined to that premises, or on public land which has been declared and signed for that purpose. When dogs are on declared areas, owners must still have effective control, which means the owner must be in sight of the dog and in close proximity so that the dog responds immediately to command.

b) Unreasonable Noise

Barking dogs and the noise they create can be a significant concern within the community and can be a source of dispute. Owners are responsible to manage their dogs barking. Dogs can bark through boredom, seeking attention, to warn their owners, to protect their territory or any number of other reasons.

Providing your dog with sufficient and regular exercise can reduce barking; remembering, some dog breeds require more exercise than others. You can also provide your dog with toys or bones to occupy them when you're not at home.

Either a veterinary service provider or Council can provide you with information on other options that may be available to you.

c) Dog Faeces

Dog faeces in streets, parks and other public places are an unpleasant and preventable nuisance; it can also spread illness. As a dog owner, you are responsible for cleaning up after your pet. You may be fined if you fail to clean up after your dog in a public place.

Preventing your dog's faeces from becoming a nuisance and avoiding potential fines can be as simple as carrying a plastic bag when walking your dog. Please bag it, and then bin it.

How Can I Be More Responsible?

Part of an owner's responsibility is to provide a safe yard or enclosed area taking into account your pets welfare. As a dog owner, you will need to ensure that your dog's yard/enclosure is maintained so that it prevents your dog from escaping and causing a nuisance or becoming 'at large'.¹

The *Dog Control Act 2000* requires dog owners to apply for a kennel license when there are more than two (2) dogs or more than four (4) working dogs which are kept on that property. This is to ensure that Council is aware of these properties and can inspect the yard/enclosure to confirm the welfare of the dogs and that the dogs won't cause a nuisance to nearby residents.

Effective dog management within our community involves all of us working together. We can all do our little bit to make our community safer, cleaner, and more accepting for both people and our dogs.

¹ The *Dog Control Act 2000* makes it an offence for a dog to be at large. You may be fined for your dog being at large and it doesn't need to be impounded for these penalties to be applied.



**APPENDIX B
DECLARED AREAS (Dog Control Act 2000)**

Declaration is to be made in accordance of the requirements of the *Dog Control Act 2000* and is to be formalised after a period of community consultation pursuant to Council's Public Consultation Policy.

Declared restrictions do not apply for a guide dog or hearing dog as defined by the *Guide Dogs and Hearing Dogs Act 1967* or for a dog training to be a guide dog or hearing dog.

Council has made the following declarations in accordance with the *Dog Control Act 2000* –

a) Dog Exercise Areas

These areas are allocated for the exercising of dogs off leash so long as they remain under effective control.

Use of Exercise Areas must be without exclusion, threat or inconvenience to other dogs. The owner or person in charge of the dog must immediately address aggressive or nuisance behaviour, excessive barking and remove any faeces.

The declared dog exercise areas are:

Location	Type	Description	Date of Declaration				
Godfreys Beach, Stanley	Beach	In the area of Godfreys Beach below high tide north of the alignment with 13 Green Hills Road, extending approximately 500m North to the Rocks - dogs may be exercised at the following times without a lead:	23/6/2015				
					Time	Off Lead	On Lead
				Daylight Savings	before 10am	✓	
					after 7pm	✓	
					10am – 7pm		✓
Normal Time	24 hours	✓					
Fossey St, Smithton	Grassed area	On the Council managed land north of Fossey St, and south of the Duck River in a line from 2 Gibson St in the East to the TasWater Sewage Pump Station in the West (known as Lee Park)	23/6/2015				
Tatlows Beach, Stanley	Beach	Below high tide, approximately 1.3km extending from vehicular access adjacent to 23 Marine Esplanade south west to foot track leading to the Stanley Golf Club	23/6/2015				
Anthony Beach (Seven Mile Beach), Smithton	Beach	Below high tide on the North facing beach, commencing 200m East of the access track from Anthony Beach Road, extending to the East.	23/6/2015				

b) Training Areas
Where training may occur

No areas declared

c) Restricted Areas
Restriction all for entry of dogs

Nil

d) Prohibited Areas
Can be applied to sensitive wildlife habits.

The Dog Control Act 2000 prohibits dogs at all times within the following areas:

- *Any grounds of a school, preschool, crèche or other place where there is a presence of children unless with the permission of the person in charge of the place*
- *Any shopping centre or any shop unless a pet shop, veterinary surgery, pet grooming show or other premises related to the care and management of dogs*
- *The grounds of any swimming pool*
- *Any playing area of a sportsground on which sport is being played*
- *Any area within 10 metres of a children's playground*

Prohibited Areas ensure the protection of wildlife and native habitats by outlawing dogs within that zone.

Other legislation may prohibit entry of dogs (for example National Parks).

Declared prohibited areas in Circular Head

Nil - no further areas declared



APPENDIX C
DECLARED AREAS (Cat Management Act 2009)

Cat Management Act 2009

- Prohibited Areas – Applies to land within the authority (ownership) of the Council
- Cat Management Areas – Can be applied to any part of the Council area.

Cat Management action may be undertaken in declared areas including the humane destruction of cats found in these areas.

The following areas are declared

Prohibited Areas

- Port Latta Landfill Site (effective from 26 October 2013)

Cat Management Areas

Nil
