

# DOG MANAGEMENT POLICY

November 2023



### 1. PURPOSE

The purpose of the Dog Management Policy is to:

- Provide information for dog owners and non-dog owners of their rights and responsibilities under the *Dog Control Act 2000* (DCA)
- provide a consistent and transparent framework for the management of dog related matters under the DCA.
- promote a harmonious relationship between people, dogs, and the environment.

This policy supersedes any previous Dog Management Policy.

### 2. SCOPE

This policy has been developed in accordance with Section 7(2) of the DCA and includes:

- a code relating to responsible ownership of dogs
- consideration of Declared Areas under Division 2 of Part 3 of the DCA
- identification of a fee structure
- other relevant matters.

This policy has been drafted to accord with the Good Governance Principles under Council's Governance Framework.

### 3. LEGISLATION

This policy relates to Council's functions and powers with regard to dog management under the following legislation:

- *Animal Welfare Act 1993*
- *Dog Control Act 2000*
- *Local Government Act 1993*
- *Monetary Penalties Enforcement Act 2005*
- *Right to Information Act 2009*.

### 4. DEFINITIONS

Section 3 of the DCA contains an exhaustive list of definitions of terms which are used in this policy, unless defined below.

New or expanded terms are set out below.

Term	Meaning.
Assistance Dog	An assistance dog is a guide dog or a hearing dog, or other dog which meets the definition of an "assistance animal" under the <i>Disability Discrimination Act 1992</i> . This does not include dog which only provides emotional support.
Caution Notice	Formal advice providing a warning that the dog or owner may be guilty of an offence and an infringement may be served unless the behaviour, situation or activity is satisfactorily modified. It is not an infringement notice.
DCA	<i>Dog Control Act 2000</i>
Licence for keeping several dogs	A licence to keep several dogs in accordance with Division 7 of Part 3 of the DCA.
No Go Zone	An area where dogs are not allowed, either as a condition or restriction of a Declared Area, or the operation of a Prohibited Area or Prohibited Public Area, as provided under the DCA.
Premises	<p>The whole of the property on which the dog usually resides. For approved multiple tenancy properties (irrespective of whether a strata scheme is in place), each dwelling or tenancy (along with its associated outdoor space) is considered a separate premises. However, a dwelling and ancillary dwelling (or any combination of dominant/ancillary tenancy) is considered to be a single premises.</p> <p>In accordance with Section 3 of the DCA, the term includes land and or any part of any premises or land and includes private premises and a public place</p>

## 5. POLICY

### 5.1 CODE OF RESPONSIBLE DOG OWNERSHIP

This Code is provided to assist dog owners in enjoying the benefits of dog ownership, while reducing negative impacts on the community.

Responsible dog ownership means that a dog owner or the person responsible for a dog must accept full responsibility for meeting all the 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. A dog owner is responsible for ensuring that a dog is provided with proper health care and attention, sufficient exercise, appropriate training, and with adequate food, water and shelter.

Dog owners must recognise that not all people like or feel comfortable with dogs and that such people have a right not to feel threatened or inconvenienced by a dog.

This Code recognises that some members of our community require an assistance dog to undertake everyday activities and, where identified under the DCA, many general restrictions do not apply.

Unless specifically exempted from an activity or requirement under the DCA, responsible dog ownership in the Derwent Valley, under the DCA, requires that the following principles to be met:

- That an owner of a dog, or the person who is responsible for the dog, is aware of their responsibilities under the DCA and their responsibility to protect the safety and convenience of the Derwent Valley Community.
- That an owner of a dog, or the person who is responsible for the dog, must comply with the requirements of the DCA and with any reasonable requests or directions of an Authorised Person with respect to the care or management of the dog.
- That certain breeds be restricted and require specific additional control and management measures must be applied. Restricted breeds are identified under Section 29A(3) of the DCA but, in accordance with 29A(1) of the DCA, an authorised person may declare a dog to be a restricted breed having regard to any approved guidelines for that purpose.
- That a dog must be registered with the Council and microchipped by the time it reaches six months of age, and that registration must be renewed annually (or such longer period as identified in the annual fee register).
- The Council must be immediately informed of any change in ownership or address of the dog, and of the loss or the death of a dog.
- That a licence to keep several dogs must be obtained prior to keeping more than 2 dogs (or 4 working dogs) over the age of 6 months on any premises.
- That a dog must wear a collar and registration disc in a public place.
- That a dog must be under effective control at all times. Any premises containing a dog must be adequately fenced or constrained, or a suitable enclosure provided to prevent the dog from wandering onto another property, a road, or any other public or private place. A dog must be on a lead and in the care of a responsible person when on any road or footpath or in a Council Reserve. A dog must respond immediately to commands when in a declared off-lead dog exercise area. Additional requirements (as set out in the DCA) apply for greyhounds, guard dogs, and any dog declared to be a dangerous dog.
- That an owner, or person responsible for the dog, must take all necessary precautions to ensure that a dog is not within a “no go zone”, including a prohibited area or prohibited public area, including a school, shop, sportsground or within 10 metres of a playground.
- That an owner, or person responsible for the dog, must comply with any restrictions or conditions that apply to any areas designated as Declared Areas under Division 2 of Part 2 of the DCA.
- That an owner, or person responsible for the dog, must clean up any mess, including faeces, caused by a dog in a public place.

- That an owner, or person responsible for the dog, must ensure a dog does not create a nuisance to any person by persistent or loud barking, or by behaving in a manner that is injurious or dangerous to the health of any person or unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place, such as chasing any person, animal or vehicle.
- That an owner, or person responsible for the dog, must ensure that a dog is not allowed to, or encouraged, to threaten, attack, harass, endanger or otherwise cause apprehension or distress to any person or to any agricultural, domestic or native animal when in a public place or to any person having business on the premises.
- That an owner, or person responsible for the dog, acknowledges that the Derwent Valley Council, through the powers and functions of the General Manager, delegate and Authorised Officers, has authority to require compliance to the standards and regulations for responsible dog ownership, and that the Council may be required to take action against an owner or a dog under the DCA 2000 for any breach of a regulatory requirement, including seizing and detaining a dog if it attacks or causes harm to a person or animal, or while an investigation into such an attack is undertaken.
- That an owner, or person responsible for the dog, recognises and accepts their responsibilities relating to the care or treatment of an animal under the *Animal Welfare Act 1993*.

### 5.2 DECLARED AREAS

Division 2 of Part 2 of the DCA enables areas to be declared for specific dog management purposes and provide for:

- **Exercise areas** – where dogs may be exercised subject to conditions.
- **Training areas** – where dogs may be trained subject to conditions.
- **Prohibited areas** - areas containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.
- **Restricted areas** - where dogs, other than guide dogs or hearing dogs, are restricted from entering:
  - during specified hours, days or seasons
  - during specified hours, days or seasons unless they are on a lead
  - at all times.

In addition, the Section 28 of the DCA provides for the following **prohibited public areas** where dogs are prohibited from entering:

- any grounds of a school, preschool, kindergarten, creche or other place for the reception of children without the permission of a person in charge of the place
- any shopping centre or any shop
- the grounds of a public swimming pool
- any playing area of a sportsground on which sport is being played
- any area within 10 metres of a children's playground

- any area within 2 metres of a BBQ area.

The declared areas do not apply to a guide dog, a hearing dog or any premise related to the care and management of dogs.

An owner must ensure that a dog does not enter a prohibited area, and a person must not take a dog into a prohibited public area or a restricted area, contrary to declared restrictions. Failure to comply is an offence and may be subject to penalties. Outside of these areas, the Dog Control Act 2000 requires that dogs are required to be under effective control which includes being on a lead on a public road or related area within an urban area.

These Declared Areas, along with any conditions or restrictions, are attached to this policy but do not form part of this policy. The adoption by Council and declaration of these areas is a separate process under the DCA and therefore may be amended from time to time (and the attachment updated) without requiring to amend this policy.

The objectives of providing appropriate declared areas are:

- To provide appropriate areas for the training, exercise and recreation of dogs.
- To recognise that not everyone is comfortable with dogs and should also be afforded the opportunity to recreate and enjoy Council's outdoor spaces.
- To provide safety and security of dogs and people, especially children, when recreating or sharing spaces.

There are also areas where dogs are prohibited by State Government agencies, including State Reserves, National Parks, Conservation Areas, Historic Sites and Regional Reserves. Other than an infringement for not keeping a dog under effective control in a public place (s.4 of DCA), the responsibilities for declaration of, and enforcement within, these areas lie with the landowner and not within the jurisdiction of Council.

### 5.3 FEE STRUCTURE

In accordance with Section 80 of the DCA and Section 205 of the *Local Government Act 1993*, Council may impose fees and charges with respect to matters under the DCA and any services, application, permit, licence or registration granted by Council. These fees are incorporated into Council's annual Fees and Charges Register and are publicly available.

Prior to the end of each financial year, or relevant period, Council will consider and set fees and charges with respect to the DCA. This generally (but does not have to) precedes the setting of other fees and charges in order to allow for renewal notices to be printed and sent to dog owners at the start of June to enable a reasonable time for payment before 1 July each year.

#### 5.3.1 FEE CATEGORIES

Derwent Valley Council recognises that dog ownership is important to many people in the community and plays a significant part in physical and mental health. Accordingly, registration

fees are not intended to provide a full-cost recovery of the dog management services Council provides but, overall, provide a significant portion of such costs, while keeping the costs of dog ownership affordable, particularly to concession card holders.

Council also seeks to encourage responsible dog ownership, through incentivising desexing of animals by offering a lower registration rate.

Fees will be identified for the below categories and adopted by Council prior to their application. All dogs are to be registered in one of the categories below. It is necessary for the owner to provide evidence that the dog fits the category. A dog which fits multiple categories may be registered in the category of lowest cost. Assistance dogs, as defined in Section 4 above, will be registered at no charge.

The registration categories for dogs are:

- Desexed domestic dog
- Entire domestic dog
- Purebred dog
- Working dog
- Hunting dog
- Greyhound (registered with Office of Racing Integrity)
- Dangerous dog
- Guard dog
- Assistance dog

Other fees and charges will be adopted for a variety of Council services and functions, including those associated with:

- Licence to keep several dogs (including advertising)
- Replacement of registration tags
- Complaints
- Surrendering of dog to Council
- Impounding and release of a dog
- Veterinary treatment including euthanasia
- Declaration and keeping of a dangerous dog.

### **5.3.2 DISCOUNTS AND LATE FEES**

A Concession discount (of 50% of normal registration fee) will apply only to the first dog registered to the concession card holder (Commonwealth Pensioner Concession Card or Repatriation Health Card only). This discount will only apply to the domestic (desexed or entire) dog or purebred dog rate.



A standard registration rate will apply to renewals received prior to 1 August each year and all new registrations (received with 1 month of the dog turning 6 months old or moving to Derwent Valley). A late fee will be applied to registration or renewals received outside these periods. These applicable periods may be extended at the discretion of the General Manager for any of the following circumstances:

- Delay in issuing renewal notices for any reason.
- Closure of the Council offices, preventing face-to-face payments for prolonged periods.

Where a new dog (or new licence to keep several dogs) is to be registered within 2 months of the end of the financial year, and Council has adopted registration fees for the next period, the dog (or kennel) may be registered early via a single registration fee at the higher rate for the period up to and including the new financial year.

Where a dog is registered but dies, or moves to another Council, prior to 1 January, 50% of the standard registration fee (or discounted fee) will be refunded upon written request.

### 5.3.3 LICENCE FOR KEEPING SEVERAL DOGS

Division 7 of Part 3 of the DCA requires that licence be gained prior to keeping more than 2 dogs (or 4 working dogs) over the age of 6 months on any premises. The public notification of an application for a licence to keep several dogs will be undertaken by Council on behalf of the applicant to ensure correctness and consistency in wording.

In determining whether to grant or refuse a licence to keep several dogs, the General Manager, or delegate, will consider:

- The principles of the Code of Responsible Dog Ownership.
- Any representation received during the public notice period.
- The suitability of the premises including its zoning, location of nearby dwellings and proposed enclosures.
- The public interest.
- The likelihood of a nuisance occurring.
- Public health requirements and environmental protection measures.

### 5.4 COMMUNICATION & EDUCATION

Communication with regard to the DCA and dog related matters, including public notification, will be in accordance with Council's Community Engagement Framework and Privacy Policy

Dog ownership can impact on all members of the community. The Council recognises it is important to provide information and education regarding responsible dog ownership to all sectors of the community. Mechanisms that can be used to provide education to all members of the community include:

- Brochures on responsible dog management.
- Raising community awareness by media advertising.



- Referring to statutory bodies and associated professionals.

The Council may also provide up to date information on the DCA and related prohibited/restricted areas with the mail-out of the registration notices each year.

## **5.5 COMPLAINTS & PERSONAL INFORMATION**

Derwent Valley Council recognises that community members will often seek assistance in dealing with nuisances created by dogs.

While we take complaints seriously, in accordance with Council's Privacy Policy, anonymous complaints inhibit the Council's ability to undertake an investigation into a dog complaint or follow up on a matter. Accordingly, we generally do not respond to anonymous requests, complaints or other matters where relevant personal information has not been provided to the Council or is insufficient. In addition, we generally will not deal with complaints which are considered of a frivolous or vexatious nature.

### **5.5.1 NUISANCES**

The DCA provides an opportunity for complaints with regard to dogs creating a nuisance. In addition, as a mechanism to discourage vexatious complaints, the DCA specifically identifies that a fee may be charged to receive such a complaint and, if the complaint is found to have substance, the fee is refunded.

Barking dogs can be a difficult issue to rectify as every situation is different. Residents are encouraged to attempt to resolve these matters by directly dealing with the owner before making contact with the Council. If this is not possible, or the problem persists, then the complainant is encouraged to contact the Council and lodge a formal complaint and provide any evidence available.

An Authorised Person will visit the premises and investigate the complaint which may include discussing the dog's behaviour with the owner and make suggestions for resolving the issue. If the problem continues, then the Council may issue an Abatement Notice and/or infringements.

This type of complaint can take time to resolve as what works for one situation may not work for another.

### **5.5.2 DOG ATTACKS**

Victims, or witnesses to a dog attack are encouraged to contact Council as soon as possible after any incident to provide a brief description of the dog/s and the attack, along with their contact details. In these circumstances, a Statutory Declaration may be required to be undertaken and any evidence provided, including such information as veterinary reports, medical reports, photos and any other relevant information.

### 5.5.3 PERSONAL INFORMATION

The Council collects personal information that is necessary for it to perform its functions and will only use or disclose this information for the purposes for which it is provided. The Council takes reasonable steps to ensure that the personal information it holds is accurate, complete and up to date. There may be circumstances where the Council is required or obligated by law to collect personal information. The Council will take all necessary measures to prevent unauthorised access to or disclosure of personal information.

Requests for access to documents containing personal information are managed under the *Right to Information Act 2009*. The Council will only disclose personal information to a third party or external organisation, with the express consent of the individual concerned, pursuant to a Right to Information request made under the *Right to Information Act 2009*, or when it is required by law.

There may be a requirement to disclose some of, or all the personal information Council collects to contractors or agents of the Council, Debt collection agencies, law enforcement agencies, courts, or other public sector bodies. The Council also discloses personal information to other agencies in the course of investigating and defending of legal claims against the Council. This includes Council's solicitors, consultants, insurers and investigators. These disclosures are made consistent with Council's Privacy Policy and the relevant legislation.

### 5.6 ENFORCEMENT

The DCA provides several powers to the Council to control dogs and enforce the requirements of the Act. The use of enforcement mechanisms allows the Council to effectively carry out its obligations, to protect the community and offer a sufficient deterrent against non-compliance with the law.

#### 5.6.1 INFRINGEMENTS

The DCA empowers an Authorised Person to issue Infringement Notices, that impose an "on-the-spot" fine on the recipient, for particular offences. The use of Infringement Notices is considered an efficient method of enforcement and allows the Council to effectively fulfil its objectives under this policy.

These fines are prescribed under the Dog Control Regulations and, once issued, the recipient has 28 days to settle. If not paid within this time, the infringement is lodged with the Monetary Penalty Enforcement Service.

Instead of an infringement notice, an Authorised Person may choose to issue the offender with a Caution Notice where:

- The offence is in the first instance.
- The offence is of a less serious nature.
- There is a high likelihood of subsequent compliance.

### 5.6.2 SEIZURE

Authorised Officers have the power to seize and impound any dog which may be at large or where they believe an offence has occurred and that the dog should be detained to ensure the safety of any person or animal while an investigation is undertaken.

When a dog at large is seized and where possible, the dog will be returned to its premises and a caution notice issued. This will only occur where:

- The dog is able to be identified and the owner contacted.
- There is a safe and secure space to leave the dog (ie: an open enclosure or gate is able to be securely shut) or the owner (or agent) can meet the authorised Person and receive the dog.
- The premises where to return the dog to is close to where the dog is found.
- The dog does not have a history of being at large.

The DCA prescribed periods in which dogs may be impounded. Prior to release, the dog must be registered, and any infringements issued. Where a dog owner cannot be immediately identified, we will take all reasonable steps to identify the owner, including the use of social media.

If a dog has been declared dangerous, then a suitable enclosure must be provided, or suitable alternative arrangements must be made, prior to the release of the dog.

A dog may be relinquished to the ownership of Council. Where this has occurred subsequent to an offence, the General Manager, or delegate, may determine that the issuing of an infringement for the offence is not warranted given that the offence is unlikely to reoccur.

Where a dog has not been claimed within the time periods under the DCA, the dog will be transferred to the Dog's Home. For the safety of a seized dog, or other animals in the pound, a seized dog may be transferred and held at the Dog's Home or another municipality's pound during any required time period. Where a dog is unclaimed, or has been relinquished to council, and has not displayed nuisance and/or aggressive behaviour, an Authorised Person will liaise with appropriate authorities to make suitable dogs available for adoption.

### 5.6.3 DESTRUCTION OF DOGS

The destruction of a dog will be undertaken as a last resort and generally is only in the following circumstances:

- Where a facility be unable to be obtained for the adoption for unclaimed or relinquished dogs within a reasonable period of detention.
- Where an unclaimed or relinquished dogs has been observed to display nuisance and/or aggressive behaviour and is unsuitable for adoption or re-homing.
- Where Section 39A or Section 42 of the DCA applies or the destruction of the dog has been ordered by a court of competent jurisdiction.

Veterinary surgeons, or appropriately qualified persons, requested to euthanise unclaimed dogs will be given an opportunity to undertake their own assessment and claim the dog and take responsibility for re-homing.

## **5.7 AFTER HOURS SERVICE PROVISION**

Dog management services are provided by the Council during business hours only. Derwent Valley Council provides an after-hours service through a third-party service provider, who has information and responses provided by the Council for particular circumstances.

The third-party service provider provides a reception function on behalf of the Council only and is not accountable for the collection of animals. Callers are encouraged to contact Council on the next business day or, where the need is urgent, to contact Tasmania Police.

## **6. RELATED DOCUMENTS**

- Governance Framework
- Community Engagement Framework
- DVC-POL-015 - Privacy Policy.