

Council Policy (WCC.014)

Dog Management Policy

Responsible Officer:

Manager Planning & Compliance

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CONTENTS

1	Introduction	2
2	Scope of the Policy	2
2.1	Purpose	2
2.2	Objective	3
2.3	Scope	3
3	Policy	3
3.1	Code of responsible Dog Ownership	3
3.1.1	Purpose	3
3.1.2	Being a Responsible Dog owner	4
3.1.3	Prior to Purchasing a Dog	4
3.1.4	After Purchasing a Dog	4
3.1.5	Considering other people	5
3.1.6	As a Council We Will	5
4	Registration	5
5	Fee Structure	6
6	Declared areas	6
6.1	Dog prohibited areas.	7
6.2	Dog Management and Control	7
7	Impounded Dogs	8
8	Dangerous Dogs	8
8.1	Restricted Breeds	9
9	Licences to Keep More than Two Dogs.	9
9.1	New licence applications:	9
9.2	Objections to Licence	10
9.3	Consideration of Application	10
9.4	Refusing Application	10
9.5	Granting Application	10
9.6	Period of licence	11
9.7	Renewal of Licence	11
9.8	Cancellation of Licence	11
9.8.1	Before cancelling a licence	11
9.9A	ppeals in Respect of Licence	11
9.10	Minimum Standards	12
10	After Hours Service Provisions	12
11	Authorisation of Officers	13
12	Legislation	13
13	Appendices	13

1 Introduction

The West Coast Council is committed to ensuring responsible ownership and control of dogs within the municipal area.

In doing this, it is appreciated that many people enjoy the companionship of dogs, however, with this companionship comes responsibility. Council is also aware that not everyone has the same affection for dogs: in fact, some people dislike them and many people fear them. Therefore, to ensure that dogs are not a nuisance to the community and other animals, owners are required to make sure that they comply with Council's Dog Management Policy and the relevant legislation being the *Dog Control Act 2000*.

Under Section 7 of the *Dog Control Act 2000*, Council's within Tasmania are required to develop and implement a Dog Management Policy. This Policy covers the following:

- Dog registration.
- Licences and permits.
- Code of responsible dog ownership.
- Prohibited areas.
- Kennel Licencing requirements.
- Complaints.
- Nuisances.
- Dangerous dogs.
- Education.

2 Scope of the Policy

2.1 Purpose

The purpose of this Policy is to provide framework for Dog Management within the West Coast municipality in accordance with the *Dog Control Act 2000* focusing on responsible dog ownership.

Dog ownership is an established and constructive part of life for many people in the West Coast community, whether for assistance, companionship, or business.

The *Dog Control Act 2000* provides a regulatory basis for balancing the rights and responsibilities of dog owners against the rights and expectations of the community at large to be free from likely risk of threat, harm and nuisance caused by dogs.

The *Dog Control Act 2000* makes a dog owner responsible for the actions and behaviour of their dog and creates a number of obligations on the owner to register and control that dog.

The *Dog Control Act 2000* statutorily appoints a Council as the principal body with

authority for ensuring dogs are not a threat to the health and safety of the community within its municipal district.

The *Dog Control Act 2000* requires that each Council must provide information to its community that will assist responsible dog ownership.

The *Dog Control Act 2000* requires that each Council must provide information to its community that will assist responsible dog ownership.

A Council must also provide adequate resources and take appropriate action to prevent or prosecute any situations in which a dog has or is likely to cause harm or nuisance to any person or another animal.

2.2 Objective

The objective of the Dog Management Policy in conjunction with the *Dog Control Act 2000* and the *Local Government Act 1993*, is to; -

- Facilitates the pleasures and benefits of dog ownership in a responsible and harmonious manner.
- Ensuring a caring and safe environment, by promoting responsible dog ownership to minimize the risk of threat or harm to the amenity and safety of the community.

2.3 Scope

The Dog Management Policy is to –

- Provide information on responsible dog ownership.
- Assist administration and compliance to the *Dog Control Act 2000*.
- Identify areas for exercise of dogs.
- Identify areas where dogs are restricted or prohibited.
- Identify the fees and charges to be applied to assist with funding of dog management responsibilities.
- Identify requirements for licensing for keeping 3 dogs or more: and
- Identify West Coast Councils approach to dog management and control.

3 Policy

3.1 Code of responsible Dog Ownership

3.1.1 Purpose

It is acknowledged that dogs can be wonderful work mates, companions, protectors, and family members. As their owner, they depend on you for their care and welfare. Council also depends on you being a responsible owner.

The Code for Responsible Dog Ownership is a requirement under the Dog Control Act 2000, Section 7.1.

It is a voluntary code. Essentially the Code provides an overview of the actions that will assist in producing healthy and happy dogs and a congenial community for dog

owners and non-dog owners alike. Responsible dog owners provide a safe, caring, and happy environment for their animals. They aim to minimise animal welfare concerns, neighbourhood nuisance and the destruction of native wildlife and its habitat. The Code also assists in understanding the dog control regulations.

3.1.2 Being a Responsible Dog owner

Responsible dog ownership means accepting full responsibility for your dog's needs and the standards set in relation to dog management as set out in The *Dog Control Act 2000*.

The privilege and benefits of owning a dog carries responsibilities of care for the animal and respect for your neighbours and the local community.

3.1.3 Prior to Purchasing a Dog

Before you acquire a dog, it is important to consider several things to be sure you are able to provide the best outcome for you, your dog and the community where you live. Things to think about are:

- Your property, lifestyle and budget are suited to a dog, e.g., the breed of dog, the number and age of family members, compatibility with other pets, housing for the dog and arrangements (and costs) if you plan to go on holidays.
- Your property is secure and any impacts on public safety are minimised by considering the size of the yard, adequacy of fencing, proximity of neighbours, socialising your dog and obedience instruction.
- You understand the needs and requirements of the breed including correct practices in relation to exercise, housing, dietary requirements, ongoing veterinary requirements and grooming and you are able to provide these requirements consistently.
- You are clear that you can afford the initial and ongoing costs of vaccinations and veterinary checks, annual registration, microchipping, de-sexing (if required), kennel costs, grooming and obedience training.

3.1.4 After Purchasing a Dog

When you have matched your own aspirations with the dog's requirements and brought your dog home you have made a commitment to the ongoing welfare, health and safety of your dog, your family and the wider community. Ongoing commitment relates to:

- Socialising your dog by exposing it to a variety of other dogs, people and situations.
- Providing opportunities for training it to be obedient.
- Participating with your dog in regular exercise and play.
- Registering your dog annually once it reaches 6 months of age and securing the current registration tag to your dog's collar.
- Permanently identifying your dog by microchip.
- Providing your dog with a healthy diet.
- Providing adequate and hygienic shelter.

3.1.5 Considering other people

- When you are in public places (including when your dog is on the back of a vehicle) ensure that the dog is under effective control by means of a lead.
- Ensure your dog does not bark excessively.
- Prevent your dog from wandering off your property.
- Always clean up after your dog by removing faeces from public places.
- Do not allow your dog to jump at, or lick people. This may be playful but is not appreciated by everyone.
- When exercising your dog, stay on established tracks and trails and keep away from wildlife such as nesting shore birds just above the high tide mark.

3.1.6 As a Council We Will

- Recognize that a well-trained and cared for dog can make a significant contribution to establishing a healthy community.
- Promote responsible dog ownership.
- Ensure this Policy and procedures are consistent with the desires of the community to achieve a compatible relationship between dogs, dog owners and non-dog owners, and to minimising impact on the environment.
- Enforce the *Dog Control Act 2000* and this Policy.
- Charge for the collection of a lost or wandering dog and for daily impoundment.

Council has the authority to seize a dog, if:

- It is at large.
- If it has threatened or caused harm to others or
- That there is reason to believe may attack or chase any person or animal.

Complying with any other legislative requirement relating to the care or treatment of an animal and to the protection of the safety and convenience of the community, including the *Animal Welfare Act 1993*.

4 Registration

In accordance with the *Dog Control Act 2000*, all dogs over the age of 6 months must be registered and micro-chipped. Application for registration is required by the end of the month in which the dog turns of age.

An application for registration is required yearly, or three yearly, unless a registration for the whole of life of has been issued. The registration year is from the 1 July to 30 June the following year. Late registrations are retrospective to 1 July in the relevant registration year.

Council will issue renewal notices to all owners of dogs currently known to Council, during the month of June each year. Advertising on social media and radio of the

impending registration renewal period will also be undertaken.

5 Fee Structure

West Coast Council may establish the fees payable under the *Dog Control Act 2000*.

- Registration fees are payable annually or 3 yearly in order to ensure accuracy and currency of the Dog Register.
- Fees are to be reviewed annually against CPI movements for the preceding 12 months' and will be set in conjunction with the adoption of fees and charges in the Council Budget process.
- One year, three year or whole of life options are available.
- Discounts are to apply for sterilised dogs to encourage responsible dog ownership.
- A greater fee is to apply for a dog declared or deemed under the *Dog Control Act 2000* to be a *dangerous dog*.
- Proof of sterilization or micro-chipping must be provided from a registered veterinary surgeon or accredited person.
- A discount on the registration fee may apply for registration of a dog within 28 days from the date of the annual notice of a requirement to register a dog.
- Registration fees do not apply for a Guide dog or a Hearing dog.
- A dog owner is responsible for the costs associated with seizure of a dog.
- A dog owner is responsible for the costs associated with detention of that dog at the Council pound.
- A fee may apply for the making of a complaint alleging the existence of a nuisance under *Section 47 of the Act*; and
- Council may provide a discount registration fee to persons holding a pension card of a kind creating eligibility for a rebate on Council rates.

6 Declared areas

Council may declare areas within its municipal district and under its care, control, or management to be locations in which a dog may exercise without being on a lead, and areas where a dog is restricted or prohibited.

Declaration has/will be made in accordance with requirements of the *Dog Control Act 2000* following a period of community consultation and consideration of comments.

Declared areas do not apply for a guide dog or a 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. The Council has made the following declarations:

Unleashed areas:

- Ocean Beach, Strahan more than 500m from the viewing platform.

6.1 Dog prohibited areas.

- West Strahan Beach & Anzac Park, (except walkway) Strahan.
- Ocean Beach, within 500m of the viewing platform.
- 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 shop, 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; or
- Any area within 10 metres of a children's playground.

6.2 Dog Management and Control

In order for Council to meet its requirements under the *Dog Control Act 2000* Council is to enforce its regulatory functions by-

- Recognizing an owner has a right to enjoy in all respects a lawful association with their dog.
- Recognizing the community has a right to be protected against the risk of harm, threat and nuisance caused by the action or behavior of a dog.
- Achieve compliance with provisions of the *Dog Control Act 2000* through a process of community awareness and information and regulatory inspection and enforcement action.

Provide information in a readily accessible form on responsible dog ownership and on the obligation and rights of all persons under the *Dog Control Act 2000*.

- Apply a fee for the registration of a dog.
- Declare areas for exercise, and areas where dog access is restricted or prohibited
- Provide and maintain signage as appropriate to identify declared areas where access opportunities or restrictions for dogs apply.
- Use its power and authority under the *Dog Control Act 2000* to remedy any breach creating a threat or actual harm to any person, animal or place, a persistent nuisance or a major inconvenience, and in situations of recurrent minor offence.
- Enforce compliance through regulatory action where there is evidence of a blatant disregard for obligations of responsible dog ownership.
- Employ Authorized officers under the *Dog Control Act 2000* to monitor and enforce compliance.
- Ensure all staff responsible for the seizure and handling of dogs receive relevant training in the safe handling of dogs and execute their duties in a manner that

causes minimum distress and avoids harm to a dog.

- Provide as a minimum an after-hours dog management capacity to respond in situations where there is an actual harm or immediate threat of harm to a person or animal.
- Ensure the Council holding facility is maintained and operated in a compassionate and humane manner with proper regard to health, safety and welfare of all dogs in detention, including by the provision of food, water and shelter, and veterinary attention as required.
- Make all attempts to contact the owner of a dog seized for being at large within statutory detention period.
- Dispose of all unclaimed dogs to the Dogs Home of Tasmania at the conclusion of the statutory detention period in accordance with provisions of the *Dog Control Act 2000*.
- The Council requires the Dogs Home of Tasmania make all reasonable attempts to rehome abandoned dogs.
- If rehoming is not possible or appropriate Council may authorize a dog to be euthanized by a registered veterinary surgeon.

7 Impounded Dogs

Dogs that are currently registered and micro-chipped will be kept for a period of 5 working days before further action is taken. Dogs that are not registered or micro-chipped will be kept for minimum period of 3 working days.

Unclaimed dogs that show no signs of aggressive behavior or nuisance will be taken to the Burnie Dogs Home for possible adoption. Should the Burnie Dogs Home refuse to take the dog for any reason the unclaimed dog(s) shall be euthanized by a local veterinary surgeon.

Veterinary surgeons requested to euthanize unclaimed dogs are given an opportunity to undertake their own assessment and claim the dog and take responsibility for rehoming if they wish.

8 Dangerous Dogs

The *Dog Control Act 2000* has strict requirements which apply to the declaration, keeping and management of dangerous and restricted breed dogs. Council will uphold legislative requirements of *The Dog Control Act 2000*, Dog Management Policy and relevant protocols as required.

The declaration of a dangerous dog following a complaint or attack will be determined following a full investigation by the Authorised Officer. A recommendation will be made to the General Manager as to whether the dog should be declared dangerous taking into consideration:

- Consultation with the victim(s), witnesses, and the dog owner.
- The severity of the incident.
- History of the dog.
- The degree of human intervention.

- Any other mitigating circumstance.
- The desired outcome and the need for legal proceedings.

The owner of a dog declared to be dangerous has the right to appeal the decision to a Magistrate within 14 days of the notification being issued.

The owner of a dangerous dog must comply with all relevant conditions of the *Dog Control Act 2000* and this Policy.

Properties where a declared dangerous dog lives will be inspected from time to time to ensure compliance with the *Dog Control Act 2000* and this Policy.

Council will maintain a register of declared dangerous dogs in accordance with the *Dog Control Act 2000*.

8.1 Restricted Breeds

The *Act* identifies certain breeds to be restricted breeds; and requires specific additional control and management measures must be applied for dogs of these breeds.

The following are restricted breeds-

- Dogo Argentino.
- Fila Brasileiro.
- Japanese Tosa.
- American Pit bull or Pit Bull Terrier.
- Perro De Presa Canario or Presa Canario.
- Any other breed, kind or description of dogs whose importation into Australia is prohibited by or under the Customs Act 1901 of the Commonwealth.

9 Licences to Keep More than Two Dogs.

In accordance with the *Dog Control Act 2000* (the *Act*); a person, without a licence, must not keep or allow to be kept on any premises: -

9.1 New licence applications:

- A person may apply to the General Manager of the local Council for a licence.
- An application for a licence is to be on the approved form and be accompanied by the appropriate fee.

If there is a right to object or if the General Manager so requires, an applicant, by public notice, must notify: -

- The intention to apply for a licence; and
- The address and details of the premises and the number and breed of dogs to which the application relates.

Refer to Appendix 1

9.2 Objections to Licence

Any person residing or owning land within 200 metres of the boundary of the premises to which a Licence relates, may object to the General Manager against the granting of the Licence within 14 days after a notice is published under section 51(3) of the *Dog Control Act 2000*.

An objection is to be in writing and set out the reasons for the objection.

9.3 Consideration of Application

The General Manager is unable to consider an Application for a Licence until 28 days after a notice is published under Section 51 of the *Dog Control Act 2000*.

The General Manager is required to consider any objections received when considering the application.

9.4 Refusing Application

The General Manager may refuse to grant an application for a licence if of the opinion that: -

- The premises to which the licence relates is unfit for the purpose for which they are to be used; or
- It is in the public interest that the licence is not issued.

The General Manager is required by the *Dog Control Act 2000* to refuse to grant an application for a licence if not satisfied that the requirements of Section 55 (1) are likely to be met.

9.5 Granting Application

The General Manager may grant an application for a licence if satisfied that: -

- Adequate provisions for the health, welfare and adequate control of all dogs on the premises are provided or are likely to be provided; and
- Nuisance to any other persons is unlikely to occur; and
- Requirements under laws relating to public health and environmental protection are likely to be satisfied.

The General Manager is to issue a licence specifying: -

- The maximum number of dogs that may be kept on the premises.
- The breed or kind of dog to which it applies.
- Any conditions as the General Manager may determine.
- The expiry date of the licence.

A person must not keep or permit to be kept any dog over the age of 6 months of a breed or kind to which a licence applies otherwise than in accordance with the licence.

A person must not keep more than the maximum number of dogs specified in the licence.

9.6 Period of licence

Unless it is earlier cancelled, a licence expires on the date specified in the Licence.

9.7 Renewal of Licence

A licence is renewable on payment of the appropriate fee. The General Manager may refuse to renew a licence.

9.8 Cancellation of Licence

The General Manager may cancel a licence if satisfied that: -

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

9.8.1 Before cancelling a licence

the General Manager is to:-

- Give to the holder of the licence one month's notice in writing to show cause why the licence should not be cancelled; and
- Give consideration to any representations which the holder may make in that respect.

9.9 Appeals in Respect of Licence

The applicant or the holder of a licence may appeal to magistrate against: -

- The refusal of a General Manager to grant an application for a licence; or
- The refusal of a General Manager to renew a licence; or
- The cancellation of a licence; or
- The decision of the General Manager to cancel the licence.

An appeal under this section is to be: -

- By notice in writing to the Clerk of Petty Sessions; and
- Accompanied by the prescribed fee; and
- Made within 21 days after notification of the General Manager's decision.

At the hearing of the appeal, the magistrate may: -

- Dismiss the appeal; or
- Direct the General Manager to grant the application for the licence; or
- Direct the General Manager to renew the licence; or

- Revoke the cancellation of the licence, subject to any condition the Magistrate thinks fit; or
- Quash the decision of the General Manager to cancel the licence, subject to any condition the Magistrate thinks fit.

A Council is to comply with any directions given by a Magistrate. The decision of a Magistrate on the hearing of an appeal is final.

9.10 Minimum Standards

The kennel or dog yard area must be positioned so it doesn't cause a nuisance to the neighbours, by such things as noise and odour.

The owners should have a sufficient method for disposal of dog excrement.

Commercial boarding kennels or similar should be set up with a septic tank system. The relatively large amount of waste produced can then be dealt with hygienically.

For backyards where only a few dogs reside a system in which the dog excrement is cleaned up and deposited into a pit is a cheap and easy way to go. A hole is dug into the ground and a plastic rubbish bin or a commercially bought container is placed into the hole. The bin has no base to allow biological activity to break down the waste.

Water can be added to keep the breakdown process going, maybe a layer of grass clippings every now and then. It is important that the bin has a tight-fitting lid to keep out unwanted pests and keep out the smell.

Any wastewater product and effluent from the kennel area should be prevented from entering a water course or supply. A trench drain may also be needed to trap wastewater when washing out large kennels etc. A basic trench filled with oversize gravel or blue metal chunks, about 500mm deep and with a gradual slope.

Refer to Appendix 2

10 After Hours Service Provisions

Council will provide an emergency after-hours animal management service for the following situations only, (if staff are available for the call out)

- Dog attacking persons or other animals.

Please note: Response times will depend on the location of the incident; it is recommended serious incidents should also be reported to Tasmania Police for action.

Council Officers will not respond after-hours to:

- Dogs wandering at large.
- Nuisance or barking complaints
- Horses or livestock on roads. (Tasmania Police).
- Sick or injured animals. (RSPCA or a Local Vet):

Please note, Council Officers cannot destroy sick or injured animals.

Release of impounded dogs, unless prior arrangements have been made and all applicable fees have been paid.

11 Authorisation of Officers

A General Manager may delegate to any person any of his or her functions or powers under *Dog Control Act 2000, Section 5 (82)*.

12 Legislation

The Policy applies to the Council's responsibility for administration and enforcement of the *Dog Control Act 2000*.

13 Appendices

Appendix 1. – Kennel Licence Application

Appendix 2 – Kennel Licence Checklist

Appendix 1.

APPLICATION FOR KENNEL LICENCE 22/23 DOG CONTROL ACT 2000 SECTION 51 (2)(A)

☐ Application for Licence

☐ Renewal of Licence

I (insert name) _____

Of (insert address) _____

Contact Number M: _____ H: _____

Email Address _____

APPLY FOR A LICENCE TO KEEP:

☐ More than 2 dogs

☐ More than 4 working dogs

At the premises, situated at _____

Please state the total number _____

Breed	Microchip no.	Sex M/F	Sterilised Y/N	Registration Tag no.

(If the specific details of dogs to be kept under this licence are unknown, please state each breed or kind of dog to be kept and the number of dogs to be kept of that breed or kind)

OFFICE USE ONLY:

PAYMENT RECEIVED	INSPECTION COMPLETED	RECEIPT NUMBER	LICENCE APPROVED

RETURN COMPLETED FORMS TO:

Planning & Compliance Department
P: (03) 6471 4700
E: wcc@westcoast.tas.gov.au
PO BOX 63 QUEENSTOWN TAS 7467
11 STICHT STREET QUEENSTOWN TAS 7467



WEST COAST TAS

WESTCOAST.TAS.GOV.AU

ANIMAL CONTROL FEES 22/23

Application for Kennel Licence 3 or more dogs plus registration fee per Dog (includes inspection of site)	\$123.85
Renewal of Kennel Licence (Includes inspection of Site)	\$84.15
Appeal in respect of a Kennel Licence	\$37.65

Attached is the advertisement of my intention to apply, as printed in The Advocate, as required pursuant to Section 51 (2) (a) of the Dog Control Act 2000. I undertake that all the requirements of the Dog Control Act 2000 and the relevant regulations will be observed in relation to the keeping of dogs on these premises.

I TENDER HERewith THE PRESCRIBED FEE:

- ☐ New Licence for 3 or more dogs
- ☐ Renewal of Licence

REGISTRATION FORMS AND FEES PER DOG ARE ALSO PAYABLE

SIGNATURE

_____/_____/_____
DATE

Under section 72 of the Act an authorised person may enter and remain in or on any premises to determine any relevant matter relating to a licence.

Appendix 2.

