

BRIGHTON

DOG MANAGEMENT POLICY 2012

APRIL 2013

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DEFINITIONS

To assist with the understanding of this policy the following definitions have been included. All definitions have been taken from the *Dog Control Act 2000*. All references made below to the "Act" are the *Dog Control Act 2000*.

In this policy -

"animal" means any live vertebrate animal other than a human being;

"appropriate fee" means a fee determined by the Council;

"approved" means approved by the Director of the Local Government Division;

"at large" means at large as referred to in section 5 of the Act;

"attack" includes bite, menace or harass;

"authorised person" means -

(a) a police officer; or

(b) a general manager; or

(c) a person appointed by a general manager to be an authorised person;
or

(d) a person who is a ranger under the *Nature Conservation Act 2002*; or

(da) a person who is a ranger under the *National Parks and Reserves Management Act 2002*; or

(e) a person appointed as a bailiff of Crown Lands under the *Crown Lands Act 1976*;

"built-up area" means an area in which-

(a) there are buildings on land next to the road; and

(b) there is street lighting at intervals not over 100 metres for a distance of at least 500 metres or, if the road is shorter than 500 metres, for the whole road;

"collar" means a collar of leather or other durable material;

"complaint" means a complaint referred to in section 47 of the Act.

"Council" unless otherwise stated means the Brighton Council;

"dangerous dog" means a dog declared to be a dangerous dog under section 29 of the *DCA 2000*;

“declared area” means a declared area under Division 2 of Part 3 of the Act;

“de-sexed dog” means to render permanently incapable of reproduction;

“Director” means the Director of Local Government;

“dog” means an animal of the species *Canis familiaris* or *Canis familiaris dingo*

“Dog Control Act 2000” means the principle legislation relating to the control of dogs in Tasmania.

“Dog Management Policy” refers to the policy developed and implemented by Council in accordance with section 7 of the Act.

“effective control” means effective control as referred to in section 4 of the Act;

“exercise area” refers to an area declared under section 20 of the Act;

“General Manager” means the general manager of the Council appointed under the *Local Government Act 1993*;

“guide dog” means–

(a) a guide dog as defined by the [Guide Dogs and Hearing Dogs Act 1967](#);
or

(b) a dog training to be a guide dog;

“hearing dog” means–

(a) a hearing dog as defined by the [Guide Dogs and Hearing Dogs Act 1967](#); and

(b) a dog training to be a hearing dog;

“hunting dog” means a dog used principally for hunting;

“Infringement notice” means a notice referred to in Division 2 of Part 4 of the Act;

“laceration” means a wound caused by–

(a) the tearing of body tissue; or

(b) multiple punctures caused by more than one bite from a dog;

“lead” means a lead, leash, cord or chain of sufficient strength to restrain a dog;

“licence” means a licence to keep on premises –

(a) more than two dogs over the age of 6 months; or

(b) more than 4 working dogs over the age of 6 months;

“occupier” in relation to premises, includes a person who has or is entitled to possession or control of the premises;

“owner of a dog” means a person referred to in section 6 of the Act;

“pound” means a pound established under the *Local Government Act 1993*;

“premises” includes land or any part of any premises or land;

“prohibited area” means an area declared under section 22 of the Act;

“public notice” means a notice published in a daily newspaper;

“public place” means-

(a) a public place as defined in the *Police Offences Act 1935*; and

(b) a road; and

(c) a road related area;

“register” means a register kept under section 15 of the Act;

“registered dog” means a dog registered in accordance with the Act;

“registration disc” means a disc or tag referred to in section 10(1) of the Act;

“relevant registration period” refers to a current registration year;

“restricted area” means an area declared under section 23 of the Act;

“road” means-

(a) an area that is developed for, or has as one of its main uses, the driving or riding of motor vehicles and is open to, or used by, the public; and

(b) a part of the kerb; and

(c) an unsealed part of a sealed road;

“road-related area” means -

(a) an area that divides a road; or

(b) a footpath or nature strip adjacent to a road; or

(c) a footpath or track that -

(i) is not a road; and

(ii) is designed for use by cyclists or pedestrians; and

(iii) is open to the public;

“serious injury” means-

(a) an injury requiring medical or veterinary attention in the nature of -

- (i) a broken bone; or
- (ii) a laceration; or
- (iii) a partial or total loss of sensation or function in a part of the body; or

(b) an injury requiring medical or cosmetic surgery;

“shopping centre” means a collection of shops in an enclosed area covered by a roof or forming a courtyard or square, excluding any area provided for the parking of vehicles;

“training area” means an area declared under section 21 of the Act;

“tranquilliser device” means any device that inserts a measured dosage of tranquilising drug into the body of an animal;

“veterinary surgeon” means a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1987*;

“working day” means a day on which the public office of the council is open for business;

“working dog” means a dog used principally for –

- (a) droving or tending stock; or
- (b) detecting illegal substances; or
- (c) searching, tracking or rescuing; or
- (d) working with police officers.

1. INTRODUCTION TO THE MANAGEMENT POLICY

Introduction of the *Dog Control Act 2000* placed a special responsibility both on Council and dog owners alike to ensure ownership of dogs within Brighton are managed in a responsible way.

Preparation of the Dog Management Policy is aimed at achieving the following outcomes:

- An understanding of the requirements and responsibilities of the *Dog Control Act 2000*;
- To provide each owner or prospective owner with information on Brighton Council's role under the Act and within the municipal area;
- To identify exercise areas for dogs which may be on-lead, off lead or prohibited; and
- To develop future recreation strategies for dog management in the municipality.

Brighton Council is committed to ensuring the responsible ownership of dogs within the municipal area and that adopted policies are consistent with community expectations. Emphasis is placed on education to ensure that all dog owners and potential dog owners are encouraged to behave responsibly.

The Dog Management Policy is set out in the following sections:

- Responsible Dog Ownership;
- Fee Structure;
- Classes of Declared Area;
- Education;
- Kennel Requirements;
- Enforcement;
- Dangerous/ Guard Dogs; and
- Impounding/Complaints

2. RESPONSIBLE DOG OWNERSHIP

PURPOSE

To provide guidelines for dog owners and prospective owners on actions that will assist in producing healthy and happy dogs and provide a harmonious community for all residents.

OBJECTIVES

Dogs are an important part of society and many value their companionship. As with any animal there are standards of care and welfare that need to be observed. The views and concerns of neighbours and other members of the community need to be considered.

Responsible dog ownership requires accepting full responsibility for dogs in terms of their needs and the standards for dog management that are expected by the community.

The following code has been developed to help owners maximise

- Appropriate dog behaviour;
- Understanding of dog control regulations; and
- The health and welfare of dogs

3. GUIDELINES

PRE-PURCHASE

Dogs are valuable companion animals that require a commitment to their welfare over their entire lifespan. 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, regular exercise of dogs particularly for some breeds;
- 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, vaccination, de-sexing, veterinary costs, registration costs, dietary requirements, obedience classes, grooming.; and
- Regulations governing dog management – *Dog Control Act 2000*, Dog Management Policy, Animal Welfare Act 1993.

POST-PURCHASE (First Six Months)

Having made the decision to purchase a companion animal the following actions are recommended to ensure a healthy and happy dog.

- Socialisation and education of your dog, providing access and exposure to a variety of experiences;
- Appropriate vaccination and veterinary checks;
- Access to training and opportunities for playing;
- Identification for the dog prior to registration;
- Desexing, if being undertaken;
- Appropriate diet; and
- Registration and microchipped by six months of age

ONGOING

The previous actions are important in the first six months but an ongoing commitment in the following areas is important to ensure the happiness and safety of your dog and to add to your enjoyment.

- Health and welfare aspects;
- Ongoing obedience training;
- Opportunities for exercise and play; and
- Adherence to regulatory requirements

CONSIDERATION OF OTHERS

As a matter 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 boundary;
- Clean up after your pet;
- Keep **no more than two dogs** on your property in a residential area.;
- Ensure your dog is under effective control at all times; and
- Not allow your dog to jump at or intimidate others. This playful nature might not be accepted by all persons.

LOST DOGS

If your dog is lost it may have been collected by Council's Animal Control Officer and transported to the Dogs' Home. Owners should make every effort to locate missing dogs by contacting Council or the Dogs' Home (Ph: 6243 5177).

IMPLEMENTATION

Implementation of this Policy and ongoing awareness will be provided through the following mechanisms:-

Short-terms

- Distribution through Council to residents;
- Media releases;
- *Brighton Community News*; and

Long-term

- Council Website;
- Distribution by Council Animal Control Officer in daily activities;
- Distribution through participating organisations; and
- Education through schools

4. FEE STRUCTURE

4.1 Introduction

The *Dog Control Act 2000* requires that all dogs six months of age or over, are required to be registered and microchip number provided to Council. Mandatory microchipping came into force in July 2011. In addition there are a range of categories of dog ownership which Council has provided different fees for.

4.2 Registration Categories

The categories include:

- Entire Dog;
- Desexed Dog;
- Pure Bred Dog;
- Guard Dog;
- Dangerous Dog;
- Greyhounds;
- Working Dogs; and
- Guide Dogs/Hearing Dogs

Where a dog is to be registered in a special category it will be necessary for the owner to produce evidence that his/her dog fits that category. The evidence required for each category is as follows:-

1. **Dangerous Dog** - Means a dog declared to be dangerous under Section 29 of the *Dog Control Act 2000*;
2. **Desexed Dog** - Certificate of Sterilisation from a veterinary surgeon that the dog is sterilised or the provision of a statutory declaration;
3. **Guard Dog** - A dog used to guard non-residential premises.
4. **Guide Dog/Hearing Dog** - Same meaning as provided under the *Guide Dogs and Hearing Dogs Act 1967* or subsequent relevant legislation;
5. **Pensioner** - prescribed pensioner under the meaning of the *Local Government (Rates and Charges) Remissions Act 1991*;

6. **Pure Bred Dogs** - Certificate of registration and pedigree issued by the Tasmanian Canine Association (TCA) or equivalent interstate certification, together with a current membership card of the TCA;
7. **Working Dog** - Australian Business Number of the owner in relation to farming business and only to breeds recognised as working dogs by the Tasmanian Canine Association; also refer to Definition of 'Working Dog'.
8. **Greyhound** - Registration Certificate of the Tasmanian Greyhound Racing Council.

4.3 Payment and Setting Fees

Each year Brighton Council sets the registration fee for each of the above categories as part of the annual budgetary process. A review is generally held as part of that process to determine the level which may be set given CPI rises and other cost adjustments.

Council advises current dog owners of the fees at the commencement of the financial year (June 1) and provides a period of approximately 8 weeks to the 31st July each year for prompt registration to be encouraged. During this time discounts apply to the fees for each relevant registration category. Full fees apply following 31st July each year.

4.4 Level of fees

Refer to Council's adopted Annual Fees & Charges Register.

4.5 Reductions and Reimbursements

Applications for registration made after 31st December

Where an application is made to register a new dog a reduction of fee by 50% is to be applied to the registration fee provided the dog has attained the age of six months in the proceeding four weeks or the dog is registered within four weeks of purchase and the registration application is voluntary.

Reimbursement of dog registration on death of dog.

Where a dog has died naturally or has been euthanased by a recognised veterinary clinic, a pro-rata refund of dog registration charges may be provided upon receipt of proof.

Refunds are only to apply if the application is made in the same financial year as registration has been paid.

Reimbursement of Fees in the event of Spayed/Neutered Dog

Where dogs are registered and subsequently spayed/neutered a reimbursement of registration will be approved based on the difference between the registration paid and the spayed rate.

On receipt of a certificate of neutering from a recognised veterinary clinic, refund of dog registration rates will be allowed according to the following rates:

- Animal spayed/neutered within 3 months registration - 75% of difference;
- Animal spayed/neutered within 6 months registration - 50% of difference; and
- Animal spayed/neutered within 9 months registration - 25% difference.

4.6 Dogs adopted from the R.S.P.C.A.

Dogs adopted from the R.S.P.C.A. will have free registration until 30th June following the date of adoption. This is in recognition of:

- The responsible behaviour of the owner in adopting a dog that is desexed, wormed, fully vaccinated and microchipped; and
- The valuable work undertaken by the R.S.P.C.A in all areas of Dog Management.

4.7 Replacement Cost of Lost Tags

A charge of \$3.00 (may be subject to change) will be made for a replacement Tag.

5. CLASSES OF DECLARED AREAS

The *Dog Control Act 2000* defines specific classes of declared areas:-

5.1 Exercise Areas

An area where dogs may be exercised subject to any specified conditions. The two types of exercise areas are:-

- *On-lead exercise areas*

Dogs only to be exercised on a lead and subject to any restrictions specified; and

- *Off-lead exercise areas*

Dogs can be exercised off a lead and subject to any restrictions specified. Dogs must remain within reasonable proximity and sight, and be immediately responsive to the controller's commands.

Training Areas

An area where dogs may be trained subject to any specified conditions.

Prohibited Areas

An area containing sensitive habitat for native wildlife.

Restricted Area

An area where dogs are restricted from entering during specified days, hours or seasons; or during specified hours, days or seasons unless they are on a lead.

5.2 Declared Areas Policy

Objectives

- To recognise the needs of people in Brighton who own dogs;
- To facilitate responsible dog ownership and support compliance to leash laws by providing a range of opportunities for dog exercise in Brighton;
- To consider the provision of dog exercise areas in planning for future public recreation areas;
- To protect sensitive areas including areas of cultural significance, native flora and native fauna; and

- To recognise the needs of non-dog owners in the appropriate declaration of areas;

Process of Declaration

1. Council is the only authority with the ability to declare areas for the exercise, restriction or prohibition of dogs under the *Dog Control Act 2000*;
2. Council will primarily exercise this authority on parcels of land under its ownership;
3. Council may, where it is considered appropriate, enter into negotiations with the owners of other parcels of land for the declaration of their land in relation to exercise, restriction or prohibition of dogs;
4. That where negotiations are conducted, discussions also be held in relation to management, policing and provision of signage for that land. In conducting such negotiations, Council will only exercise those functions over its own land, unless there is mutual benefit in deciding otherwise; and
5. For areas seen by the public as a single parcel of land, but under management by different authorities, a consistent pattern of use in relation to dog exercise be maintained over the entire parcel of land if feasible. For areas where this is not feasible, separation of restrictions is to be visually obvious to the user.

Principles for declaration

Subject to above, areas will be declared according to the following principles;

- Where possible the provision of either an on-lead or off-lead area within reasonable walking distance of the majority of residences in each suburb;
- Protection of natural flora and fauna, and areas of cultural significance;
- Consistency of restriction provisions across parcels of land;
- Recognition of the need to retain some areas as dog free due to the use of those areas by other groups in the community. (eg. Sporting fields and perimeters, play equipment); and
- Consistency with land management and development plans, recognised by the Council.

Priorities for development of future exercise areas.

1. If it is not possible to provide exercise areas within reasonable walking distance, future plans for the development of exercise areas within suburbs be prioritised on the basis of :-
 - Areas of urban consolidation and where registration levels are above the average registration level for the population of that suburb;
 - Areas in which there is a high level of population growth, in which case the provision of exercise areas should be considered in relation to public open space requirements for any subdivisions; and
 - Lower priority be given to those areas where there is low residential density and large lot sizes.

5.3 Criteria and level of declaration

Natural Recreation Areas

Where there is a need to protect natural flora, fauna and/or areas of cultural significance on-lead exercise will be allowed for dogs provided, exercise is limited to defined track areas.

Natural Areas managed by Parks and Wildlife

On request by Parks and Wildlife, Council may consider the declaration of areas under the management of Parks and Wildlife. In some instances the entry of animals, including dogs, on land managed by Parks and Wildlife is governed under *the National Parks and Wildlife Act 1970*. However where the classification of that land is not at a level that enables these restrictions, a request may be received for reason of protecting the value of the land. In most instances, this will apply to mudflat and wetland areas that provide a habitat for birds.

Sporting Recreation Grounds and Perimeters

Will be designated as **prohibited** to dogs at all times.

Other Public Recreation Areas

Other public recreation areas under Council control will be considered on a case by case basis having consideration to the needs of the community, and management plans existing for the area. In areas that have not been declared, effective control provisions shall apply.

Prohibited Areas under the Dog Control Act 2000

In addition to the list provided above the *Dog Control Act 2000* requires the following areas be prohibited to dogs;

- Any grounds of a school, preschool, day care centre or other place for the reception of children without the permission of the person in charge of the place; or
- Any shopping centre or any shop; or
- Any sportsground on which sport is being played; or
- Any area within 10 metres of a children's playground

Areas where restrictions are not defined

When restrictions are not defined normal effective control provisions shall apply.

- For road or road related areas in most residential areas this means a dog is required to be on a lead.
- For any other areas a dog is to be either on a lead, or within sight and/or in close proximity and immediately responsive to a person's commands.

Implementation

Following adoption of this policy, the Council is required to formally notify by public notice the declaration of areas. The public then has a period of 15 working days during which formal submissions may be made. This notice is also to include the date from which the declaration is to take effect.

5.4 Signage of Declared Areas

It is a requirement under the Act for Council to erect and maintain sufficient signs to identify any exercise area, training area, prohibited area or restricted area.

6. EDUCATION

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

Education and the provision of information about dogs and their requirements is seen as a method of being able to address dog control problems before they occur. With the requirements of the Act, 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.

Studies have shown that pet ownership improves the quality of human lives on both a mental and physical level. However if pets are not managed responsibly and are permitted to create a nuisance, a negative effect occurs which impacts on urban life.

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; and
- Regular news articles and obedience tips in the Brighton News.

All 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; and
- Other groups.

7. KENNEL LICENCES

Any person wanting to keep more than 2 dogs on premises, or in the case of working dogs, more than 4, must apply to the General Manager for a licence to do so.

Please note that in some cases a Planning Permit is also required from the Brighton Council for a Dog Kennel Establishment.

The application is to be on 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. It is to be in writing to the General Manager and set 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 within 3 months of the licence being renewed 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 and microchipped;
- Provisions for the health, welfare and control of the dogs is maintained; and
- 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 *Dog Control Act 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; and

- 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; or
- Cancel a licence.

The General Manager or Council 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 or Council that in doing so 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 kennels or yard;
- The kennel or yard shall be constructed in such a way as provide effective methods of cleaning and disinfecting;
- There shall be sufficient room to allow dogs reasonable freedom of movement;
- There shall be a raised (50mm) and weatherproof sleeping area;
- Adequate ventilation and insulation shall be provided to maintain a comfortable internal temperature free from condensation; and
- 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.

8. ENFORCEMENT

The *Dog Control Act 2000* provides several powers to authorities to control dogs and enforce the requirements of the Act. The use of enforcement mechanisms is provided to allow authorities to effectively carry out their obligations, to protect the community and to offer a sufficient deterrent against non-compliance with the law.

This section outlines the different enforcement mechanisms that are available to the Council and identifies how they will be applied. The applications of many of the mechanisms that are discussed in this section are prescribed by the *Dog Control Act 2000* and are not open to interpretation by Council. This has been identified where relevant.

The different methods of enforcement have been outlined below:-

PROSECUTION

The Act sets out the obligations of dog owners. Where a person has failed to comply with a particular obligation under the Act they can be prosecuted in a Court of Law. These offences can carry heavy fines. The situations for which a person can be prosecuted are defined in the *Dog Control Act 2000*.

Prosecution can be a costly process both in terms of time and resources and alternative methods of enforcement do exist. However, where an offence is considered to be serious and sufficient evidence exists, Council will consider prosecuting an offender in a Court of Law.

This includes situations where a dog has:

- caused significant damage or injury to any person or animal; or
- caused danger, distress or nuisance to any person or the community on a number of occasions.

INFRINGEMENT NOTICES

The Act empowers Council Officers to issue Infringement Notices that impose an “on-the-spot” fine on the recipient. Infringement Notices can only be issued for particular offences (called infringement offences). These fines range from \$130-\$2000 (as set by the Act) and once issued, the recipient has 28 days to settle. After this period the infringement is lodged with the Monetary Penalty Enforcement Service.

The use of Infringement Notices is considered a more efficient method of enforcement and allows council to better fulfil its objectives under this policy. Council will consider issuing an infringement notice rather than referring an offence to the court. As part of this system, Council will issue caution notices for particular infringement offences (as described below).

Where the Animal Control Officer considers that an infringement offence has occurred, he or she may choose to issue the offender with an official caution notice in the first instance and an Infringement Notice in all subsequent situations.

There are some infringement offences that are considered to be more serious or intentional. In these situations caution notices will not be issued.

9. DANGEROUS DOGS

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.

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.

An Animal Control Officer's investigation of a dog attack incident will result in a 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; and
- The desired outcome and the *need* for legal proceedings.

The owner of a declared dangerous dog must comply with all relevant conditions of the Act. 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 the Animal Control Officer to ensure compliance with conditions of the Act and Council's Dog Management Policy.

Council will maintain a register of declared dangerous dogs in accordance with standard operating procedures.

GUARD DOG

For a dog to be a worthy guard dog, it must exhibit certain characteristics of which the need to dominate is a major one. 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.

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 his 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 Act.

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 Act.

Once notified in writing by the owner of a guard dog that the dog is no longer used to guard non-residential properties, the General Manager or his delegate may revoke the declaration that the dog is a dangerous dog.

REQUIREMENTS FOR KEEPING A DANGEROUS DOG

Micro-chipping - The owner of a dog declared dangerous must ensure that the dog is implanted with an identifying microchip in an approved manner within 14 days of being served notice of the declaration.

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.

Child-proof 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 *child-proof enclosure*.

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

- (a) muzzled; and
- (b) on a lead not exceeding 2 metres that is of sufficient strength to control and restrain the dog; and

under the control of a person at least 18 years of age.

CHILD-PROOF ENCLOSURE

A Child-proof enclosure is to meet the following minimum standards:-

- Be fully enclosed;
- Walls, roof and gate to be constructed of brick, timber, iron or 3.15mm chain mesh or 4mm weldmesh with a maximum spacing of 50mm. The floor is to be constructed of concrete to a minimum depth of 50mm and graded to allow drainage;
- The walls are to be fixed to the floor or constructed to be no more than 50mm above the floor;
- The gate is to be self-closing and have affixed to it a lock, which is to be used whenever the dog is in the pen;
- Have a minimum floor area of 10 square metres;
- Have a minimum height of 1.8 metres; and
- Contain a raised (50mm) weatherproof sleeping area.

10. IMPOUNDING

The *Dog Control Act 2000* sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of the Act, or, on any property other than the owners, it may be impounded. Where any dog is impounded and the owner is known, Council shall make an attempt to contact the owner. The owner then has five (5) days to recover the dog from the Dogs Home.

Where the owner of the dog is unknown, the Dogs Home must keep the dog for three (3) days. If the dog is not claimed after this time, the dog may be disposed of (for example a new owner found) or destroyed as the Dogs Home sees fit. If a new owner is found, the dog may be de-sexed before it is considered to be the property of the new owner. Where a dog is recovered from the Dogs Home, it will not be released until it is registered, microchipped and all registration and impounding fees are paid.

11. COMPLAINTS

With an ever-increasing 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, Council staff 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.

Council has the right under the *Dog Control Act 2000* to request a person making a complaint to the general manager, in respect of a dog that is a nuisance, to complete an approved complaint form and to pay the appropriate fee (Refer Council's annual fees & charges register).