

1 PURPOSE

The purpose of this Policy is to provide a Dog Management Policy in accordance with the *Dog Control Act 2000* relating to dog management in the Burnie municipal district.

Dog ownership is an established and constructive part of life for many people in the Burnie 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 principle body with authority for ensuring dogs are not a threat to the health and safety of the community within its municipal district.

The Act 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 OBJECTIVE

The objective of the Dog Management Policy is to provide an operational framework for the actions necessary to meet the Council's statutory obligations and responsibilities to ensure dog ownership within the municipality –

- a) minimises likely risk of threat or harm to the amenity and safety of the community; and
- b) facilitates the pleasures and benefits of dog ownership in a responsible and harmonious manner

3 SCOPE

The Dog Management Policy is to -

- a) provide information on responsible dog ownership;
- b) assist administration and compliance to the *Dog Control Act 2000*;
- c) identify areas for exercise of dogs
- d) identify areas where dogs are restricted or prohibited;

- e) identify the fees and charges to be applied to assist with funding of dog management responsibilities; and
- f) identify the Burnie City Council's approach to dog management and control.

4 POLICY

4.1 Code of Responsible Dog Ownership

Responsible dog ownership requires a dog owner or the person responsible for a dog must 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.

The 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.

Compliance to the Code will assist to increase the enjoyment from owning a dog, and will enable other persons to equally enjoy being a resident or visitor to Burnie.

Responsible dog ownership requires –

- a) Selecting a breed and temperament of dog that meets personal needs and that is best suited to the nature of your budget, lifestyle, household composition, and the premises and location where the owner lives.

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 –

- i) *dogo Argentino*;
 - ii) *fila Brasileiro*;
 - iii) *Japanese tosa*;
 - iv) *American pit bull terrier or pit bull terrier*;
 - v) *Perro de Presa Canario or Presa Canario*;
 - vi) any other breed, kind or description of dog whose importation into Australia is prohibited by or under the *Customs Act 1901* of the Commonwealth.
- b) Providing a dog with proper health care and attention, sufficient exercise, appropriate training, and with adequate food, water and shelter.

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Approved By: **Council**
Doc Controller: **General Manager**
File: 4/14/2

Document Code: **CP-CBS-SG-032**
Version: **5.1**
Approved Date: **17 Sep 2014**
Next Review Date: **15 Jul 2019**

- c) Acquiring and applying adequate knowledge of the requirements for proper care and management of a dog.

The RSPCA, Tasmanian Canine Defence League, veterinary practitioners, and training and kennel organisations are good sources of information of how to keep a dog safe, happy and healthy.

- d) Registering a dog with the local council when it reaches six months of age, and renewing the registration annually

The Council must be informed of any change in ownership or address of the dog, and of the loss or the death of a dog.

- e) Micro-chipping a dog before it reaches six months of age.

- f) Obtaining a kennel license if more than 2 dogs or more than 4 working dogs are kept on a property.

- g) Ensuring a dog is wearing a collar and a registration disc whenever in a public place.

- h) Recognising 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.

- i) Keeping a dog under effective control at all times.

The premises at which a dog lives must be adequately fenced or an enclosure provided to prevent the dog from wandering onto other 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 free-run dog exercise area.

Particular requirements apply for guard dogs, and any dog declared to be a dangerous dog.

- j) Ensuring a dog is not in a place where a dog is prohibited, including in a school or playground.

- k) Cleaning-up any mess, including faeces, caused by a dog in a public place.

- l) Ensuring a dog does not create a nuisance to any person by persistent or loud barking or by behaving in a manner that causes inconvenience or interference to another person's peace, comfort or enjoyment of any place or premises, including by chasing any person, animal, car or bicycle.

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- m) Ensuring a dog is not allowed, encouraged or provoked 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 your property.
- n) Acknowledging that the Burnie City Council 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 *Dog Control Act 2000* for any breach of a regulatory requirement.

The Council must seize and detain a dog if it has threatened or caused harm to others

- o) Complying with the requirements of the *Dog Control Act 2000* and with any declaration or direction of an authorized person with respect to a dog; and
- p) 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*.

4.2 Declared Areas

Council has declared 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 been 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 a hearing dog.

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

- a) Dog Exercise Areas

Dog Exercise Areas are for the exercise or training of dogs at sites reasonably accessible to dog owners and in locations attractive to use by dog owners and where conflict with other users and values can be minimised.

Dog Exercise Areas are shown on the map attached to this Policy.

A dog not on a lead in a declared exercise area must be under effective control in accordance with section 4(3) of the Act¹

¹ Effective control means the dog must at all times be in close proximity to the person, in sight of the person, and immediately responsive to the person's commands

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Use of Exercise Areas must be without exclusion, threat or inconvenience for other dogs. The owner must immediately address excessive barking, aggressive or nuisance behaviour, and deposition of faeces.

Dog exercise areas are declared at –

- i) **Cooee Creek Beach east of the Cooee Point access road** and south to the Bass Highway alignment and limited to the sand portion below the seawall;
 - ii) **South Burnie Beach** east of the Yacht Club bund to the mouth of the Emu River and limited to the foreshore area of the beach and not extending to the vegetated dune system and Bass Highway verges;
 - iii) **Tioxide Beach** east of Titan Point to the Blythe River;
 - iv) **Shorewell Creek Reserve** immediately south of View Road and only within the area indicated by signs or within the fenced enclosure if provided; and
 - v) **Wivenhoe Beach** from the Emu River to the Round Hill Waste Water Treatment Plant and north of the base of the abutment to the Bass Highway
- b) Prohibited Area
- i) Dogs are prohibited under the *Dog Control Act 2000* at all times within the following public places –
 - a. 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;
 - b. 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;
 - c. The grounds of any swimming pool;
 - d. Any playing area of a sportsground on which sport is being played; or
 - e. Any area within 10 m of a children’s playground.
 - ii) Prohibited areas provide protection for locations containing sensitive habitat of native wildlife, with particular emphasis on habitat of the Little Penguin, and river and streamside reserves.

Dogs are prohibited in the Burnie municipal area –

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- a. At all times on **Camdale Beach, Cooee Beach and Cooee Point** from the Cam River to Cooee Creek Beach, extending south to include the vegetated dune system to the Little Penguin fence on the Bass Highway alignment and from low water mark to a distance of 30.0m above high water mark around the seaward perimeter of Cooee Point to Cooee Creek Beach for protection of Little Penguin and other shore feeding and nesting birds;
 - b. At all times in and between **Parsonage Point to Red Rock Point** extending south to the Bass Highway and North Terrace alignment and including the car park and vegetated foreshore area immediately north of the car park to low water mark for protection of Little Penguin and other shore feeding and nesting birds;
 - c. At all times on **West Beach and Hilder Parade** being the entirety of the paved, grassed, and sand area between the railway line and low water mark from the eastern end adjoining the Burnie Port Area and including the entirety of the West Beach Boardwalk for protection of Little Penguin and other shore feeding and nesting birds; and
 - d. At all times in **Fernglade Reserve** being the whole of the riverside portion of the reserve incorporating both the upper and lower picnic areas and including the river and any pathway linking between these two areas and extending downstream to the Fernglade Bridge for protection of native flora and fauna in accordance with status of the land as a reserve under the *Nature Conservation Act 2002*;
- c) Restricted Areas

Access by dogs is restricted or excluded under certain circumstances or conditions for purposes of protecting the amenity, convenience and safety of other persons or activity, whether –

- i) On a permanent basis in high use and popular areas such as beaches and parks where shared use of an unrestricted nature could compromise enjoyment of other users; or
- ii) On a temporary or seasonal basis in locations where use by others is limited to a more definable period

Restricted Area are declared for –

- i. Any **Public Reserve** defined under Burnie City Public Reserve and Building By-law No 1 of 2011 within which a dog must –
 - a. be on a lead at all times unless within that part of any reserve that has been declared as an Exercise Area; and
 - b. not at any time be on a part of a reserve that is a sporting ground

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- ii. Any **cemetery** under the care, control or management of the Burnie City Council to require a dog must be on a lead at all times and under the control of a person attending on a grave-site;
- iii. The **Burnie Coastal Pathway** between Cooe Point and the Emu River to –
 - a. exclude dogs at all times on that part of the Coastal Pathway –
 - i) being the entirety of the **West Beach Boardwalk**; and
 - ii) on **Parsonage Point** from the western end of the West Beach Boardwalk to the railway crossing on the western side of West Park; and
 - b. require a dog must be on a lead at all times on any other part of the Burnie Coastal Pathway;
- iv. **Burnie Park** to exclude dogs at all times unless on a on a lead and being walked through the Park on the eastern pedestrian pathway paralleling West Park Grove between the Bass Highway and Oldaker Street
- v. **Romaine Reserve** to exclude dogs at all times from that part of the Reserve between the dam wall and the southern end of the pond, other than for dogs on a lead being walked through the Reserve along the formed walking track; and
- vi. **Yacht Club Beach** and on the **boat launching ramp and bund** at South Burnie to exclude dogs at all times

All declared Dog Exercise, Prohibited and Restricted Areas will be identified by appropriate signage.

4.3 Fee Structure

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

The following principles underpin the fee structure for dog control -

- a) Dog registration fees are to be affordable to all persons;
- b) Dog registration fees are not a means to recovering the full cost to Council for dog management obligations;
- c) No distinction is made in the fees applying for companion and working dogs;
- d) Registration fees are payable annually in order to ensure accuracy and currency of the Dog Register;

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e) 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;

f) Discounts are to apply for sterilised dogs to encourage responsible dog ownership.

Proof of sterilization or micro-chipping must be provided from a registered veterinary surgeon or accredited person;

g) A greater fee is to apply for a dog declared or deemed under the Act to be a *dangerous dog*;

h) A discount on the registration fee may apply for registration of a whole dog within 28 days from the date of the annual notice of a requirement to register a dog

i) Registration fees do not apply for guide and hearing dogs.

Proof of status is required to accompany an application to register a dog;

j) A replacement registration tag fee is to apply for transfer of a dog currently registered within another municipal district;

k) A pro-rata payment is to apply for a new dog registration made after the annual renewal or registration period, such fee to be reduced by 25% for each 3-months elapsed from the annual renewal date;

l) A dog owner is responsible for the costs associated with seizure of a dog;

m) A dog owner is responsible for the costs associated with detention of that dog at the Council pound;

The fee for detention of a dog at the Council pound is that fee as is from time to time set by the Canine Defence League and must be paid to the pound prior to release of the dog;

n) A fee in addition to the dog registration fee for each dog applies for a kennel licence;

o) A fee may be applied for the making of a complaint alleging the existence of a nuisance under Section 47 of the Act; and

p) Council may provide a discount registration fee to persons holding a pension card of a kind creating eligibility for a rebate on Council rates

4.4 Dog Management and Control

In order to meet its responsibilities under the *Dog Control Act 2000* the Council is to –

a) Recognise an owner has a right to enjoy in all respects a lawful association with their dog;

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- b) Recognise the community has a right to be protected against the risk of harm, threat, and nuisance caused by the action or behaviour of a dog;
- c) 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 obligations and rights of all persons under the *Dog Control Act 2000*;

Engage with the community and persons and organizations with a relevant specialist knowledge or interest in the preparation and review of its Dog Management Policy;

- d) Apply a fee for the registration of a dog;
- e) Declare areas to be for dog exercise, and areas where access by a dog is restricted or prohibited.

Provide and maintain signage as appropriate to identify declared areas where access opportunities or restrictions for dogs apply;

Provide and maintain dedicated bins for the collection and disposal of dog waste at all Dog Exercise Areas;

- f) 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;
- g) Enforce compliance through regulatory action where there is evidence of a blatant disregard for obligations of responsible dog ownership;
- h) Employ authorised officers under the *Dog Control Act 2000* to monitor and enforce compliance;
- i) 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;
- j) Approve and resource the conduct of patrols for the purposes of monitoring compliance and for engaging with the community to achieve a consistently high standard of performance in responsible dog ownership;
- k) 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;
- l) Consider in accordance with the allocation priorities of the Council the provision of resources to allow the conduct of patrols during daylight hours on weekdays before and after Council's normal hours of business and on weekends and public holidays for the purposes of monitoring

compliance and for engaging with the community to achieve a reasonable level of compliance to responsible dog ownership;

- m) Contract the Canine Defence League (operating as Dogs Homes Tasmania) to provide and operate its premises at Stowport Road as a pound in accordance with the *Local Government Act 1993* for the purposes of detaining any dog seized or held under provisions of the *Dog Control Act 2000*;
- n) Ensure the pound 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;
- o) Make all attempts to contact the owner of a dog seized for being at large within the statutory detention period;
- p) Dispose of an unclaimed dog to the Canine Defence League at conclusion of the statutory detention period in accordance with provisions of the *Dog Control Act 2000*.

The Council requires the Canine Defence League make all reasonable endeavour to re-home abandoned dogs.

If re-homing is not appropriate or possible, dogs may be euthanised by a registered veterinary surgeon at the discretion of the League.

- q) Dogs found as strays and delivered to the pound by a private person will not be considered to be a dog seized and detained in accordance with the *Dog Control Act 2000*.

4 LEGISLATION

Dog Control Act 2000
Dog Control Regulation 2010

5 RELATED DOCUMENTS

Dog Registration Form
Kennel License Application Form
Map of Declared Dog Areas

6 OTHER REFERENCES

No further references



COUNCIL POLICY

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Policy Endorsement	
Responsibility:	It is the responsibility of the Directory Land and Environmental Services to oversee the implementation of this policy. It is the responsibility of the Governance Unit to maintain this policy in the corporate document framework.
Minute Reference:	AO173/14 and AO174/14 (MO214/14); amended AO237/14.
Council Meeting Date:	Approved 15 July 2014; amended 16 September 2014.
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This policy (version 5.0) is an amendment to version 4.0 which was approved by Council on 15 July 2014. The amendment incorporates a section of Wivenhoe Beach as a declared dog exercise area, as approved by Council on 16 September 2014 under Item AO237/14. Note - version 5.1 amended the map with an administrative correction. Version 4.0 replaced the previous Dog Management Policy dated 20 September 2004 (as Amended). (Minute 416 of 11 May 2004 and Minute 464 of 13 July 2004).
Date of Commencement:	17 September 2014
Publication of policy:	Members of the public may inspect this policy at the City Offices where copies can be obtained free of charge. Alternatively it can be accessed on Council's website (www.burnie.net)

