

Control of Dogs

Dog Control Act 2000

The Dog Control Act 2000 brought about some new responsibilities that dog owners should be aware of.

This booklet has been compiled to help owners understand these new responsibilities and the legal consequences for failing to meet these responsibilities. For further information, the whole Act can be accessed on the Internet at www.thelaw.tas.gov.au

Control of Dogs

You must ensure that your dog is under effective control at all times and is not in or on premises without the owner's consent.

If your dog has been declared a dangerous dog it must not be in a public place -

- in the charge of a person under 18 years of age; or without a muzzle, or
- not on a lead; or
- without an approved collar.

A person must not be in charge of more than two dogs on a lead on a footpath or four dogs in a public place at any one time.

Bitches on Heat

Bitches on heat must be kept away from public places.

Dogs and Vehicles

When travelling in or on a vehicle your dog must be unable to leave the vehicle or attack anyone outside the vehicle.

While in a public place your dog must not rush at or chase a moving vehicle or bicycle and you must not urge your dog to do so.

Greyhounds

In a public place a greyhound must be:

1. Muzzled; and

2. On a lead no longer than 2 metres held by a person who is old enough and strong enough to control it.

Effective Control

In a public place means –

- The dog is on a lead no longer than 2 metres held by a person who is old enough and strong enough to control it; or
- The dog is tethered to a fixed object by a lead no longer than 2 metres for less than 30 minutes; or
- The dog is not on a lead but:
 - Is near to the person in charge of it; and
 - Is in sight of that person; and
 - Is immediately responsive to that person's command.

On a road or road related area in a built up area means –

- The dog is on a lead held by a person who is old enough and strong enough to control it.

On private premises means

- The dog is securely confined to those premises.

In other areas means

- The dog is not on a lead but is
 - A working dog that is working; or
 - A hunting dog that is hunting; or
 - Racing or showing; or
 - In obedience or agility trials; or
 - Training.

Dangerous Dogs

Dog Control Act 2000

The incidence of dog attacks on people and other animals is a growing concern that must be addressed. The dog Control Act 2000 gives Councils wider powers to deal with dangerous dogs as well as placing more definite responsibilities onto owners.

Declaring a Dog Dangerous

A dog can be declared to be dangerous by the General Manger of the Council if:

- It has caused serious injury to another person or animal; or
- It is likely to cause serious injury to another person or animal.

Appealing a Declaration

An owner of a dog declared to be a dangerous dog can appeal against the declaration to a magistrate within 14 days of service of the declaration.

A magistrate may confirm the declaration or set it aside.

Declared Dangerous Dog.

If a dog has been declared dangerous it must:

- Be implanted in an approved manner with an approved microchip (the microchip must not be removed without the General Manager's approval);
- Wear an approved collar at all times;
- In a public place be –
 - Muzzled; and
 - On a lead no longer than 2 metres held by a person who is 18 years or older;

- When not in a public place be :

- Housed in a childproof enclosure; or
- Restrained by a lead no longer than 2 metres when not under adult supervision.

Missing, Deceased or Sold Dangerous Dog

If a dangerous dog goes missing, dies, is lost, sold or given away to another owner, the registered owner of the dog must notify the General Manager:

- As soon as possible after they are aware that the dog is missing, lost or has died; or
- Of the name and address of the new owner within 24 hours after the dog is sold or given away.

Warning Signs

The owner of dogs used to guard non-residential premises must notify Council's General Manger in writing that the dogs are guard dogs.

Such dogs will be declared to be dangerous dogs.

When the dogs are no longer used as guard dogs, the owner may apply to the General Manager to revoke the declaration.

Destruction of Dogs

Dog Control Act 2000

Sometimes, such as when a dog is behaving in a way that is likely to cause injury to a person or death or injury to another animal, or it is injured or sick, the only option is to seize or destroy the dog.

The Dog Control Act 2000 provides wide powers for different people to Act in different circumstances

Attacking Dogs

Any person can restrain or destroy a dog if that person:

- Is being attacked by the dog, or
- Sees the dog attacking another person or animal.

Stray Dogs on Farmland

Any person carrying on primary production relating to livestock on rural land, or any other person acting under that person's authority, may destroy any dogs at large found on that land.

Notification of Destruction

A person who has destroyed an attacking dog, or a stray dog on farmland as described above, must notify Council's General Manager of the destruction within 14 days.

Injured Dogs cared for by Organisations

A veterinary surgeon may destroy an injured or sick dog referred to them by the RSPCA, Tasmanian Canine Defence League or any other prescribed organisation if they consider such action to be necessary.

Other Dogs

An authorised person or a veterinary surgeon may seize or destroy a dog if satisfied that the dog;

Is behaving in a threatening manner;

- Has injured a person or killed or seriously injured another animal;
- Is found in such a state that its continued existence is likely to involve continued suffering.

An authorised officer or veterinary surgeon may enter any premises to seize or destroy a dog for the above reasons.

Destruction without Suffering

If it becomes necessary for a person to destroy a dog, it must be destroyed quickly and without causing undue suffering.

Infringement Notices

Dog Control Act 2000

Rather than taking offenders against the Dog Control Act 2000 to court, authorised persons can issue an on-the-spot fine called an infringement notice.

On the spot fines are less than court fines but strict terms and conditions apply. If these terms and conditions are not complied with the infringement notice can be withdrawn and court action taken.

Service of Infringement Notice

An authorised person may serve an infringement notice on a person if satisfied that the person has committed a prescribed offence against the Dog Control Act 2000.

Acceptance of Notice

If you receive a notice you must pay the fine within 21 days.

If you have a problem with paying the fine in that time, you should contact us immediately on 6382 8800.

If you disagree with an authorised person's decision to issue you with a notice, you should put your reasons in writing to Council's General Manager.

Withdrawal of Notice

An infringement notice may be withdrawn if it decided that:

- It should not have been served; or
- The person should be taken to court for the offence to which the notice relates.

An infringement notice can be withdrawn whether or not it has been accepted.

If it is withdrawn after being accepted, the person will be refunded any amount they have paid in respect of the notice.

Payments

Fines can be paid at the Council Offices.

Nuisances caused by Dogs

Dog Control Act 2000

Complaints of dogs causing nuisances is a growing problem that would not occur if dog owners were more responsible for their dog's actions.

Unfortunately some owners are not always responsible, so the Dog Control Act 2000 has empowered Councils to investigate and deal with nuisance complaints.

Owners of nuisance dogs now face the risk of receiving an infringement notice, of being prosecuted and of a magistrate issuing an order that the dog be removed from the premises where it is causing a nuisance or an order that it be destroyed.

Nuisances

In a public place or on private premises, a dog is a nuisance if:

- It behaves in a manner that is injurious or dangerous to the health of any person; or
- It creates a noise, including barking that is persistent or continues to such an extent that it unreasonably interferes with any person's peace, comfort or convenience.

Complaints Procedure

Any person may make a complaint to the Council's General Manger about a dog that is a nuisance by:

- Completing an approved complaints form;
- Paying the prescribed fee of \$20,00; and
- Stating the nature of the nuisance.

Council must investigate every complaint that is received.

Removal of Faeces

Another form of nuisance is leaving your dog's faeces in a public place instead of removing it and disposing of it in a proper manner.

Persons in charge of a dog should carry plastic bags or a commercial pooper scooper for this purpose.

A maximum penalty of \$300 applies if you don't remove it immediately.

Court Orders

A court may make any of the following orders in relation to a nuisance dog:

- An order that the owner or person in charge of the dog have the dog destroyed;
- An order that the dog be removed from the premises at which it is causing the nuisance; or
- Any other order to stop the nuisance.

Seizure and Detention of Dogs at Large

Dog Control Act 2000

Stray dogs are a serious concern as they often attack people or animals and cause nuisances as they roam. The Dog Control Act 2000 has enforced Council's powers to deal with stray dogs and the owners who allow their dog to be at large.

Power to Seize

- Any stray dog can be seized and detained by an authorised officer.
- If the owner of the dog can be identified, the General Manger will send them a notice telling them that their dog has been impounded.
- Once the notice has been received the owner has five working days to reclaim their dog or the General Manger can dispose of the dog.
- If the owner of the dog cannot be identified the dog can or may be disposed of after three days.

Fees relating to seized dogs

If your dog has been seized, you must pay the relevant fees. The General Manager may allow the fee to be paid by installments.

- Any fees in relation to the seizure and detaining of your dog;
- The cost of your dog's detention;
- Any other fees relating to your dog that have not been paid; and
- The registration fee if your dog is unregistered.

There are high penalties for not paying these fees.

- If Council pays these fees on your behalf, it may recover them as a debt due to the Council by you.
- If you do not reclaim your dog you may also have to pay for the cost of destroying it.

Seizure and detention of dangerous dogs

A dangerous dog can be seized and detained if:

It has not been controlled in accordance with the Act; or

It has attacked people or other animals.

Legal proceedings will then be taken against the owner within seven working days.

If a court orders the destruction of a seized and detained dangerous dog, the owner must pay the costs of detaining and destroying it.

Interference with dogs in pounds

It is an offence to:

- Remove or interfere with a seized dog; or
- Destroy or damage any structure, enclosure or pound where the dog is detained.

A dog that has been illegally removed can be resealed. The dog may be detained until all the fees and costs related to the detention and retrieval have been paid.

Keeping of Several Dogs

Dog Control Act 2000

If you keep more than two dogs over the age of six months, or more than four working dogs over the age of six months, on a premises, you need a kennel licence. The approval of a kennel licence is subject to numerous procedures.

Application for a Licence

The application is to be:

- In the approved form; and
- With the appropriate fee.

You may be required to notify by public notice:

- Your 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.

Objection to Licence

Anyone living on or owning land within 200 meters of the boundary of the premises to which a kennel licence relates, can object against the granting of the licence to the General Manager within 14 days after the public notice is published.

- An objection is to:
- Be in writing; and
- Set out the reasons for the objection.

Refusing Application

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

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

The General Manager must refuse the licence if not satisfied that the requirements under the section “Granting Application” are likely to be met.

Granting Application

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

- The healthy, welfare and control of all the dogs are or will be adequately provided for on the premises;
- It is unlikely that a nuisance to any other person will occur; and
- Requirements relating to public health and environmental protection are likely to be satisfied.

Period of Licence

Unless it is earlier cancelled, a licence expires on the date of the licence.

Renewal of Licence

To renew your licence you must pay the appropriate fee.

The General Manager may renew or refuse to renew the licence.

Cancellation of Licence

The General Manager can cancel your licence if satisfied that:

- The law is not being complied with;
- Any condition of the licence is not being complied with;
- A nuisance is being created; or
- It is in the public interest.

Appeals in respect of licence

You may appeal to a magistrate within 21 days of notification that the General Manger has:

- Refused to grant you a licence;
- Refused to renew your licence; or
- Cancelled your licence.

Registration and Identification of Dogs

Dog Control Act 2000

All dogs over the age of six months must be registered and must wear its registration tag/disc on a collar around its neck.

Registration Number and Tag

If your dog is older than six months you must apply to Council's General Manager for registration. When you apply and pay the prescribed fee you will be issued with a registration tag/disc.

The tag/disc will be clearly marked with the registration number and expiry date of registration.

This tag/disc is valid until the expiry date. Once issued with this tag/disc, you must not:

- Use a registration disc that is not valid;
- Use a registration disc issued for another dog;
- Counterfeit a registration disc or knowingly use a counterfeit disc;
- Remove a registration disc from a dog without just cause; or
- Remove a collar and disc from a dog in a public place.

Cancellation of Registration

On any changes to the circumstances concerning your registered dog, such as the dog's death, loss or removal or transfer to another municipality, you must notify Council's General Manager in writing within 14 days.

Change in Address

If your dog is transferred to another address within the municipality for longer than 60 days, you must notify Council's General Manager in writing within 14 days of the transfer.

Change of Owner

If your registered dog is given or sold to another owner, you must notify Council's General Manager in writing within 14 days.

If you become the owner of a dog that is already registered you must notify Council's General Manager in writing within 14 days.

Schedule of Fees

Council reviews and sets registration fees each year.

Current fees are:	Pre 31/7/04	After 31/7/05
Domestic Dog (desexed)	\$10.00	\$20.00
Domestic Dog (not desexed)	\$35.00	\$50.00
Working Dog	\$15.00	\$25.00
Registered Greyhound	\$15.00	\$25.00
Purebred Dog (with papers)	\$15.00	\$25.00
Declared Dangerous Dog	150.00	200.00
Pensioners Rate (1 dog only)	\$ 5.00	\$10.00
Guide Dogs	Exempt	Exempt
Licence to keep more than 2 dogs	\$30.00	\$50.00
Impounding Fee	\$15.00	\$15.00
Maintenance charge per day	\$10.00	\$10.00
Replacement Tags	\$ 2.50	\$ 2.50
Lodgment of nuisance complaint	\$20.00	\$20.00
Dangerous Dog Signs	\$18.70	\$18.70
Dangerous Dog Collar (small)	\$26.40	\$26.40
Dangerous Dog Collar (med/lge)	\$28.60	\$28.60