

TASMAN COUNCIL



*"A Natural Escape"*

# DOG MANAGEMENT POLICY

**Tasman Municipal Area**

**2012 – 2017**

*Amended March 2014  
Due for Review October 2017*

**Municipal Offices  
1713 Main Road, Nubeena**

**Phone: (03) 6250 9200**

**Facsimile: (03) 6250 9220**

**Email: [tasman@tasman.tas.gov.au](mailto:tasman@tasman.tas.gov.au)**

**Website: [www.tasman.tas.gov.au](http://www.tasman.tas.gov.au)**

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## INTRODUCTION

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*The Dog Control Act 2000* came into effect on 2 April 2001. The Dog Control Act replaced the repealed Dog Act 1987, and has therefore become the primary legislation in this area.

Amendments to the *Dog Control Act 2000* were made in 2009 with the aim of increasing public safety and highlighting the responsibilities of dog owners. The majority of the later legislation amendments commenced on 1 July 2010.

Section 7 of the *Dog Control Act 2000* requires Council to develop and implement a Policy relating to dog management within all municipal areas.

### ***A Dog Management Policy must include the following:***

- A code relating to responsible ownership of dogs.
- The provision of declared areas.
- A fee structure.
- Any other relevant matter.

## DOG MANAGEMENT POLICY - PROCESS

### ***In developing a Dog Management Policy a Council is required to:***

- Invite public submissions relating to a proposed Dog Management Policy;
- Consult with any relevant body or organization; and
- Consider any submissions and results of any consultation before finalising the Policy.

## DOG MANAGEMENT POLICY - REVIEW

- A Council has to review its Dog Management Policy at least once every five years or when required.
- In reviewing its Dog Management Policy, a Council is to take the actions referred to in that relevant section.

## DOG CONTROL ACT

A full copy of the *Dog Control Act 2000* can be found on the web site at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

## OBJECTIVES OF THE DOG MANAGEMENT POLICY

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*The objectives of the Dog Management Policy are detailed below:-*

- Ensure dogs in the community are well cared for;
- Ensure dog owners are able to maximise their enjoyment of their animals with access to suitable public open space areas;
- Ensure dog owner activities and those of their dogs do not adversely affect the rest of the community or the environment;
- Identify and prioritise current and future animal management issues;
- Develop a plan to address identified animal management issues;
- Ensure owners of dogs in the Tasman Council Municipal area comply with the requirements of the Dog Control Act 2000;
- Actively promote responsible dog ownership through education and information, supported by regulatory measures when required; and
- Provide for reasonable exercise and recreational needs of dogs and their owners whilst respecting the rights of the broader public and protecting natural values.

### MONITORING & EVALUATION

A report will be included in Council's Annual Report based on the following indicators. The report will be considered by Council and utilised to evaluate the ongoing effectiveness of this policy as well as determining the extent to which the objectives detailed in this policy have been met.

- Number of dogs registered;
- Number of Kennel Licences issued;
- Number of dogs impounded;
- Number and location of Caution Notices issued;
- Number and location of Infringement Notices issued;
- Number of formal complaints received & locations they relate to;
- Financial evaluation of the provision of animal control services;
- Number and location of declared areas; and
- Summary of dogs declared to be dangerous.

## RESPONSIBLE DOG OWNERSHIP

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Council is committed to promoting and encouraging responsible dog ownership. Council recognises that dogs and dog owners are an integral part of the community, contributing to its quality of life and ensuring the needs of dogs and their owners are serviced whilst recognizing the differing needs of all members of the community. As a member of the broader community, there are obligations for us all in considering the impact of our actions on others.

The Tasman Council will commit to undertaking an ongoing community education and awareness program about the Dog Management Policy in partnership with the relevant stakeholders by undertaking the following:-

- Investigate opportunities for encouraging de sexing and micro-chipping;
- Encourage the training and education of dogs and their owners promoting responsible ownership within the community; and
- Design and implement a publicity campaign to provide dog owners with information relating to responsible ownership, eg. Brochures, flyers, local newspaper articles.

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 behaviours;
- Understanding of dog control regulations; and
- The health and welfare of dogs.

### ***It is the responsibility of every dog owner to:***

- Ensure that the dog is kept under control at all times;
- Ensure that their animals do not foul public places;
- Take all reasonable steps to ensure that the dog does not cause a nuisance, injure, endanger, intimidate, or otherwise cause distress to any person;
- Take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife;
- Take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person;
- Ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
- Ensure that the dog receives adequate exercise; and
- Comply with the *Dog Control Act 2000*.

### ***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 (2) dogs on your property without a kennel licence;
- Ensure your dog is under effective control at all times;
- Ensure your dog only walks in "wet sand" areas thereby reducing the risk to shorebird values; and
- Ensure your dog is on lead and under effective control when walking along all public road verges and public roads that are not reserved land.

## FEES & CHARGES

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Council strives to set dog registration fees that are affordable by dog owners yet provide a return for the costs associated with the delivery of dog control services.

Dog owners are encouraged to register their dogs early in the financial year, with dog registration notices generally issued in early July. A discount is provided to dog owners who pay their registration prior to the 31<sup>st</sup> of July each year.

### *In developing registration fees each year Council will utilise the following principles:*

- Owners of de-sexed dogs will be levied an amount as affordable as possible.
- Owners who choose to keep entire dogs (either male or female) will be required to pay a higher level of fees.
- Pensioners will be provided with an opportunity to register their first dog at a discounted rate.
- Owners with disabilities who keep either guide dogs or assistance dogs will not be charged.
- Owners of dogs kept for breeding purposes and registered with the TCA will be levied a fee that recognises the purpose for which they are kept. The fee will, however, be discounted from that which would normally apply to a male/female dog.
- Owners of Greyhounds registered with the Tasmanian Greyhound Racing Board will be provided with an opportunity to register the animal at a discounted rate.
- Owners of working dogs will be provided with an opportunity to register the animal at a discounted rate.
- Owners of hunting dogs are required to have the dogs registered and will be required to pay the full registration costs. These dogs must be registered as hunting dogs and can only be registered by a professional shooter.

Council will set its dog fees at its ordinary Council meeting held in May of each year. The fees will be advertised and standard renewal notices will be provided to all those who have registered a dog previously.

### *Evidence required prior to registration of a dog in a particular category*

Owner's seeking concessional registration, are required to submit the following evidence in accordance with the Act, and as detailed below:

- **Guide Dog/Hearing Dog** – Same meaning as provided under the Guide Dogs and Hearing Dogs Act 1967 or subsequent relevant legislation.
- **Desexed Dog** - Certificate of Sterilisation from veterinary surgeon that the dog is sterilised or the provision of a statutory declaration.
- **Working Dog** – Australian Business Number of the owner in relation to farming business and only to apply to breeds recognised as working dogs by the Tasmanian Canine Association, or satisfies an Animal Control Officer, by providing a working demonstration that the dog is a working dog.
- **Greyhound** - Registration Certificate of Greyhounds Australasia or the provision of Greyhound Litter Registration / Ear Tag identification.
- **Pure Bred Dog** - 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.

## **KENNEL LICENCES**

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Where a person keeps more than two (2) dogs (or four (4) working dogs) on any property they must apply to Council for a Kennel Licence.

A notice of intention to apply for a kennel licence must be published in the public notices section of the Mercury Newspaper, at the expense of the applicant, on any day except Sunday in the prescribed format.

Any person residing or owning land within 200 metres of the boundary of the property to which a licence relates may object to the granting of the licence within 14 days after the notice is published. The objection is to be in writing and set out the reasons for the objection.

### ***HOW WILL COUNCIL PROCESS THE APPLICATION?***

Council cannot consider the application until twenty eight (28) days after the publication of the "Notice of Intention to Apply for Kennel Licence".

A Council Officer will inspect the property including all kennels and yards. The application will not be considered until all dogs kept on the property are registered.

### ***HOW WILL COUNCIL REACH A DECISION?***

In reaching a decision as to whether to grant a licence and if so what conditions, if any, shall apply to the licence, the General Manager may take into account any relevant objections.

A site inspection report will be considered together with any other matters that relate to public health and environmental laws. The likelihood of the dogs creating a nuisance by barking or otherwise will be taken into consideration.

Where the application is successful the licence will be issued together with a covering letter drawing the licence holder's attention to the conditions that apply to the licence, and notification of the date that the licence expires.

### ***CAN COUNCIL REFUSE TO GRANT, RENEW OR CANCEL A LICENCE?***

The General Manager on the recommendation of an Authorised Officer may refuse to grant a licence if he is of the opinion that:

- The premises are unfit for the purpose of keeping the number and type of dogs applied for; and
- It would be in the public interest not to grant the licence.

Where a licence is refused the applicant will receive written notification.

### ***Renewal of a licence may be refused if Council is of the opinion that:***

- The requirements of the Dog Control Act and the Public Health Act are not being complied with;
- The condition of the premises is creating a nuisance;
- The requirements of the Dog Control Regulations are not being complied with; and
- It is in the public interest that the licence not be renewed.

***A licence may be cancelled at any time if Council is satisfied that:***

- The premises do not comply with the Dog Control Regulations;
- Laws relating to public health and environmental protection are not being complied with; and
- That the conditions of the licence are not being complied with.

***WHAT IF COUNCIL REFUSES TO GRANT OR RENEW A LICENCE?***

***You may appeal to a magistrate. An appeal shall:***

- Be instituted by giving written notice to the Clerk of Petty Sessions on the prescribed form;
- Be accompanied by the prescribed fee;
- Be made within the prescribed time (21 days of the date of Council notification); and
- Otherwise be instituted in the prescribed manner.

***At the hearing of an appeal the magistrate may:***

- Dismiss the appeal;
- Direct the Council to grant or renew the licence;
- Quash the Council's decision to cancel the licence, subject to any conditions the magistrate thinks fit;
- Council must comply with any directions given to it by the magistrate; and
- The magistrate's decision is final.

***RENEWAL OF LICENCE***

Kennel licences expire on the 30<sup>th</sup> day of June each year.

An Authorised Officer may renew licences for a further twelve months upon payment of the prescribed fee and a satisfactory inspection of the premises.

***CAN THE LICENCE BE TRANSFERRED TO ANOTHER PERSON OR PROPERTY?***

Licences are not transferable from one person to another, nor are they transferable from property to property. If the following applies, you are required to submit a new application:-

- Sell your property and the new owner requires a kennel licence; or
- You move to another property and wish to retain your licence

***COSTS***

Details of kennel licence costs are available from the Council Offices on (03) 6250 9200 or website [www.tasman.tas.gov.au](http://www.tasman.tas.gov.au)

***PENALTIES***

The Act states that a person, who keeps more than two dogs (or 4 working dogs) over the age of six months, on any premises not being a licensed premise, is guilty of an offence and is liable on summary conviction to a maximum fine of 5 penalty units.

Council's Authorised Officer will issue an Infringement Notice for all unlicensed premises. Non-payment of this fine would then involve the abovementioned legal action being taken.

## DANGEROUS DOGS

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*The Dog Control Act 2000* substantially increases the penalties and restrictions on owners of dogs declared dangerous.

Any dog that has caused serious injury to a person or another animal may be declared a dangerous dog, unless the attack was of such a nature that the declaration is not considered warranted. Council will also take into consideration the wishes of the victim involved, the circumstances involved, witness's evidence if any, and the offending dog owners proposed action.

The owner or person in charge of a dangerous dog must be at least 18 years of age and comply with the following requirements as defined by Section \*\*\* of the Dog Control Act 2000:-

- **Microchipping** – The owner of a dog declared to be dangerous must ensure that the dog is implanted with an identifying microchip in an approved manner within 30 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.
- **Collars** – The owner or person in charge of a dangerous dog must ensure the dog wears an approved collar at all times.
- **Childproof Enclosure** – When on private premises and not under adult supervision, a dangerous dog must be housed in a childproof enclosure as specified by the Act;

The cost associated with the purchasing of a prescribed dog collar, micro-chipping, housing and appropriate signage is the responsibility of the dog owner.

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

- Wearing an approved collar and muzzled; and
- On a lead not exceeding two (2) metres that is of sufficient length to control and restrain the dog; and
- Under the control of a person at least 18 years of age

Any premises on which a declared dangerous dog is being kept will be inspected on a regular basis by an Authorised Officer to ensure that the dog is housed correctly and that the owner is complying with the requirements as defined in the *Dog Control Act 2000*.

Appropriate legal action will be taken against any dangerous dog owner not complying with the regulations.

## RESTRICTED BREED DOGS

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Dogs of a breed which have been banned from importation into Australia may be declared restricted breed dogs. The following restricted breed dogs are detailed below:-

- Dog Argentino,
- Filo Brasileiro;
- Japanese Tosa;
- American Pit Bull Terrier;
- Pit Bull Terrier;
- Perro de Presa Canario or Presa Canario

A person who wishes to purchase or become the owner of a restricted breed dog must apply to the Council for approval to have ownership transferred to them. A restricted breed dog may only be sold or given away after the buyer or new owner has received prior approval from Council. The seller must notify Council within 24 hours of completion of sale of the dog, and failure to notify the Council of such a sale may incur a penalty of up to 20 penalty units.

Council officers will determine whether a dog is a restricted breed dog on the basis of approved guidelines which include key characteristics of dog breeds such as height, weight, coat, colouration, tail carriage, facial and body features.

Owners can appeal the declaration of their dog as a restricted breed dog to the Magistrates Court (Administrative Appeals Division) within 28 days of the service of notice of the declaration. In such an appeal the onus is on the owner to prove that the dog is not a restricted breed.

The owner or person in charge of a restricted breed dog must be at least 18 years of age and comply with the following requirements as defined by Section \*\*\* of the Dog Control Act 2000:-

- **Secure Confinement** – The owner of a restricted breed dog must ensure the dog is securely confined to the registered premises at all times;
- **Microchipping** – The owner of a restricted breed dog must ensure that the dog is implanted with an identifying microchip in an approved manner within 30 days of being served notice of the declaration;
- **Warning Signs** – The owner or person in charge of a restricted breed dog must ensure that approved signs are displayed at all entrances to the property where the dog is kept.

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

- Wearing an approved collar and muzzled; and
- On a lead not exceeding two (2) metres that is of sufficient length to control and restrain the dog; and
- Under the control of a person at least 18 years of age

If a restricted dog goes missing, strays, dies or is lost, the owner or a person on behalf of the owner must notify the Council as soon as possible. Failure to do so may incur a penalty of up to 20 penalty units. If a restricted breed dog attacks a person or animal, the owner is guilty of an offence. A restricted breed dog that attacks a person may subsequently be declared a dangerous dog.

## **NUISANCE DOGS**

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The activities of dogs can cause annoyance and discomfort to members of the community. The nuisances caused by dogs cover a wide range of issues and include:-

- Barking dogs;
- Dog faeces;
- Roaming dogs (“at large”);
- Aggressive dogs
- Dog attacks on livestock and wildlife

Council currently spends considerable amounts of time associated with problems caused by nuisance dogs, in particular the issue of dogs being “at large” and the attack on livestock. The owner or person in charge of a dog must not permit the dog to become or create a nuisance. A dog is a nuisance if:

- (a) It behaves in a manner that is injurious or dangerous to the health of any persons; or*
- (b) It creates a noise by barking or otherwise; it persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person or persons.*

### **BARKING DOGS**

Barking dogs can be a difficult issue to deal with as every situation is different. The Dog Control Act defines a barking nuisance as a noise that consistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place. If a resident is unable to resolve the issue of a barking dog directly with the owner, contact should be made with Council.

Council’s preferred option is to consult with both the complainant and the dog owner addressing the issues as to why the dog is barking and offer advice and Council resources, resolving the issues quickly without the need for lengthy legal proceedings which are costly and time consuming. The most important issue is for the owner to be made aware of the nuisance and to be advised as to the best methods available to alleviate the problem.

### **ROAMING DOGS / DOGS AT LARGE**

Any dog that wanders onto another property, footpath, nature strip unaccompanied is defined as being “at large”. In accordance with Section 8(1) of the Dog Control Act 2000, the owner of a dog must ensure that their dog is not “at large”. A dog must be securely confined within its own property so that it cannot roam or harass passers-by. In accordance with Section 35(1) of the Dog Control Act, Council can detain and impound any dog that is “at large”.

## DOG ATTACKS ON PEOPLE, LIVESTOCK & WILDLIFE

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With an ever-increasing urban animal population, there will invariably be associated problems. Livestock and protected wildlife can be adversely affected by dogs, which can damage both populations and habitat.

In accordance with Section 19(1) of the Dog Control Act, a dog that is not under the effective control of a person on private premises, or that is not under the effective control of a person in a public place, rushes at or chases any person, the owner of the dog is guilty of an offence. The penalty for not complying with this requirement is a fine not exceeding five (5) penalty units.

The menacing or harassing does not have to actually result in injury for an offence to be proven. If a dog attack results in a bite causing minor injuries to a person or animal, the person in control of the owner of the dog is guilty of an offence. The penalty for not complying with this requirement is a fine not exceeding five (5) penalty units.

If a dog is found to be “at large”, and Council have reason to believe that a dog is responsible for an attack on livestock or another person, the dog will be impounded at Council until such time as the

In accordance with Section 42 of the Dog Control Act 2000, An authorised person or a veterinary surgeon may enter any premises, seize and destroy any dog if they are satisfied that:-

***a)** is behaving in a manner and in such circumstances likely to cause injury to any person or death or serious bodily injury to any animal; or*

***(b)** has caused injury to a person or death or serious bodily injury to an animal; or*

***(c)** is found distressed or disabled to such an extent that its continued existence is likely to involve continued suffering.*

## COMPLAINTS

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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 minimize the impact of inappropriate dog behaviour.

Council recognizes the right of community members to seek assistance in dealing with nuisances created by dogs. Council represents the community and ensures 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, Authorised Officer's 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 onto the complaint. This information is strictly confidential and not passed on to any other member of the community.

## IMPOUNDING OF DOGS

All unregistered dogs impounded will incur a fee plus an impounding fee and a maintenance fee for every day impounded. An infringement notice will be issued in accordance with the *Dog Control Act 2000* Section 16(1) "Failure to ensure a dog is not at large" – maximum 5 penalty points.

If a registered and micro-chipped dog is seized and its owner is identifiable, the General Manager is to notify the owner of the dog in writing that the dog has been impounded and be given 24 hours to collect the dog without the issue of an Infringement Notice for a first offence only. Impoundment fees are still applicable.

Subsequent offences will attract an Infringement Notice, together with any applicable impoundment fees. If after five (5) working days after notice has been given to the owner and the dog has not been claimed, the dog will then be transferred to the Dogs Home of Tasmania located at 101 Scotts Road, Risdon Vale (the dog then becomes the property of the Dogs Home of Tasmania).

If a dog is seized and its owner is not identifiable the dog will be impounded at the Tasman Council pound for three (3) days. In the event the dog is claimed an Infringement Notice will be issued and any impound fees registration fees must be paid prior to release. If the dog is not claimed within the specified period the dog will be transferred to the Dogs Home of Tasmania (the dog then becomes the property of the Dogs Home of Tasmania).

## PROVISION OF DECLARED AREAS

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The *Dog Control Act 2000* sets out a procedure for the declaration of areas in which there are particular restrictions.

The process involved before the declaration of any areas includes the advertising of the proposed area on at least two occasions in the public notices section of the newspaper inviting the public and any appropriate body or organisation to submit in writing any comments or objections relating to a proposed declared area.

***In assessment of any proposed declared areas Council considered the following criteria;***

- Access;
- Public safety issues;
- Proximity to residential areas;
- The community's desire to exercise their dogs in natural areas and beach environments;
- Protection of natural flora and fauna, and areas of cultural significance;
- Shared and restricted access rights to beaches during summer school holiday periods;
- 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.

Council will consider all submissions and the results of any consultation before finalising any policy in relation to declared areas. Investigation of suitable areas will be ongoing and it is expected the majority of declared areas will be finalised during the ensuing reviews.

## TASMAN MUNICIPAL AREA DECLARED AREAS

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In line with Council's objective of maintaining balance within the community and in accordance with the provisions of the *Dog Control Act 2000*, Council may declare and regulate areas of the municipality to be a:

***The following categories relate to declared areas (as defined by the Dog Control Act 2000):-***

- **Exercise Area** - An area on which dogs may be exercised either on-lead or off-lead, subject to any specified conditions.
- **Training Area** - Land on which dogs may be trained, subject to any specified conditions.
- **Prohibited Area** - An area containing sensitive habitat for native wildlife may be declared as prohibited to dogs, other than a guide dog or hearing dog.
- **Restricted Area** - An area where dogs may be permitted subject to specific area limitations eg: on lead, seasonal restrictions etc.

***In addition to the above, the Dog Control Act 2000 prohibits dogs in public areas defined as:***

- (a) any grounds of a school, pre-school, kindergarten, crèche or other place for the reception of children without the permission of the person in charge of the place; or
- (b) any shopping centre, or any shop except a pet shop, premises of a veterinary surgeon, pet grooming shop, or any other premises related to the care and management of dogs; or
- (c) any playing area of a sportsground on which sport is being played; or
- (d) an area within 10 metres of a children's playground.

*The above restrictions do not apply to a guide dog or hearing dog.*

## TASMAN MUNICIPAL AREA DECLARED AREAS

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### DOG EXERCISE AREAS

The following areas are where dogs can be exercised off the lead provided they remain under the effective control of the owner at all times.

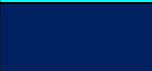
- Eaglehawk Neck – Eaglehawk Neck Historic Site (beach section only) and part of the Pirates Bay Nature Recreation Area (beach section north of ‘Surfies’ car park beach access track).
- Eaglehawk Neck - Pirates Bay Nature Recreation Area (southern section of beach from 100 metres east of penguin fence entrance to the Blowhole boat ramp).
- Taranna Sports Ground, Gourlay Street, Taranna.

A dog off the lead and under effective control is defined as in close proximity and within sight of the owner and the owner must if so directed by an Authorised Officer, demonstrate that the dog is immediately responsive to that persons commands.

***When exercising dogs on beach areas, care and control is required to exclude dogs from identified shorebird nesting sites to avoid potential impacts on breeding success.***

### RESTRICTED AREAS

Maps are attached outlining where specific areas are that dogs can be exercised (on lead and off lead). The following legend must be used as a guide.

Exercise Area	Dogs can be exercised off the lead provided they remain under the effective control of the owner at all times.	
Restricted Area 1.	Dog must be on lead at all times	
Restricted Area 2	Dogs must be on lead 1 October to 31 March (shorebird season). Dogs may be off lead but under effective control at all other times.	
Restricted Area 3	Dogs prohibited 10am to 4pm 1 December to 31 March (peak user times). Dogs may be off lead but under effective control at all other times.	
Restricted Area 4	Dogs must be on lead from 10am to 4pm 1 December to 31 March (peak user times). Dogs may be off lead but under effective control at all other times.	
Restricted Area 5	Dogs prohibited from playing areas of sports grounds whilst sport is being played. Dogs may be off lead but under effective control at all other times.	
Restricted Area 6	Dogs prohibited within 10 metres of children’s playground and skating facilities. Dogs on lead in remaining areas.	
Restricted Area 7	Dogs must be on lead at all times. Dogs prohibited from playing areas of sports grounds whilst sport is being played.	
Prohibited Area	Dogs are prohibited from this area <b><u>at all times</u></b> .	

**RESTRICTED AREA 1: DOGS ON LEAD AT ALL TIMES**

AREA	JUSTIFICATION
Eaglehawk Neck - Tessellated Pavement State Reserve (beach section from Eaglehawk Neck Historic Site to the eastern end of the beach)	Consistent with Tasman National Park & Reserves Management Plan 2011, recognising value of area to local dog walkers while accounting for social and natural values of the area
Eaglehawk Neck – Eaglehawk Neck Historic Site designated walking tracks only.	Consistent with Tasman National Park & Reserves Management Plan 2011, recognising value of area to local dog walkers while accounting for social and natural values of the area
Eaglehawk Neck – Pirates Bay Nature Recreation Area (100m east of penguin gate to surfies car park beach entrance)	Consistent with Tasman National Park & Reserves Management Plan 2011, recognising value of area to local dog walkers while accounting for social and natural values of the area
Eaglehawk Neck – Pirates Bay Nature Recreation Area (Blowhole and Pirates Bay port precinct)	Consistent with Tasman National Park & Reserves Management Plan 2011, recognising value of area to local dog walkers while accounting for social and natural values of the area
Eaglehawk Neck – Eaglehawk Flinders Bay Conservation Area (Jetty Road foreshore from Arthur Highway to where the foreshore intersects with the Jetty Road boom gate).	Reserve class Conservation area. On lead required to allow landowners to take dogs from their residences, and to walk dogs to the foreshore and to Pirates Bay.
Eaglehawk Neck – Pirates Bay Nature Recreation Area (Blowhole and Pirates Bay port precinct)	Consistent with Tasman National Park & Reserves Management Plan 2011, recognising value of area to local dog walkers while accounting for social and natural values of the area
Stewarts Bay State Reserve (Reserve designated walking tracks)	Consistent with Tasman National Park & Reserves Management Plan 2011, recognising value of area to local dog walkers while accounting for social and natural values of the area
Port Arthur – Port Arthur Historic Site (Carnarvon Bay section – western boundary to Tramway Point including Big Possum and Little Possum Bay beaches)	Port Arthur Historic Site Management Plan
Nubeena / White Beach – Stinking Beach and Nubeena Main Road foreshore (from Stinking Creek to Parsons Bay Creek).	Close proximity to township and residences. Only walking track in the vicinity of Nubeena.
Nubeena / White Beach – Wedge Bay foreshore (Cripps Creek mouth to Crooked Billet Bay Conservation Area)	Close proximity to shack community. Only walking area in the vicinity of residents.
Murdunda – Sommers Bay Road Public Reserve from Arthur Highway to western end of Chronicle Point Beach.	Public Reserve adjacent to residential area – multiple foreshore accesses.
Dunalley – Dunalley Beach	Adjacent to residential areas and easily accessed from the Arthur Highway. Tidal flats are used for shorebird breeding.

**RESTRICTED AREA 2: DOGS ON LEAD DURING SHOREBIRD BREEDING SEASON FROM 1ST OCTOBER TO 31ST MARCH DOGS UNDER EFFECTIVE CONTROL AT ALL OTHER TIMES.**

AREA	JUSTIFICATION
Taranna – Public Reserve (south of Norfolk Point to southern end of Little Norfolk Bay)	Public Reserve – considerable shorebird activity in this area.
Koonya - Norfolk Bay Conservation Area (Parkers Beach section)	Crown Reserve. Site attracts significant shorebirds for breeding. Possible breeding sites for Pied Oyster Catchers.
Safety Cove State Reserve (from north west bridge entrance to the big tree beach access)	Consistent with Tasman National Park & Reserves Management Plan 2011, recognising value of area to local dog walkers while accounting for social and natural values of the area.

**RESTRICTED AREA 3: DOG PROHIBITED AREA FROM 10AM TO 4PM BETWEEN 1ST DECEMBER TO 31ST MARCH. DOGS UNDER EFFECTIVE CONTROL AT ALL OTHER TIMES.**

AREA	JUSTIFICATION
Stewarts Bay State Reserve (beach section)	Consistent with Tasman National Park & Reserves Management Plan 2011, recognising value of area to local dog walkers while accounting for social and natural values of the area
Sloping Main Public Reserve (south western section of Sloping Main Beach to the north eastern beach access. Dogs prohibited on the rest of the reserve including the north eastern section of beach)	Public Reserve. Recognising value of area to local dog walkers while accounting for social and natural values of the area
Saltwater River – Turners Point Public Reserve (between Coal Mines Historic Site and Salem Bay Conservation Area)	Public Reserve. Recognising value of area to local dog walkers while accounting for social and natural values of the area
Sommers Bay Public Reserve.	Public Reserve. Recognising value of area to local dog walkers while accounting for social and natural values of the area

**RESTRICTED AREA 4: DOGS ON LEAD FROM 10AM TO 4PM BETWEEN 1<sup>ST</sup> DECEMBER TO 31<sup>ST</sup> MARCH. DOGS UNDER EFFECTIVE CONTROL AT ALL OTHER TIMES.**

AREA	JUSTIFICATION
White Beach – White Beach Public Reserve Beach section from Cripps Creek mouth to end of Apex Point Road	Recognising value of area to local dog walkers while accounting for social values of the area

**RESTRICTED AREA 5: DOGS PROHIBITED FROM PLAYING AREA OF SPORTSGROUND WHILST SPORT IS BEING PLAYED. DOG UNDER EFFECTIVE CONTROL AT ALL OTHER TIMES.**

AREA	JUSTIFICATION
Premaydena Recreation Ground	As defined in the Dog Control Act 2000 and public safety
Port Arthur Recreation Ground	As defined in the Dog Control Act 2000 and public safety

**RESTRICTED AREA 6: DOGS PROHIBITED WITHIN 10 METRES OF CHILDRENS PLAYGROUND & SKATING FACILITIES. DOGS ON LEAD ON REMAINING AREAS.**

AREA	JUSTIFICATION
Judd Park, Nubeena	As defined in the Dog Control Act 2000 and public safety
Murdunna Rest Area, Arthur Highway, Murdunna	As defined in the Dog Control Act 2000 and public safety

**RESTRICTED AREA 7: DOGS MUST BE ON LEAD AT ALL TIMES. DOGS PROHIBITED FROM PLAYING AREA OF SPORTSGROUND WHILST SPORT IS BEING PLAYED.**

AREA	JUSTIFICATION
Nubeena Recreation Ground	As defined in the Dog Control Act 2000 and public safety

**DOG TRAINING AREAS**

Those areas that are utilized by a recognised obedience club for formal obedience classes will be designated off-lead training areas.

As yet there are no specified “training areas” for dogs within the Tasman Municipality.

**PROHIBITED AREAS**

**Prohibited Areas under the *Dog Control Act 2000***

- Port Arthur Cemetery;
- White Beach Cemetery;
- Roaring Beach Cemetery;
- Premaydena Cemetery; and
- Tasman District School.

***Please Note*** – *The abovementioned restrictions do not apply to any guide or assistant dog.*

## **Prohibited Areas under the *National Parks and Reserved Land Regulations 2009***

Dogs are prohibited from all reserved land areas managed by the Parks and Wildlife Service (PWS), however, there is provision to designate areas for dog exercise in certain reserve classes or where permitted by the management plan for the reserved land.

With the exception of the PWS reserved land declared Exercise Areas and Restricted Areas within this policy, dogs are not permitted on any other reserved land except where an authority has been granted in accordance with the *National Parks and Reserved Land Regulations 2009*. Please note that only the higher usage and more accessible reserved lands where dogs are prohibited have been identified in Annexure "A".

The Parks and Wildlife Office at Seven Mile Beach is available for queries regarding land tenure.

Details regarding the locations of declared areas within the Tasman municipal area are contained within Annexure "A".

## **SIGNAGE**

It is a requirement under the *Dog Control Act 2000* for Council to erect and maintain sufficient signs to identify any exercise area, training area, prohibited area or restricted area. This will be done in conjunction with the Parks and Wildlife Service and Port Arthur Historic Site Management Authority for those areas maintained by the respective agencies.

## **DOG WASTE DISPOSAL**

Following the finalisation of Declared Areas Council will begin a program of installing Dog Waste Disposal Bag Dispensers at relevant Council maintained sites. This will be done in conjunction with the Parks and Wildlife Service for those areas maintained by that agency.

## DEFINITIONS (DOG CONTROL ACT 2000)

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The following is an excerpt from the Dog Control Act 2000:-

### **DOG AT LARGE**

- A dog is at large if –

- (a) it is not under the effective control of a person in a public place or in or on premises without the consent of the occupier; or
- (b) it is a dangerous dog in a public place and is –
  - (i) in the charge of a person under the age of 18 years; or
  - (ii) without a muzzle; or
  - (iii) not on a lead; or
  - (iv) without an approved collar.

### **DOG UNDER EFFECTIVE CONTROL**

(1) A dog is under the effective control of a person in a public place if the dog is –

- (a) on a road or road-related area in a built-up area, or any other public place declared under Division 2 of Part 3 to be an area where a dog must be on a lead, and the dog is secured and restrained by means of a lead not more than 2 metres long held by hand by a person able to control the dog; or
- (b) tethered to a fixed object by a lead not more than 2 metres long for a period not more than 30 minutes.

(2) A dog is under the effective control of a person while not on a lead if the dog is–

- (a) a working dog engaged in working; or
- (b) a hunting dog engaged in hunting; or
- (c) engaged in racing or showing; or
- (d) engaged in obedience or agility trials; or
- (e) engaged in training for any activity referred to in paragraph (a), (b), (c) or (d); or
- (f) engaged in training in a training area.

(3) In an area where a dog is not required to be on a lead, the dog is under the effective control of a person if–

- (a) it is in close proximity to the person; and
- (b) it is in sight of the person; and
- (c) the person is able to demonstrate to the satisfaction of an authorised person that the dog is immediately responsive to the person's commands.

(4) A dog is under the effective control of a person on private premises if the dog is securely confined to those premises.

(5) A person, at any one time, must not have in his or her charge more than –

- (a) 2 dogs on a lead on a footpath; or
- (b) 4 dogs in a public place.

### Miscellaneous Definitions Excerpted from Section 3 of the Dog Control Act 2000

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

**appropriate fee**, in relation to a fee, means a fee determined by the council under [section 80](#);

**approved** means approved by the Director;

**at large** means at large as referred to in [section 5](#);

**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](#);

**dangerous dog** means a dog declared to be dangerous under [section 29](#) or [30](#);

**declared area** means an area declared under [Division 2](#) of [Part 3](#);

**de-sex** 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*;

**effective control** means effective control as referred to in [section 4](#);

**exercise area** means an area declared under [section 20](#);

**general manager** means the general manager of a 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](#);

**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 2 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](#);

**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](#);

**public notice** means a notice published in a daily newspaper;

**public place** means –

- (a) a public place as defined by the *Police Offences Act 1935*; and
- (b) a road; and
- (c) a road-related area;

**register** means a register kept under [section 15](#);

**registered dog** means a dog registered under this Act;

**registration disc** means a disc or tag referred to in [section 10\(1\)](#);

**restricted area** means an area declared under [section 23](#);

**restricted breed dog** means a dog declared to be a restricted breed dog under [section 29A](#);

**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](#);

**tranquilliser device** means any device that inserts a measured dosage of tranquillising 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 a council is open for business;

**working dog** means a dog used principally for –

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

# **Annexure “A”**

## **Declared Areas within the Tasman Municipal Area**