

Dog Control Act 2000

Issues Paper September 2013

Local Government Division
Department of Premier and Cabinet

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A Introduction

The *Dog Control Act 2000* (the Act) provides the legislative framework for the management of dogs in Tasmania. It primarily empowers the general managers of councils to enforce the provisions of the Act.

In 2009, following an extensive public consultation process, the Act was amended to improve public safety through better control and more responsible ownership of dogs.

Amendments made to the Act in 2009 included:

- further promoting responsible dog ownership;
- providing stronger controls on dangerous dogs including de-sexing and specified housing requirements;
- restricting five breeds of dogs, and introduce new control measures for these dogs;
- providing stronger powers for councils to seize and detain dogs;
- improving noise abatement procedures; and
- introducing microchipping for all dogs.

The amendments came into effect from 1 July 2010, with the exception of the requirement to microchip all dogs which commenced on 1 July 2011.

Further amendments followed declaring that greyhounds born before 1 January 2011 are not required to be microchipped and all working dogs and certain hunting dogs identifiable by ear tattoos are exempt from microchipping.

The Minister for Local Government (the Minister) has been requested to make three further amendments to the Act:

1. exempt greyhounds that have graduated from the Greyhound Adoption Program from the requirement to wear a muzzle while in a public place;
2. change the kennel licensing arrangements for working and hunting dogs in rural areas; and
3. provide councils with the power to restrict dogs permanently from council controlled land such as major sports grounds or beaches.

B Objectives of the Issues Paper

This Issues Paper seeks comment on the three proposals to amend the Act listed above. The State Government invites input from the local government sector and other stakeholders on the proposed changes to the Act. Input is welcome on the issues raised in this Paper, and on related matters.

Information on how to make a submission is provided on page eight of this paper.

C Issues for consideration

I Greyhound muzzling

The Act (Section 18) currently requires greyhounds, while in a public place, to be muzzled and secured and restrained by means of a lead not exceeding two metres long.

The Minister has been approached to amend this section of the Act to provide an exemption for greyhounds that have graduated from the Greyhound Adoption Program (GAP) from the requirement to wear a muzzle while in a public place.

Tasracing, Tasmania's peak racing body, has established and manages GAP in Tasmania. GAP Tasmania is a member organisation of GAP Australasia. GAP is a program aimed at rehoming retired racing greyhounds and ensuring that the temperament of such greyhounds is suitable in the average home.

GAP's activities include, but are not limited to, the following measures:

- conducting assessments of greyhounds entered into the program, including behavioural assessments;
- appointing appropriate 'foster carers' for greyhounds whilst undergoing the program;
- insurance provisions;
- an adoption process including interviews with prospective owners; and
- maintaining all records with respect to the program.

In Tasmania, GAP is overseen by Tasracing's Code Development Manager – Greyhounds. It consists of a coordinator and foster carers.

The coordinator's primary functions are:

- the appointment of foster carers;
- maintaining all records in respect to the program;
- ensuring all documentation required by regulatory authorities is completed and submitted within the timeframes;
- conducting the initial assessment of greyhounds entered into the program and the final assessment of rehabilitated greyhounds;
- to interview owners and/or trainers to assess the suitability of a greyhound put forward for adoption; and
- to interview and appraise the suitability of adopters.

Foster carers are volunteers from the community who are selected to join the program. They do not require formal qualifications but are interviewed and their premises inspected and evaluated for suitability. They have the responsibility of rehabilitating the greyhounds and providing reports on their progress. While foster carers manage the greyhound throughout the rehabilitation process, they do not conduct the behavioural assessment test which determines the greyhound's suitability for adoption into the community – this remains the responsibility of the coordinator employed by Tasracing.

GAP's nationally developed greyhound behavioural assessment is comprehensive and covers:

- assessment of the greyhound's prior history;
- observations during holding period;
- response to approach while in the kennel, including response to mildly threatening behaviour, and attaching lead and collar;
- leash manners;
- sociability to people including response to unusual behaviour;
- physical/veterinary examination;
- reaction to loud noises;
- resource guarding, including guarding of both normal food and high ranking food; and
- prey drive test including response to a small dog on a leash as well as the small dog running free.

Questions

- 1.1 Should greyhounds that have graduated from the GAP program be exempt from wearing a muzzle in a public place?
- 1.2 Are there other conditions that should apply if the exemption was to apply?

2 Kennel licences in rural areas

Currently Section 50 (Keeping several dogs) of the Act requires a person with more than four working dogs to have a kennel licence. Kennel licences are required to assist with the health, welfare and adequate control of the dogs, and the likely nuisance to other persons.

The Act requires a person to apply to the general manager of a council for a licence. Any person residing or owning land within 200 metres of the boundary of the premises of the applicant may object to the granting of the licence. If there is someone residing or owning land within 200 metres of the boundary of the premises of the applicant, or the general manager requires it as part of the application process, the applicant is to, by public notice, notify the intention to apply for a licence, the address and details of the premises and the number and breed of dogs to which the application relates.

A rural council has requested changes to the Act with regard to: kennel licences in rural areas; the advertising of kennel licence applications; increasing the number of dogs that can be kept before a kennel licence is required; and the classification of hunting dogs as working dogs for kennel licence purposes in rural areas.

Specifically the council would like the Act amended so that:

- kennel licences should not apply in rural areas where dogs are used in association with a registered business;
- if kennel licence exemptions for dogs that are used in association with a registered business in rural areas are not supported, increase the number of dogs from four to 12 working dogs before a kennel licence is required in a rural area;
- kennel licence applicants in rural areas should only be required to advertise the fact that they are applying for a kennel licence if the kennels are located within 200 metres, or a greater distance at council's discretion, of a residence rather than within 200 metres of the boundary of the premises of the applicant as currently applies; and
- hunting dogs should be classed as working dogs for the purposes of granting kennel licences in rural areas.

Questions

- 2.1 Should rural areas where dogs are used in association with a registered business be exempt from kennel licensing?
- 2.2 How would a rural area be defined?
- 2.3 What would the definition of a registered business be? Would it include a person who holds an Australian Business Number (ABN) or only those with a registered business name with the Australian Securities and Investment Commission? Should there be other conditions or restrictions that apply? Should it be restricted to certain types of business?
- 2.4 If kennel licence exemptions for dogs that are used in association with a registered business in rural areas are not supported, should the number of working dogs be increased from four to 12 before a kennel licence is required in a rural area?
- 2.5 Is 12 too many dogs, and if so, what would the right number be?
- 2.6 Should kennel licence applicants in rural areas that are not located within 200 metres, or a greater distance at councils' discretion, of a residence (rather than the boundary of a premises) be exempt from having to advertise the fact that they are applying for a kennel licence?
- 2.7 Is the distance of 200 metres appropriate? Should all neighbouring residences, regardless of distance, be advised even if it is not advertised by public notice?
- 2.8 Should hunting dogs be classed as working dogs for the purposes of granting kennel licences in rural areas?

3 Restricted areas

Section 22 (Prohibited areas) of the Act currently provides a power for councils to declare areas containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.

The Act (Section 23 – Restricted areas) provides a power for councils to declare areas where dogs, other than guide dogs or hearing dogs, are restricted from entering during specified hours, days or seasons. The intent of this section is to provide limited restrictions (time) to the areas rather than a permanent restriction.

Under Section 28 (Prohibited public areas) of the Act, dogs are prohibited from shopping centres, the grounds of public swimming pools and the playing area of sports grounds while sport is being played. Dogs are also prohibited from other public areas such as any school grounds, crèches or other places for the reception of children, unless the permission of a person in charge of the place has been given.

Before a council resolves to declare an area to be prohibited or restricted under Sections 22 and 23, the council is required to notify by public notice the details of the area, any conditions relating to the use of that area, and the reasons for the declaration. The council is to also invite submissions and consider any submissions lodged. Councils are also required to review any declaration at least once every five years.

A council has sought an amendment to this section of the Act to provide councils a power to restrict dogs permanently from land which councils control such as major sports grounds or beaches. The council considers that if it is to properly provide for the health, safety and welfare of the community, it should have a power to determine whether dogs should be restricted on a permanent basis from council controlled land.

The council has raised a number of health related issues associated with dogs and the risk of children being vulnerable to contracting infectious diseases from dogs because they tend to play on the ground and so come into contact with dog faeces. The council has stated that dogs may not transmit any serious viral infections to children, but they do transmit, through their faeces, bacterial infections such as salmonella, campylobacter, hydatids and roundworm which can have potentially serious consequences for children.

Questions

- 3.1 Should councils have the power to restrict dogs permanently from land under which the council has control such as major sports grounds or beaches?
- 3.2 If councils had the power to restrict dogs permanently from land under which the council has control, should it be restricted to certain categories of land such as major sports grounds or beaches, or should there be other categories that councils could permanently restrict dogs from? If so, what would the categories be?
- 3.3 What, if any, limitations or processes should councils abide by if there was a power to restrict dogs permanently from land under which the council has control?

D Submissions

The State Government invites input from the local government sector and other stakeholders on the proposed changes to the *Dog Control Act 2000*. Input is welcome on the issues raised in this paper, and on related matters.

Submissions can be provided as follows:

- Submissions can be mailed to:

Local Government Division
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001
- Submissions can also be emailed to lgd@dpac.tas.gov.au.

Submissions close on 8 November 2013.

Those with queries are encouraged to contact either the Local Government Division or the Local Government Association of Tasmania (LGAT) to discuss the proposed amendments in detail:

- Local Government Division
Phone: 6232 7022
Email: lgd@dpac.tas.gov.au
- LGAT
Phone: 6233 5986
Email: admin@lgat.tas.gov.au



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