

PUBLIC INFORMATION PAPER

PROPOSED LITCHFIELD COUNCIL (ANIMAL MANAGEMENT) BY-LAWS

DISCLAIMER

This Public Information Paper is a summary of the proposed Litchfield Council (Animal Management) By-laws. The Paper does not purport to cover all matters covered by the proposed By-laws, nor does it accurately reflect every detail. For comprehensive information it is necessary to read the proposed By-laws. While care has been taken, there are, by the nature of summarising, generalisations and simplifications. No responsibility is taken for the accuracy of this Paper as the proposed By-laws should be referred to for accuracy.

Introduction

The proposed Litchfield Council (Animal Management) By-laws (the By-laws) will repeal the current Litchfield Council Rural Dog Management By-laws. The By-laws seek to control dogs in the Litchfield Council (the Council) area through:

- registration of dogs;
- licensing of premises where more than the maximum number of dogs can be kept;
- a regime for the declaration of dangerous dogs;
- declaration of dog exercise and dog restriction areas;
- seizure of dogs;
- the establishment of pounds; and
- the release or disposal of impounded dogs.

General exemption for assistance dogs

Assistance dogs may be brought into and kept in a dog restriction area. An assistance dog is a dog that is trained by an assistance dog training institution recognised by the Council and used as an assistance dog by a person who is wholly or partially blind or deaf, or has another form of disability requiring the use of an assistance dog.

Registration of dogs

All dogs kept in the Council area for three months or more must be registered.

The Chief Executive Officer (CEO) of the Council must keep a register of:

- dogs in the Council area;
- licensed premises within the Council area; and
- offences committed by dog owners against the By-laws.

The CEO must also keep any other registers as determined by the Council.

The Council must register a dog within 14 days after receiving an application. Registration can be subject to conditions.

The Council can refuse to register a dog. If the Council refuses to register a dog or imposes conditions on the registration of a dog, the Council must provide a written explanation.

A dog cannot be registered if:

- the dog is not microchipped;
- it is an additional dog which will exceed the maximum allowed; or

- the address is in a restricted area and the dog has not previously been registered and kept there.

The Council can refuse to register a dog if:

- the owner of the dog has committed more than two offences against the By-laws in the last 12 months;
- it is a dangerous dog and in the last 12 months the owner of the dog has not complied, on more than one occasion, with conditions of registration of the dangerous dog;
- the dog has been impounded on more than twice in the last 12 months;
- the Council is satisfied that the dog is destructive, dangerous, savage or consistently the cause of nuisance to members of the public; or
- the address where the dog lives are not secured to a satisfactory degree.

An owner may have to show cause to the Council why a dog's registration should not be varied or cancelled. If an owner is requested to show cause and does not reply within 14 days, the Council may cancel or vary the conditions of the registration of the dog 14 days after it sends a second notice to the owner. The Council can also vary or cancel the registration of a dog at the owner's request.

A dog owner must notify the Council of a change of address within 14 days.

If a person becomes the owner of a registered dog, they must notify the Council of their details and the dog's registration details.

Licensing of Premises

The Council can determine a maximum number of dogs that may be kept without a licence. The Council can also determine a maximum number of dogs of a class of dog that may be kept without a licence.

The Council must grant or refuse a licence application within 14 days. Council must consider:

- the facilities for controlling dogs at the premises;
- the number of dogs kept or to be kept at the premises; and
- the likely impact on residents in the locality where the premises are situated if the licence is granted.

If the Council imposes conditions or refuses to grant a licence, written reasons must be provided.

An owner may have to show cause to the Council why a licence for premises should not be varied or cancelled. If an owner is requested to show cause and does not reply within 14 days, the Council may vary conditions or cancel the licence 14 days after it sends a second notice to the owner. The Council can also vary or cancel a licence at the request of the licensee.

Declaration of dangerous dogs

A dog may be declared a dangerous dog if:

- the dog attacks a person or animal;
- the dog menaces a person or animal; or
- an authorised person (e.g. council ranger) believes, on reasonable grounds, that the dog is destructive, dangerous, savage or a threat to the safety of the community.

If a dog is declared dangerous, Council must serve a dangerous dog notice on the owner of the dog.

If a dog is declared to be a dangerous dog, the owner can apply for the declaration to be revoked. Council must provide the owner with its decision on the application, in writing.

A dangerous dog that is kept within the Council area must be registered. The conditions of registration of a dangerous dog are that the dog must:

- be properly contained at the address where it lives; and
- be controlled by a suitable leash and muzzle when away from its home and be under the control of a person over 18 years who is competent to restrain the dog.

If the owner intends to keep a dangerous dog at a different location for a period exceeding 14 days the Council must be notified of the new address.

An owner of a dangerous dog must inform a prospective purchaser that the dog is a dangerous dog.

An owner of a dangerous dog must notify the Council within 24 hours:

- if the dog attacks or is alleged to have attacked a person or animal;
- if the dog is missing; or
- of the name and address of the new owner if ownership of the dog is transferred.

An owner of a dangerous dog must notify the Council of any other matters required and must notify the Council of the death of the dog within 14 days.

An owner may have to show cause to the Council why a dangerous dog's registration should not be varied or cancelled. If an owner is requested to show cause and does not reply within 14 days, the Council may cancel or vary the conditions of registration of the dog 14 days after it sends a second notice to the owner.

Dog exercise and dog restriction areas

Council can declare a dog exercise area. Council must specify the times when dogs can exercise in the area and any other conditions which apply.

Council can declare a dog restriction area and prohibit:

- the keeping of all dogs;
- the keeping of more than a specified number of dogs;
- the keeping of all or more than a specified number of dogs of a specified breed;
- any dog from being brought into the area; or
- any dog from being brought into the area at specified times.

At least 28 days before declaring a dog exercise or dog restriction area, the Council must publish, in a newspaper circulating in the Council area, a notice of its intention to declare the area. The Council must consider any responses from members of the public before declaring the area.

Seizure of dogs

An authorised person (e.g. Council ranger) may seize an apparently diseased, injured, savage, destructive, stray or unregistered dog or a dog that is at large. An authorised person may also seize a dangerous dog if the owner of the dog has not complied with the conditions of the dog's registration.

If a seized dog is diseased, injured, savage or destructive, the authorised person may destroy the dog if it is necessary to do so. In any other case, authorised person must return the dog to its owner or deliver the dog to a pound as soon as possible.

Pounds

The Council may establish pounds.

If a registered dog with a microchip is delivered to a pound, the registered owner must be notified.

An impounded dog must only to be released:

- to the owner or owner's agent; and
- if it is registered; and
- after payment of the appropriate release fees.

If an impounded dog is suspected of being diseased, the dog must be isolated from other dogs in the pound. The owner of the diseased dog, if known, must be given written notice that the dog is suspected of being diseased and that the Council requires the dog to undergo a course of treatment specified in the notice; or that the Council requires the dog to be destroyed. The owner may also be required to get a specific report from a veterinarian. The owner must pay for the cost of treatment

provided to a diseased dog, and any other dog in the pound that was infected or was at risk of being infected. The diseased dog may be released from the pound, subject to any conditions the Council considers appropriate, to the owner or owner's agent (if it is registered and release fees paid).

The CEO may arrange for a dog in a pound to be destroyed if it is so diseased or injured that it is humane to destroy it.

After a dog has been impounded for 72 hours, the CEO may pass the property in the dog to an approved incorporated body that provides services relating to an animal welfare or arrange for the destruction of the dog.

If the dog is to be destroyed, it is to be destroyed by a veterinarian or another person who is, in the opinion of the CEO, qualified to destroy the dog and in a manner that is approved by the Australian Veterinary Association.

If an investigation is initiated in relation to the impounded dog (for example, if the dog is alleged to have attacked a person or another animal), the dog must not be destroyed or disposed of until the investigation is complete.

Other matters

The Council may charge a fee for any service provided under the By-laws. If the Council considers it appropriate, the Council may waive, reduce or refund a fee.

The Council may arrange for the remains of a dead animal that is found in a public place to be removed or disposed of. Where the Council incurs expense in doing so, the Council may recover the expense from the owner of the animal.

The Council may, by written notice, exempt a person or body from either the requirement to properly contain a dog in premises or ensure that a dog is not at large:

- for the purposes of a dog race, dog trial or dog show;
- while taking part in the activities of a dog obedience club;
- while using a dog to drive cattle or stock on a road; or
- for any other purpose or event as the Council may determine.

The exemption may relate to a particular event or to a class of events and can be subject to any conditions.

Offences

The Table below indicates the offences, the maximum penalty for the offences and the prescribed amount in penalty units for infringement notices. Of note, for 2016-17, one penalty unit is equivalent to \$154, however, this value may change from year to year.

Offence	Maximum penalty in penalty units	Infringement notices (penalty units)
Keeping an unregistered dog in the Council area for three months or more	20	1
Failure to comply with a condition of registration of a dog	20	1
Failure to notify the Council of a change of address by the registered owner of a dog	20	1
Failure to notify the Council of a change of ownership of a registered dog by the person acquiring ownership	20	1
Keeping more dogs than the maximum number of dogs, or dogs of a class of dog, that may be kept on premises without a licence	20	1
Failure to comply with a condition of the licence	20	2
Keeping a dog in a dog restriction area where keeping the dog is prohibited	20	1
Bringing a dog into a dog restriction area where bringing the dog is prohibited	20	1
Failure by an owner to comply with a notice of the isolation of his/her impounded dog that is or is suspected of being diseased	20	Not applicable
Failure to comply with a condition of release of an impounded dog that is or is suspected of being diseased	20	Not applicable
Dog not properly contained when it is on the premises where it is usually kept	20	2
Dog at large	20	1
Intentionally and recklessly engaging in conduct that results in the owner of a dog being liable to prosecution for an offence against the By-laws (enticement)	20	Not applicable
Failure by an owner to ensure that his/her dog does not menace a person or animal	20	3
Failure by an owner to ensure that his/her dog does not attack a person or animal	20	6
Failure by an owner to ensure that his/her dog does not chase a vehicle	20	2
Failure by an owner to ensure that his/her dog, either by itself or in concert with other dogs, is not a nuisance	20	2
Abandoning a dog in the Council area	20	2
Intentionally obstructing a Council officer or employee of a contractor or subcontractor of the Council while he/she is acting in an official capacity	20	Not applicable
Intentionally giving misleading information, verbally or in a document, to a Council officer while he/she is acting in an official capacity	20	Not applicable