

	DOG MANAGEMENT POLICY	
	CATEGORY:	SERVICES & INFRASTRUCTURE
	LG ACT 2019 REF:	Part 277, 285
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

The Wagait Shire Council Dog Management By-laws 2019 have been implemented to improve the safety of our community and the amenity, accessibility and usability of our public spaces. This policy provides the framework to address:

- Safety
- Responsible pet ownership
- Registration, licensing and de-sexing
- Nuisance behaviors
- Dog attacks
- Dog holding and impounding operations

The purpose of this policy is to prescribe expectations, standards and accountabilities of dog-owners for the delivery of the Dog Management By-laws within the Shire.

2. SCOPE

Dog Management is an important function of Wagait Shire Council. Councils objective is to be responsive in its regulatory approach while supporting responsible dog ownership. Council has endorsed the Dog Management Strategy 2020 to establish clear guidelines for the Wagait Shire Council Dog Management By-laws 2019. This policy applies to all dog owners and keepers in the Wagait Shire.

3. DEFINITIONS

Dog Owner/ Keeper(s)	Any person that owns or looks after a dog for themselves or another person or holds responsibility for looking after a dog.
Responsible pet ownership	Ensuring animals under your care have adequate food, shelter and water; are provided regular exercise; are registered and microchipped; are not at large in the shire area; are in effective control and are not displaying nuisance behaviours.
Dog containment	A dog is contained if it is kept within a fenced or enclosed area from which it is unable to escape; or restrained by a suitable leash in or upon a vehicle in a manner where no part of the dog protrudes from the vehicle. Permanent tethering is not considered a suitable means of containing a dog.

Nuisance behaviours	Include: persistent barking; chasing vehicles, bikes, pedestrians, runners, etc; fence-rushing and fence-fighting; are generally at large or endangering the health of a person or another animal; repeatedly defecating in a public place that causes annoyance; or causing damage to anything outside of the premises where the dog is normally kept.
Dog attack	Means the dog bites or holds a person or animal in their mouth and may be accompanied by shaking, pulling or pushing and the person or animal suffers any injury, physical or otherwise; or the dog approaches, chases, menaces, harasses or rushes at a person or animal in a manner endangering or causing fear, alarm or distress to the person or animal.
Penalty units	Penalty units are regulated under the Penalty Unit Acts 2009 and the value of a penalty unit is reviewed for each financial year, with a value unit determined in line with the Darwin consumer Price Index.

4. POLICY

This policy relates to the activities undertaken in accordance with legislation or Council policy and relates to the enforcement of the Wagait Shire Council Dog Management By-laws 2019. The policy ensures that Councils Dog Management operations and approach to enforcement practices are lawful, safe, fair, practical, educational and consistent.

4.1. Registration and Licensing

- 4.1.1. All dogs over the age of 6 months must be registered by their owner/keeper.
- 4.1.2. Registration will be annual and due on 1 September each year, in line with all Top End Councils. Registration fees are payable at the time of registration (see Council website for current fees).
- 4.1.3. Registered dogs will be provided a Council identification tag, however dogs must also have contact identification on them such as a tag with a contact number or by an implanted microchip.
- 4.1.4. Removal of an identification device is an offence and will incur a penalty.
- 4.1.5. The maximum number of dogs kept on premises without a license in the Shire Council area is two (2).
- 4.1.6. Residents with more than two dogs are required to apply to Council to have their premises to be licensed for more than two (2) dogs and additional fees may apply. Licenses will only be granted following a thorough assessment that includes:
 - An inspection of the property to ensure suitability such as adequate fencing;
 - Consultation with adjoining neighbors and surrounding properties;
 - Complaint history including previous breaches or substantiated

- complaints against the owner(s); and
 - Consideration of the animal species, breed and temperament.
- 4.1.7. Properties with more than two dogs on commencement of implementing the By-laws will need to confirm to Council if they will seek a license or agree to reduce the number of dogs on the property to two (2) by natural attrition.
- 4.1.8. Dogs must be contained on the premises they are registered to, at all times unless accompanied by the owner/keeper. Dogs found or reported on premises or property other than that they are registered to, will be considered dogs at large and treated accordingly.

4.2. Wandering Dogs, Dogs at Large and Repeated Offences

- 4.2.1. Lost or wandering dogs reported and brought to Council will be entered into the lost dog register.
- 4.2.2. Dogs collected by Council staff that are registered and tagged appropriately will be returned to their owner as soon as possible. There is no charge if the dog is returned or collected by the owner by 4:30 pm on the same day, otherwise local overnight holding and release fees will apply.
- 4.2.3. If an owner cannot be identified or contacted, the dog will be held by Council and further attempts will be made to locate the dog's owner for a period of no more than 24 hours.
- 4.2.4. Dogs held by Council that have no microchip or other form of identification will be photographed and placed on the Council website Dog Gallery and on the Council Facebook page for 24 HRs only and both holding fees, release fees and penalty fees will apply before the dog can be returned.
- 4.2.5. Dogs can be collected Monday to Friday between 8.30am and 4.30pm. Proof of ownership is required to collect a dog. If the dog is not registered, owners will be required to register it and pay the registration fee before collection. If owners cannot attend Council within these hours, alternative arrangements must be made with Council to avoid penalties and charges being incurred.
- 4.2.6. For repeat offences of a dog at large, penalties may be issued and release fees will apply, whether the dog is registered with Council or not.
- 4.2.7. When the owner of a dog is identified and they fail to collect their dog from the pound, they may be issued with a penalty for abandoning a dog in accordance with Dog Management By-law 37(1).
- 4.2.8. Declared or dangerous dogs seized or captured will be transferred IMMEDIATELY to Litchfield or Palmerston Council Pound and owners will be responsible for any costs imposed by that Council and Wagait Shire Council prior to release.

4.3. Nuisance Behaviors

- 4.3.1. Dogs reported to Council as displaying nuisance behaviors as described the Definitions of this document will be investigated by Council and appropriate action taken, as set out in *Wagait Shire Council Dog Management By-laws (2019)*.
- 4.3.2. If through carrying out an investigation, no nuisance behavior is substantiated, a further investigation for that property will not be undertaken unless there is a significant change in circumstances.

4.4. Dangerous or Threatening Behaviors or Dog Attacks

- 4.4.1. Dogs reported to Council as displaying dangerous or threatening behaviors including dog attacks as described in the Definitions of this document will be immediately investigated by Council and seized by Council pending the outcome of the investigation.
- 4.4.2. An authorised person of Council may declare a dog dangerous after establishing the behaviors of a dog meet the description of dangerous and threatening behavior as outlined in the Definitions of this document and the owner/keeper(s) will be notified in writing. The declaration is in effect from the date the Council notifies the owner/keeper(s) of the declaration.
- 4.4.3. Owner/keeper(s) of declared or dangerous dogs will have to meet additional requirements, as set out in the *Wagait Shire Council Dog Management By-laws (2019)*.
- 4.4.4. Owner/keeper(s) of declared or dangerous dogs may apply to Council to revoke the declaration and an assessment will be made by Council to determine if the dog is still dangerous and notify the owner/keeper(s) of the decision.
- 4.4.5. If Council refuses an application to revoke a declaration, it is not required to consider any further application in relation to the same dog within 6 (six) months of the refusal.

4.5. Penalty Units and Infringement Charges

- 4.5.1. Penalty units are regulated under the Penalty Unit Acts 2009 and the value of a penalty unit is reviewed for each financial year, with a value unit determined in line with the Darwin consumer Price Index. Pursuant to Regulation 2 of the of the Penalty Units Regulations 2010, the current value of a penalty unit is \$158.00 (August 2020).
- 4.5.2. The penalties for the most common offences under the *Wagait Shire Council Dog Management By-laws (2019)* are listed in the table below showing by-law reference, maximum penalty unit and prescribed infringement charges (per

2020 penalty units rates) for each offence. The maximum penalty for all offences is 20 units. Depending on the severity of the offence, Wagait Shire Council may increase the infringement charges noted here.

<i>Offence</i>	<i>By-law Clause</i>	<i>Prescribed Penalty Units</i>
Unregistered dog	11	1
Failure to comply with condition of registration	12	1
Change of ownership notification	13	1
Change of address notification	14	1
Failure to comply with condition of license	17	2
Failure to properly contain a dog	27	2
Removal of identification device	28	1
Dog at large and not under effective control	31	1
Menacing dog	33	3
Dog attack	34	6
Dog chasing vehicles	35	2
Dog causing nuisance (including persistent barking)	36	2
Abandoning a dog	37	2

5. ASSOCIATED DOCUMENTS

P13 Use of Council Firearms
P33 Work Health and Safety Policy
Wagait Shire Council Fees and Charges

6. REFERENCES AND LEGISLATION

Animal Welfare Act 1999
NT Firearms Act 1997
NT Firearms Regulations 1997
NT Firearms Legislation Amendment Act 2020
Local Government Act 2019
Wagait Shire Council (Dog Management) By Laws 2019
Work Health and Safety (National Uniform legislation) Act 2011

7. REVIEW HISTORY

Date Approved 15/09/2020	Approved By Council Moved: Cr Peter Clee Seconded: Cr Graham Drake Vote: AIF	Resolution # 2020/148	Date for review Next Term of Council
Date Approved 18/01/2022	Approved By Council Moved: Vice President Tom Dyer Seconded: Cr Noeletta McKenzie Vote: AIF	Resolution # 2022/013	Date for review Next Term of Council