

TASMAN COUNCIL



*"A Natural Escape"*

# DOG MANAGEMENT POLICY

Tasman Municipal Area

2023 – 2028

***Due for Review 2028***

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## INTRODUCTION

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The *Dog Control Act 2000* came into operation on 2 April 2001. It replaced the repealed *Dog Act 1987* and is the primary legislation for dog management supported by the *Dog Control Regulations 2021* which came into operation on 9 June 2021.

Since the last update of Council's Dog Management Policy in March 2014 the *Dog Control Act 2000* has been amended twice. The 2017 amendments, which came into force on 20 December 2017, provide clarity to local government in implementing the Act, and allow greyhounds, assessed as suitable, to go without a muzzle in a public place. The 2019 amendments, which came into force on 18 December 2019, include a new provision and penalty for a dog injuring 'sensitive wildlife' in a declared 'sensitive area'; increased penalties for dogs being in prohibited areas and for attacking people; and other minor amendments. The *Dog Control Regulations 2021* replaced the expired *Dog Control Regulations 2010* and include minor amendments of the schedule of infringement notices.

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:***

- a code relating to responsible ownership of dogs
- the provision of declared areas
- a fee structure
- any other relevant matter.

## **DOG MANAGEMENT POLICY - PROCESS**

- Invite public submissions relating to a proposed dog management policy.
- Consult with any appropriate body or organization.
- Consider any submissions and results of any consultation before finalising the policy.

## **DOG MANAGEMENT POLICY - REVIEW**

- A Council is to review its Dog Management Policy at least once every five years.
- In reviewing its Dog Management Policy, a Council is to take the actions referred to above under Dog Management Policy - Process.

## ***DOG CONTROL ACT 2000***

In this document definitions are as per Part 1, Section 3 of the *Dog Control Act 2000*. A full copy of the *Dog Control Act 2000* can be found on the Tasmanian Legislation website <https://www.legislation.tas.gov.au>.

## OBJECTIVES OF THE DOG MANAGEMENT POLICY

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### DOG MANAGEMENT POLICY OBJECTIVES

- Ensure dogs in the community are well cared for.
- Ensure dog owners are able to maximise their enjoyment of their dogs with access to suitable public open space areas for exercise.
- Ensure dog owners' activities and those of their dogs do not adversely affect the rest of the community or the environment.
- Identify and prioritise current and future dog management issues.
- Develop a plan to address identified dog management issues.
- Ensure owners of dogs in the Tasman Council municipal area and visitors 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.

### MONITORING & EVALUATION

A report will be presented in Council's Annual Report summarising the dog management actions undertaken in the previous year as listed below. 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.

#### Monitoring and evaluation indicators

- 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 and locations they relate to
- Financial evaluation of the provision of dog control services
- Number and location of declared areas
- Summary of dogs declared to be dangerous

## RESPONSIBLE DOG OWNERSHIP

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Tasman Council is committed to promoting and encouraging responsible dog ownership. Council recognises that dogs and dog owners are an integral part of the community and contribute to its quality of life. This policy aims to ensure the needs of dogs and their owners are catered for whilst recognising the impact dogs can have on other members of the community, native wildlife and on livestock.

Tasman Council conducts an ongoing community education and awareness program about its Dog Management Policy in partnership with relevant stakeholders. This includes:

- promoting and facilitating the requirement to microchip your dog
- encouraging the training of dogs and responsible dog ownership within the community
- providing dog owners with information relating to responsible ownership
- investigating and promoting opportunities to encourage desexing.

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:

- (a) maximise appropriate dog behaviours
- (b) understand and comply with dog control regulations
- (c) ensure the health and welfare of their dog.

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

- comply with the *Dog Control Act 2000*, *Dog Control Regulations 2021* and this Dog Management Policy
- register their dog with Council
- keep their dog under effective control at all times
- ensure that their dog is microchipped if it is over 6 months old (exemptions apply to racing greyhounds, hunting dogs, working dogs or where a veterinary surgeon has determined microchipping would be bad for the dog's health or welfare)
- ensure that their dog does not foul public places
- take all reasonable steps to ensure that their dog does not create a nuisance, or injure, endanger, intimidate, or otherwise distress any person
- take all reasonable steps to ensure that their dog does not injure, endanger, or cause distress to any livestock, poultry, domestic animal, or native wildlife
- take all reasonable steps to ensure that their dog does not damage any property belonging to any other person
- ensure that their dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter
- ensure that their dog receives adequate exercise.

### ***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
- clean up after your dog
- keep no more than 2 dogs on your property without a kennel licence
- ensure your dog is always under effective control
- ensure your dog only walks in 'wet sand' areas on beaches where possible thereby reducing the risk to shorebirds
- ensure your dog is on a lead and under effective control when walking along all public road verges and public roads that are not reserved land.

### ***Desexing***

Desexing your dog from four to six months is encouraged to:

- prevent unwanted puppies
- reduce attention from male dogs (for female dogs)
- control dominance and wandering behaviour (in male dogs)
- reduce the risk of certain cancers.

Desexing is encouraged with a reduced registration fee for desexed dogs.

All dogs that are declared to be dangerous or are a restricted breed are required to be desexed.

## **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 management services. Dog owners are encouraged to register their dogs early in the financial year, with dog registration notices typically issued in early July. A discount is provided to dog owners who pay their registration prior to 31 July each year.

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

- Registration fees will be kept to the minimum required to administer Council's obligations under the *Dog Control Act 2000* and to provide dog management services that meet the community's expectations.
- Pensioners will be provided with an opportunity to register their first dog at a discounted rate.
- People with a disability who keep either a guide dog, hearing dog or assistance dog will not be charged.
- Owners who choose not to desex their dog (either male or female) will be required to pay a higher fee than for a desexed dog.
- Owners of pure bred dogs kept for breeding purposes and registered with Dogs Tasmania (TCA) will be levied a fee that recognises the purpose for which they are kept. The fee will be discounted from that which would normally apply to a male/female dog that has not been desexed.
- Owners of registered greyhounds or adopted through the Greyhound Adoption Program will be provided with an opportunity to register the animal at a discounted rate.
- Owners of working dogs will be given the opportunity to register their animal at a discounted rate.

- Owners of hunting dogs will be required to have their 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.
- Non-resident ratepayers will be given the opportunity to register their dog free of charge if they provide evidence they have paid for their dog to be registered in another Municipality.

Council generally sets 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 the previous year.

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

Owners seeking concessional registration are required to submit the following evidence in accordance with the Act.

- **Guide / Hearing Dog** - An identity card issued by an approved guide dog or hearing dog institution to a trainer or a person who has been assigned a guide / hearing dog.
- **Assistance Dog** - There is no specific Tasmanian legislation or accreditation in place. Evidence must be presented that the dog is accredited or trained to alleviate the effects of a person's disability.
- **Desexed Dog** - A certificate of sterilisation from a veterinary surgeon or the provision of a statutory declaration.
- **Working Dog** – A dog principally used for droving or tending livestock; detecting illegal substances; searching tracking or rescuing; or working with police officers and is typically only applicable to breeds recognised as working dogs by Dogs Tasmania (TCA). Evidence may be required that the dog meets this definition and for a farming business, an Australian Business Number of the owner / business is required. Owners may be required to provide a working demonstration to Council's authorised officer that the dog is a working dog.
- **Greyhound** - Registration Certificate of Greyhounds Australasia or the provision of Greyhound Litter Registration / Ear Tag identification or evidence of the dog being adopted from the Greyhound Adoption Program.
- **Pure Bred Dog** - Certificate of registration and pedigree issued by Dogs Tasmania (TCA) or equivalent interstate certification, together with a current membership card of the TCA.

## KENNEL LICENCES

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Where a person intends to keep more than 2 dogs, or 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 a daily newspaper, at the expense of the applicant, on any day except Sunday in the prescribed format.

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

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

Council cannot consider the application until 28 days after the publication of the 'Notice of Intention to Apply for Kennel Licence'. The application will also not be considered until all dogs kept on the property are registered.

A Council authorised officer will inspect the property including all kennels and yards to determine that adequate provisions for the health, welfare and control of all dogs on the premises will be in place if the licence is granted.

### ***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 is to take into account any relevant objections.

The 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 they are of the opinion that:

- the premises are unfit for the purpose of keeping the number and type of dogs applied for
- 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 2000* and the *Public Health Act 1997* are not being complied with
- the facility is creating a nuisance



- 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 Act 2000*
- laws relating to public health and environmental protection are not being complied with
- the conditions of the licence are not being complied with.

***APPEALS IN RESPECT TO KENNEL LICENCE DECISIONS***

The applicant or holder of a kennel licence can appeal against a decision not to grant, not to renew or to cancel a licence, by applying to the Magistrates Court (Administrative Appeals Division) within 14 days of the decision.

Council will comply with any directions of the court.

***RENEWAL OF KENNEL LICENCE***

Kennel licences expire on 30 June each year.

An authorised officer may renew a kennel licence for a further twelve months upon payment of the prescribed fee and a satisfactory inspection of the premises.

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

Kennel licences are not transferable from one person to another, nor are they transferable from one property to another. A new application is required if:

- the licenced property is sold and the new owner requires a kennel licence
- 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 on Council's website <https://www.tasman.tas.gov.au> .

## **DANGEROUS DOGS**

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

Owners can appeal the declaration of their dog as a dangerous dog to the Magistrates Court (Administrative Appeals Division) within 14 days of the service of notice of the declaration.

The *Dog Control Act 2000* places additional restrictions on owners of dogs that have been declared dangerous with associated penalties for non-compliance.

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 Division 3 of the *Dog Control Act 2000*:

- **Microchipping and Desexing**

The owner of a dog declared to be dangerous must ensure that the dog is desexed and implanted with an identifying microchip in an approved manner within 28 days of being served a 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.

- **Collar**

The owner or person in charge of a dangerous dog must ensure the dog wears an approved collar at all times.

- **Enclosure**

When on private premises and not under adult supervision, a dangerous dog must be housed in a childproof enclosure that meets the requirement of the *Dog Control Regulations 2021*.

The cost associated with purchasing a prescribed dog collar, microchipping, desexing, 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
- on a lead not exceeding 2m that is of sufficient length to control and restrain the dog
- restricted in or on a vehicle so that it is unable to leave the vehicle or attack any person or animal outside the vehicle
- under the control of a person at least 18 years of age.

No more than 1 dangerous dog may be on a lead under a person's charge at any time.

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 as defined in the *Dog Control Regulations 2021*, and that the owner is complying with the requirements of the *Dog Control Act 2000*.

If a dangerous dog goes missing, strays, dies or is lost, the owner or a person on behalf of the owner must notify Council as soon as is practicable.

Appropriate legal action will be taken against any dangerous dog owner not complying with the *Dog Control Act 2000* and the *Dog Control Regulations 2021*.

## **RESTRICTED BREED DOGS**

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Restricted breed dogs are breeds of dogs that are more likely to be aggressive and can cause more serious injuries than non-restricted breed dogs if they attack a person or another animal.

### **Declared Restricted Breed Dogs in Tasmania**

- dogo Argentino
- fila Brasileiro
- Japanese Tosa

- American pit bull terrier or pit bull terrier
- Perro de Presa Canario or Presa Canario
- any other breed, kind or description of dog whose importation into Australia is prohibited by or under the Customs Act 1901 of the Commonwealth

A person who wishes to purchase or become the owner of a restricted breed dog must apply to 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.

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 Division 3 of the *Dog Control Act 2000*:

- **Microchipping and Desexing**  
The owner of a restricted breed dog must ensure that the dog is desexed and 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 restricted breed dog must ensure that the dog, when in a public place, is:

- wearing an approved collar and muzzled
- on a lead not exceeding 2m that is of sufficient length to control and restrain the dog
- restricted in or on a vehicle so that it is unable to leave the vehicle or attack any person or animal outside the vehicle
- under the control of a person at least 18 years of age.

No more than 2 restricted breed dogs may be on a lead under a person's charge at any time.

If a restricted breed dog goes missing, strays, dies or is lost, the owner or a person on behalf of the owner must notify Council as soon as is practicable.

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 or animal may subsequently be declared a dangerous dog.

## DOG ATTACKS ON PEOPLE & ANIMALS

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People and animals (livestock, wildlife and pets) can be adversely affected by dogs, through direct attacks or stress due to certain dog behaviours such as chasing or jumping up on people.

In accordance with Section 19(1) of the *Dog Control Act 2000*, if a dog that is not under the effective control of a person on private premises or in a public place, rushes at or chases any person, the owner of the dog is guilty of an offence. The incident does not have to actually result in injury for an offence to have occurred.

If a dog attack results in an injury to a person or animal, the owner of the dog is guilty of an offence. The maximum penalty is dependent on the severity of the injury. If a dog attacks a person the owner must notify council within 24 hours of the attack.

If Council has reason to believe that a dog is responsible for an attack on a person or animal the dog may be impounded at Council until such time as any proceedings for the offence are completed or for up to 7 days if no proceedings are commenced within that time.

In accordance with Section 42 of the *Dog Control Act 2000*, an authorised person or a veterinary surgeon may seize or destroy a dog if they are satisfied that the dog:

- is behaving in a manner and in a situation likely to cause injury to a person or death or serious bodily injury to any animal
- has caused injury to a person or death or serious bodily injury to an animal
- is found distressed or disabled to such an extent that its continued existence is likely to involve continued suffering.

## DOGS AT LARGE

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Section 16(1) of the *Dog Control Act 2000* requires the owner of a dog to ensure their dog is not 'at large'. Any dog that wanders into a public place, another property, footpath or nature strip unaccompanied is defined as being 'at large' and, in accordance with Section 35(1) of the Act, Council can detain and impound it. Council will attempt to identify the owner of any dog it impounds by reading the microchip (if implanted), posting details of the dog on social media and by other suitable means.

If a registered and microchipped dog is seized and its owner is identified, Council will issue a Caution Notice for a first offence. Daily impoundment fees are also applicable. Subsequent offences will attract an Infringement Notice for failure to ensure a dog is not at large, together with any applicable impoundment fees.

If an unregistered dog is impounded and its owner is identified a daily impounding fee for every day Council is in possession of the dog is applicable. If the dog is over 6 months an Infringement Notice will be issued for failure to register a dog, failure to ensure a dog is not at large and any other applicable offences.

If after 5 working days from a notice being given to the owner, the dog has not been claimed, the dog will be transferred to Dogs' Homes of Tasmania (the dog then becomes the property of the Dogs' Homes of Tasmania).

If a dog is seized and its owner is not identifiable the dog will be impounded for 3 working days. If the dog is not claimed within that time it will be transferred to Dogs' Homes of Tasmania (the dog then becomes the property of the Dogs' Homes of Tasmania). In the event the dog is claimed any impounding fee and registration fees must be paid prior to release and an Infringement Notice will be issued for failing to register the dog, failure to ensure a dog is not at large and any other applicable offences.

A person carrying out primary production relating to livestock on rural land or any other person acting under his or her authority may destroy any dog at large found on that land.

## 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:

- dog faeces
- barking dogs
- aggressive dogs.

### REMOVAL OF FAECES

The person in charge of a dog must remove and dispose of any faeces left by their dog in a public place or any place not owned or leased by them.

Council has installed and maintains dog faeces disposal bag dispensers at relevant Council maintained sites to assist owners to remove their dog's faeces. Their locations are marked on Tasman Council Dog Management Declared Areas map. Owners should carry their own bags in the event a dispenser is empty.

## **BARKING DOGS**

Barking dogs can be a difficult issue to resolve.

A dog creating a noise is considered to be a nuisance under the *Dog Control Act 2000* if *'it creates a noise, by barking or otherwise, that persistently 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, they should make contact with Council.

Council's preferred option is to consult with both the complainant(s) and the dog owner(s) to address the issues as to why the dog is barking without the need for legal proceedings which can be costly and time consuming. Council will offer advice and where appropriate Council resources, aimed at resolving the issue. The impact of barking may be reduced by a number of actions including suitable dog training, modifying dog enclosures to minimise noise or reduce barking triggers, or locating dogs further away from affected people.

## **COMPLAINTS RELATING TO NUISANCE**

Council recognises the right of community members to seek assistance in dealing with nuisances created by dogs. Council represents the community and endeavours to provide quality services. This is best achieved by open communication between Council staff, the complainant(s), and the dog owner(s).

To this end, authorised officers 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 into the complaint. This information is strictly confidential and is not passed on to any other member of the community.

A fee for the lodgement of a complaint must be made to Council in accordance with Section 47 of *Dog Control Act 2000*. The complaint fee is reviewed annually by Council and adopted with the Fees and Charges schedule. If the complaint is shown to have substance the fee will be refunded.

## **PROVISION OF DECLARED AREAS**

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

The process involved before the declaration of any areas, or a review of declared areas, includes the advertising of the proposed area in the public notices section of a daily 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 the assessment of any proposed changes to declared areas on land that Council manages, Council considers a range of issues.

### ***Declared Area Considerations***

- Access
- Public safety issues
- Proximity to residential areas
- Protection of natural flora and fauna, and areas of cultural significance

- Dog owners' desire to exercise their dogs in natural areas and beach environments
- Shared and restricted access rights to beaches during summer holiday periods
- Retention of some dog free areas due to the use of those areas by other groups in the community – for example, sporting fields and perimeters, play equipment
- Consistency with land management and development plans.

Council considers all submissions and the results of any consultation before finalising any policy changes in relation to declared areas.

**Declared areas on land that Council does not manage (e.g. Parks and Wildlife Service) are included in the public consultation process. These areas are designated by the relevant authority using a separate process and any comments relating to these areas will be passed on to those organisations for their consideration. Council declared areas on land Council does not manage must reflect any conditions imposed by the management authority.**

## TASMAN MUNICIPAL AREA DECLARED AREAS

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An objective of this policy is to provide suitable recreation opportunities to both dog owners and non-dog owners within the community, as well as considering the impact of dogs may have on native wildlife. To this end and in accordance with the provisions of the *Dog Control Act 2000*, Council may declare areas of the Municipality to be one of the following categories:

- **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.
- **Restricted Area** - An area where dogs are permitted subject to specific area limitations – for example, on lead, seasonal restrictions.

The *Dog Control Act 2000* also prohibits dogs in certain public areas.

### **Dog prohibited public areas**

- 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
- The grounds of a public swimming pool
- 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)
- Any playing area of a sportsground on which sport is being played
- An area within 10m of a children's playground

The above restrictions do not apply to a guide dog, hearing dog or assistance dog accompanying its owner.

## DOG EXERCISE AREAS AND RESTRICTED AREAS

Appendix A provides a link to a map showing specific areas that dogs can be exercised (on lead and off lead) as well as prohibited areas. The map and tables use the following colour coded legend. Not all prohibited areas are highlighted.

Exercise Area	<b>Dog Exercise Area</b> Dogs can be exercised off lead provided they remain under effective control at all times.
Restricted Area 1	<b>Dog Walking Area</b> Dog must be on lead at all times.
Restricted Area 2	<b>Dog Exercise Area (except shorebird season)</b> 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	<b>Dogs Prohibited (peak times)</b> 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	<b>Dog Exercise Area (except peak times)</b> 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	<b>Dog Exercise Area (sports grounds)</b> 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	<b>Dogs Prohibited (children's playgrounds)</b> Dogs prohibited within 10m of children's playground and skate park facilities. Dogs on lead in remaining areas.
Restricted Area 7	<b>Dog Walking Area (sports grounds)</b> Dogs must be on lead at all times. Dogs prohibited from playing areas of sports grounds whilst sport is being played.
Prohibited Area	<b>Dog Prohibited Area</b> Dogs are prohibited from this area <b><u>at all times</u></b> .

## Restricted Area Considerations

### Peak User Times

The population of the Tasman Municipality greatly increases over the tourist season (1 December to 31 March) with an influx of holiday makers and non-permanent ratepayers. Certain popular areas can become crowded and restrictions on dogs (either prohibition or on lead only) apply from 10am to 4pm for public safety and to allow more people to enjoy the area. This allows residents to exercise their dogs first thing in the morning or in the evening when the areas are quieter.

### Shorebirds and other coast nesting birds

The Tasman Municipality has important populations of shorebirds including the eastern hooded plover (*Thinornis cucullatus cucullatus* - Cwlth & Tas vulnerable), pied oystercatcher (*Haematopus longirostris*), sooty oystercatcher (*Haematopus fuliginosus*) as well as little penguins (*Eudyptula minor*) all of which are vulnerable to disturbance when breeding or moulting.

Shorebird nesting season is nominally 1 October to 31 March. Little penguin colonies typically occupy their burrows from September to February but there are frequently breeding and moulting events outside these months and there is some burrow occupancy all year round.



Whilst dogs are allowed on some beaches during shorebird season it is highly recommended to always walk on wet sand to separate dogs from potential birds nesting areas above the high tide mark and from dune areas where little penguins have their burrows.

### Sports Grounds

The *Dog Control Act 2000* prohibits dogs from the playing area of a sportsground when sport is being played. At other times the sports ovals at Premaydena and Port Arthur are dog exercise areas (off lead) and the sports oval at Nubeena is a dog walking area (on lead).

### Children's Play Areas / Skate Park

The *Dog Control Act 2000* prohibits dogs from being within 10m of a children's play area.

## DOG EXERCISE AREAS

**Dogs can be exercised off lead provided they remain under effective control at all times**

AREA	JUSTIFICATION
<b>Eaglehawk Neck</b> - Eaglehawk Neck Historic Site (beach section only) and Pirates Bay Nature Recreation Area (beach section north of 'Surfies' car park beach access track).	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Consistent with <i>Tasman National Park &amp; Reserves Management Plan 2011</i> , recognising the value of the area to local dog walkers while accounting for social and natural values.
<b>Eaglehawk Neck</b> - Pirates Bay Nature Recreation Area (southern section from Blowhole boat ramp to beach access from Blowhole Road opposite Tasman Arch Road).	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Consistent with <i>Tasman National Park &amp; Reserves Management Plan 2011</i> , recognising the value of the area to local dog walkers while accounting for social and natural values. Exercise area avoids penguin colony.
<b>Taranna</b> - Sports Ground, Gourlay Street, Taranna.	Recognising the value of the area to local dog walkers.

A dog off 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 person's commands.

***When exercising dogs on beach areas, care and control is required to exclude dogs from potential shorebird and penguin nesting sites (sand above the high tide mark and dune areas) to minimise the impact on breeding success.***

## RESTRICTED AREA 1: DOG WALKING AREA

**Dogs on lead at all times**

AREA	JUSTIFICATION
<b>Eaglehawk Neck</b> – Tessellated Pavement State Reserve (beach section from Eaglehawk Neck Historic Site to the north-eastern end of the beach).	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Consistent with <i>Tasman National Park &amp; Reserves Management Plan 2011</i> , recognising the value of the area to local dog walkers while accounting for social and natural values.
<b>Eaglehawk Neck Historic Site</b> - designated walking tracks only.	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Consistent with <i>Tasman National Park &amp; Reserves Management Plan 2011</i> , recognising the value of area to local dog walkers while accounting for social and natural values.

AREA	JUSTIFICATION
<b>Eaglehawk Neck</b> – Pirates Bay Nature Recreation Area (Whale Watchers Car Park beach entrance to beach access from Blowhole Road opposite Tasman Arch Road).	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Consistent with <i>Tasman National Park &amp; Reserves Management Plan 2011</i> , recognising the value of the area to local dog walkers while accounting for social and natural values.
<b>Eaglehawk Neck</b> - Pirates Bay Nature Recreation Area (Blowhole and Pirates Bay port precinct)	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Consistent with <i>Tasman National Park &amp; Reserves Management Plan 2011</i> , recognising the value of the area to local dog walkers while accounting for social and natural values.
<b>Eaglehawk Neck</b> - Eaglehawk Bay - Flinders Bay Conservation Area (Old Jetty Road foreshore from Arthur Highway to where the foreshore intersects with the Old Jetty Road boom gate).	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> To allow landowners to take dogs from their residences, and to walk dogs to the foreshore and to Pirates Bay.
<b>Port Arthur</b> - Stewarts Bay State Reserve (reserve designated walking tracks)	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Consistent with <i>Tasman National Park &amp; Reserves Management Plan 2011</i> , recognising the value of area to local dog walkers while accounting for social and natural values.
<b>Nubeena</b> - Stinking Beach and Nubeena Main Road foreshore from Stinking Creek to Parsons Bay Creek (part of North Passage Point Conservation Area and public reserve)	<b>Part of area managed by Tasmania Parks &amp; Wildlife Service (section of North Passage Point Conservation Area from Stinking Creek to ~100m before Peace Street entrance)</b> Close proximity to township and residences. Only walking track and foreshore in the vicinity of Nubeena.
<b>White Beach</b> - Wedge Bay foreshore (Cripps Creek mouth to beach access track at western end of White Beach Rd)	Close proximity to residents. Only walking area in the vicinity.
<b>Murdunna</b> – Coastal track plus untracked areas from Sounds Rivulet to Chronicle Point (part of Chronicle Point Conservation Area plus part of public reserve)	<b>Part of area managed by Tasmania Parks &amp; Wildlife Service (section Chronicle Point to northern end of Chronicle Point Conservation Area)</b> Reserves adjacent to residential area – multiple foreshore accesses.
<b>Dunalley</b> - Dunalley Beach	Adjacent to residential areas and easily accessed from the Arthur Highway. Tidal flats are used by foraging shorebirds.

#### RESTRICTED AREA 2: DOG EXERCISE AREA (EXCEPT SHOREBIRD SEASON)

Dogs on lead during shorebird breeding season from 1 October to 31 March. Dogs under effective control at all other times.

AREA	JUSTIFICATION
<b>Taranna</b> – Norfolk Point to southern end of Little Norfolk Bay (public reserve)	Considerable shorebird activity in this area.
<b>Premaydena</b> - Parkers Beach section of Norfolk Bay Conservation Area	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Site attracts significant numbers of breeding shorebirds. Possible breeding site for pied oystercatchers.

<b>Port Arthur</b> - Safety Cove State Reserve (from north-west bridge entrance to the big tree beach access)	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Consistent with <i>Tasman National Park &amp; Reserves Management Plan 2011</i> , recognising the value of the area to local dog walkers while accounting for social and natural values.
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### RESTRICTED AREA 3: DOGS PROHIBITED (PEAK TIMES)

**Dog Prohibited Area from 10am to 4pm between 1 December to 31 March. Dogs under effective control at all other times.**

AREA	JUSTIFICATION
<b>Port Arthur</b> – Part of Stewarts Bay State Reserve (beach section and walking tracks from beach to Port Arthur Historic Site and to Arthur Highway)	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Consistent with <i>Tasman National Park &amp; Reserves Management Plan 2011</i> , recognising the value of the area to local dog walkers while accounting for social values.
<b>Sloping Main</b> – Part of Sloping Main Conservation Area (south-western section of Sloping Main Beach to the north-eastern beach access). Dogs prohibited in the rest of the reserve including the north-eastern section of beach.	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> Recognising the value of the area to local dog walkers while accounting for social values.
<b>Saltwater River</b> – Turners Point Public Reserve (between Coal Mines Historic Site and Salem Bay Conservation Area)	Recognising the value of the area to local dog walkers while accounting for social values.
<b>Murdunna</b> - Sommers Bay Public Reserve.	Recognising the value of the area to local dog walkers while accounting for social values.

### RESTRICTED AREA 4: DOG EXERCISE AREA (EXCEPT PEAK TIMES)

**Dogs on lead from 10am to 4pm between 1 December to 31 March. Dogs under effective control at all other times.**

AREA	JUSTIFICATION
<b>White Beach</b> – Part of Public Reserve (Beach section from Cripps Creek mouth to Apex Point Road)	Recognising the value of the area to local dog walkers while accounting for social values.

### RESTRICTED AREA 5: DOG EXERCISE AREA (SPORTS GROUNDS)

**Dogs prohibited from playing area of sportsground whilst sport is being played. Dogs under effective control at all other times.**

AREA	JUSTIFICATION
<b>Premaydena Recreation Ground</b>	As defined in the <i>Dog Control Act 2000</i> and for public safety
<b>Port Arthur Recreation Ground</b>	As defined in the <i>Dog Control Act 2000</i> and for public safety

**RESTRICTED AREA 6: DOGS PROHIBITED (CHILDREN'S PLAYGROUND)**

Dogs prohibited within 10m of children's playground / skate park.

AREA	JUSTIFICATION
<b>Nubeena</b> - Judds Park	As defined in the <i>Dog Control Act 2000</i> and for public safety
<b>Murdunna</b> - Jackson Park / Murdunna Rest Area	As defined in the <i>Dog Control Act 2000</i> and for public safety
<b>Port Arthur Recreation Ground</b> – playground section	As defined in the <i>Dog Control Act 2000</i> and for public safety
<b>Taranna Sports Ground</b> – playground section	As defined in the <i>Dog Control Act 2000</i> and for public safety
<b>Sloping Main</b> – children's playground in Sloping Main Conservation Area	<b>Managed by Tasmania Parks &amp; Wildlife Service</b> As defined in the <i>Dog Control Act 2000</i> and for public safety

**RESTRICTED AREA 7: DOG WALKING AREA (SPORTS GROUNDS)**

Dogs on lead at all times. Dogs prohibited from playing areas of sports ground whilst sport is being played.

AREA	JUSTIFICATION
<b>Nubeena Recreation Ground</b>	As defined in the <i>Dog Control Act 2000</i> and for public safety

**PROHIBITED AREAS**

Prohibited Areas under the *Dog Control Act 2000*

AREA	JUSTIFICATION
<b>Port Arthur Cemetery</b>	As defined in the <i>Dog Control Act 2000</i>
<b>White Beach Cemetery</b>	As defined in the <i>Dog Control Act 2000</i>
<b>Nubeena</b> - Roaring Beach Cemetery	As defined in the <i>Dog Control Act 2000</i>
<b>Premaydena Cemetery</b>	As defined in the <i>Dog Control Act 2000</i>
<b>Nubeena</b> - Tasman District School	As defined in the <i>Dog Control Act 2000</i>

**Please Note** – The abovementioned restrictions do not apply to any guide, hearing or assistance dog accompanying their owner.

## **DOG TRAINING AREAS**

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

There are currently no specified 'training areas' for dogs within the Tasman Municipality.

### **Prohibited Areas under the *National Parks and Reserved Land Regulations 2019***

**Dogs are prohibited from all reserved land areas managed by the Parks and Wildlife Service** (except in a few circumstances defined in the regulations). 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 designated 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 2019*.

**Please note that only the higher usage and more accessible reserved lands where dogs are prohibited have been identified in Appendix A.**

For queries regarding designated areas on Parks and Wildlife Service managed land please contact the Taranna Parks and Wildlife Service Office.

## **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 within areas managed by Council.

## DEFINITIONS (*Dog Control Act 2000*)

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The following excerpts from the *Dog Control Act 2000* define the terms **dog at large** and **dog under effective control**. There are additional requirements for greyhounds, dangerous dogs and restricted breed dogs.

### **DOG AT LARGE**

A dog is at large if it is -

- (a) in a public place and it is not under the effective control of a person; or
- (b) without the consent of the occupier, in or on a public place that is occupied or private premises that are occupied.

### **DOG UNDER EFFECTIVE CONTROL**

**(1)** A dog, other than a greyhound dangerous dog or a restricted breed 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, other than a greyhound, a dangerous dog or a restricted breed 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 trialling; 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, a dog, other than a greyhound, a dangerous dog, or a restricted breed 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, other than a greyhound, a dangerous dog or a restricted breed 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, that are not greyhounds, dangerous dogs or restricted breed dogs, on a lead on a footpath; or
- (b)** 4 dogs, that are not greyhounds, dangerous dogs or restricted breed dogs, in a public place.

# **Appendix A**

## **Declared Areas within the**

### **Tasman Municipal Area**

Interactive Maps: [Tasman Municipality Dog Declared Areas Map](#)

or

