



Pet care and management

Pets are a wonderful addition to households. And as good pet owners, it is our responsibility to provide the love, care and attention necessary to make sure our pets are happy, safe and healthy. There are laws that aim to ensure your pet is not a nuisance to others and to safeguard your pets, other people's pets, the public and wildlife. It is important to be aware of these laws and follow them. This booklet outlines the requirements for cat and dog owners in East Gippsland Shire.

We acknowledge the Gunaikurnai, Monero and Bidjil people as the Traditional Custodians of the land that encompasses East Gippsland Shire. We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.



Microchipping

Under the Domestic Animals Act 1994 cats and dogs must be microchipped at three months of age.

The aim of microchipping is to identify the owners of lost pets. Your address and contact details are linked to the microchip.

It is important to keep these details up to date throughout your pet's life.

As microchipping requires a breeder's source code, many breeders take care of microchipping.

If you are organising the microchipping yourself, you need to provide the source code.

After your pet has been microchipped, your cat or dog must be registered.

Registration

Every dog and cat three months of age and over must be registered with the Council where they live.

Pet owners must register their cat or dog

as soon as:

- the pet turns three months old, or
- they become owner of a new pet already three months or older.

Regardless of when you register your animal, all registrations become due for renewal on 10 April every year.

Registration is a legal requirement under the Domestic Animals Act 1994. Animal owners can be fined for not complying.

Checklist for animal owners:

- Register your cat or dog with Council.
- Make sure your animal is wearing its Council registration tag.
- Let Council know if you move house or change your contact details.
- Update your pet's microchip at the same time as updating Council registration.

This is the best way to help your cat or dog be returned home if they get lost.



Extra animal permit

People who live in residential and rural residential areas currently can have two dogs and two cats.

To keep more than two dogs and/or cats, animal owners need to apply for an Extra Animal Permit.

The application form is available at www.eastgippsland.vic.gov.au.

Desexing

It is not compulsory to desex your pet in East Gippsland Shire, however, registration fees are much cheaper if an animal is desexed.

Desexing can vary from around \$100 to more than \$500, depending on the animal and the individual vet.

If you desex your pet after it is registered, contact us to organise a rebate of the price difference.

If you are told by your vet that your pet cannot be desexed, inform Council's Community Laws Officers, who will

work with you in relation to such matters.

Working dog registration

Not all dogs living on farming or rural properties are working dogs. To claim this registration type, dog owners must meet certain criteria.

Council has increased compliance checks for working dog status to ensure only legitimate working dogs are registered as such.

To claim working dog registration dog owners must:

- be a primary producer or contracted to a primary producer; and,
- be trained for the purpose of droving, protecting, tending, or working livestock on a farm.

A registration statutory declaration must also be signed. If a dog is falsely registered and declared it may constitute a breach of the Oaths and Affirmations Act 2018.



Containment to property

Any dog found wandering can be collected by Council's Community Laws Officers and contained. While every effort is made to return a dog to its owner, there are instances when a dog must be impounded.

It is an offence to allow a dog to roam. Failure to contain a dog to a property/allowing it to roam can attract a fine. Containment is the responsibility of the dog owner. If a dog is being cared for by someone other than the owner, containment becomes their responsibility. It is also a legal requirement for someone who finds a dog at large to hand the animal into their nearest vet or to a Council Community Laws Officer. Failure to do so can lead to Court Action under the Domestic Animals Act 1994.

Effective control of a dog

A dog is deemed to be under effective control if it is under the control of someone capable of restraining it. When not in a designated off-lead area, a dog needs to be on a lead. Tying a dog to a public place is not regarded

as having it under effective control. Tethering an animal to a moving vehicle (including a bicycle) is also an offence and should be reported to the police.

Controlling a dog with effective voice and/or hand controls is only deemed valid in designated off-lead areas.

Council has designated off-lead areas (see Off Lead Parks below).

Dog owners are asked to consider that some people do not feel comfortable near dogs and that dogs can react in unexpected ways. Protect your dog, other people, and other dogs by keeping it on a lead.

Barking dogs

Dogs are allowed to bark - it is one of their methods of communication. However, owners must ensure a dog's barking does not become a nuisance.

When Council receives a barking complaint, Community Laws Officers must determine if there is a nuisance factor as reflected in the Act.

If a resident has an issue with a barking dog, the first step, before filing a

complaint with Council, is to attempt to resolve the issue with the dog owner.

A resident should try talking to the dog owner (the owner may not be aware their dog is barking) and take simple steps to reduce the noise, if possible, such as closing windows and doors.

If an owner is not willing to work with a complainant or does not agree that a problem exists, a nuisance complaint can be made to Council.

If a reasonable nuisance is detected, a Community Laws Officer will attempt to work with the dog owner to find a solution before issuing of fines or laying charges in court is pursued.

Should a Community Laws Officer find that the dog owner has not been spoken with, the Community Laws Officer has the ability under the Public Health and Wellbeing Act 2008 to redirect the matter to mediation.

The matter may also be referred to mediation if the complainant does not cooperate with the requirements of a Council Officer.

Animal welfare issues

Council does not have jurisdiction regarding animal welfare matters.

To report a welfare concern please contact the RSPCA at www.rspca.org.au. The RSPCA will provide you with a case number so you can follow up the response to your report.

Off-lead parks

There are around 40 Council-owned or managed parks and reserves where you can take your dog to have off-leash play time. In addition, there are fenced-off leash parks at:

- Bosworth Road off-lead park, 7 Bosworth Rd, Bairnsdale
- Palmers Road off-lead park, 43 Palmers Rd, Lakes Entrance (next to Lakes Entrance Aquadome)
- Brackenbush Unleashed, 117 Hoggs Lane, Lakes Entrance (private facility)

Remember: Dogs must be under effective control at all times.

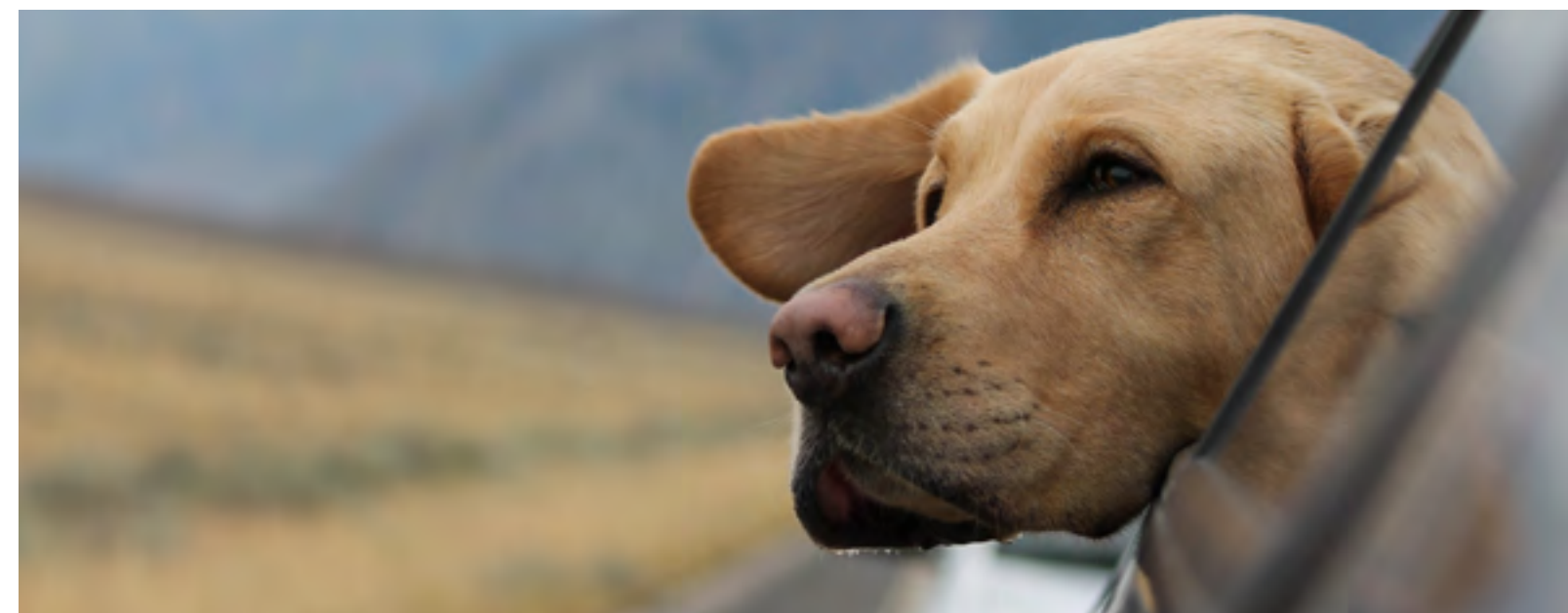
Leash rules

Unless otherwise signed, dogs must be on a chain, cord or leash when they are:

- within 20 metres of a waterway (including a river or swimming hole) in parks and reserves in township areas;
- on Council-managed beaches or foreshores.

Dogs must be on-leash and under effective control of a competent person at all times in public areas (unless designated otherwise) in public township areas with a speed limit of 60 km/h or less, including:

- roads and footpaths
 - shopping precincts and car parks
- Dog owners should also check with Parks Victoria, DEECA and other authorities for other dog-related regulations.





Aggressive dogs

Is the above dog an aggressive and dangerous dog? On occasion, Community Laws Officers get called out to an “aggressive dog showing its teeth” – and find a smiling dog.

For people not familiar with dogs, one thing to consider is that a dog is not going to bite its own tongue.

Smiling dogs often have their tongues hanging out. But dogs can bite, regardless of breed or size. Community Laws

Officers are not able to take a dog away simply because they are considered by an individual to be menacing or dangerous.

‘Menacing Dog’ or ‘Dangerous Dog’ are terms only used for dogs that have been declared menacing or dangerous following a legal process.

To be declared, the animal must have done something to a human or another animal.

Council’s Community Laws Officers can, however, deal with a situation where a person feels threatened by a dog.

A Community Laws Officer will make a determination about a dog that has caused a person to feel threatened. If a person owns a declared dog, they must adhere to strict limitations such as muzzling the dog when it is in a public place.

There are also steep penalties – ranging from fines to imprisonment – if the owner of a declared dog does not adhere to the declared dog limitations.

Menacing dogs

For a dog to be declared as menacing, it must have been involved in a rush or minor attack. The declaration can be made by Council following an investigation. Not every dog involved in a rush or minor attack will be declared as menacing.

In all cases proceeding a declaration, the owner of the dog must be deemed guilty of an offence. When outside the owner’s property, a declared menacing dog must be muzzled and restrained by a chain, cord or leash.

The owner must also notify Council if the dog goes missing, is involved in a rush or other incident, and if there is an ownership change or change of address.

Dangerous dogs

In the same way as declaring a menacing dog, a dangerous dog can be declared if the dog has been involved in a severe attack. A declared dangerous dog must by law wear a distinctive red-and-

yellow-striped collar.

If the dog is in a public, it must also be restrained on a lead, chain or cord, and be muzzled.

All entrances of any property where a dangerous dog is located must be clearly signed. The dog must be confined behind an escape-proof 1.8m solid or mesh fence if guarding – unless it is in the owner’s house from which it cannot escape and any person entering is under supervision of a person over 18 years of age.

Outside the private dwelling, the dog must be kept in an enclosure that can be locked and that the dog cannot escape from. If an owner fails to adhere to these restrictions, heavy penalties may apply. If the dog endangers life or kills, the dog owner may be imprisoned, and the dog can be seized and destroyed.

Guard dogs

A guard dog is defined as a dog kept for the purpose of guarding a non-residential premises.

It is automatically considered a dangerous dog under the Domestic Animals Act 1994 and must be declared as such.

This is law in Victoria and the declaration cannot later be revoked, even if the

dog stops being used to guard non-residential premises. Retired guard dogs are still subject to the same housing and identification requirements as working guard dogs.

Any person in a residential property advising that their dog is a guard dog will invoke this section of the Act and may face a dangerous dog declaration. There is a difference between a dog protecting a residential property and a guard dog as defined by the Act.

Restricted breeds

This cool-looking dude below is a restricted breed; a pit bull, not to be confused with the similar-looking Staffordshire Terrier, which is not a restricted breed.

It is a criminal offence, incurring jail time or heavy penalties, for any person to breed a restricted-breed dog – regardless of whether they are the owner.

The offence is committed if a person deliberately or recklessly allows the breeding.

This ruling applies whether or not both dogs are restricted breeds, and when the breeding results in puppies (whether or not any puppy is a restricted breed dog) either born alive or stillborn.





Dogs with livestock

Dogs should never be allowed to harass or attack livestock.

If your dog is found in the immediate vicinity of primary production animals or birds, the livestock owner has the approval under the Domestic Animals Act to shoot the dog.

However, it is advisable that the livestock owner consult with Police regarding this action as there may be other Acts or Regulations in play.

Check the Domestic Animals Act to verify that you are covered as a Primary Producer and have the evidence available for any authority investigating the attack and discharging of a firearm.

Dog attacks

As the dog owner or handler, if your dog attacks, or is permitted to attack, a person or an animal, you are likely to face infringements or be charged with offences at a Magistrates Court.

Attacks on wildlife may also invoke further charges by Department of Energy, Environment and Climate Change Action (DEECA), or Parks Victoria.

Section 29 of the Domestic Animals Act refers to attacks which are categorised as follows:

- Rush of a Person – if an aggressive dog rushes to within three metres of a person.
- Non-severe Dog Attack – involves any dog attack that is not

classified as severe.

- Severe Dog Attack – involves puncturewounds, lacerations and/or death.

It is the Officer's duty to define the class of rush or attack for each case.

There is no offence for rush on an animal. There are also a limitations on the subjects of the attack.

Birds, marine life and reptiles are not covered under the Domestic Animals Act, but may be classed as wildlife under jurisdiction of DEECA or Parks Victoria.

There are also limitations on location.

For example: if a koala crosses a dog's property and is attacked, the law determines the koala to be trespassing.

However, if the dog attacks a koala in public space, Council and DEECA or Parks Victoria may investigate and issuing infringements or charges.

Dogs in vehicles on hot days

Community Laws Officers do not have authority to break into a vehicle to rescue a heat-affected dog.

Residents are instead asked to call the police to report an animal in a hot car.

Police are authorised under the Protection of Cruelty to Animals Act 1986 to break into a vehicle should the need arise and will pass the animal over to a Community Laws Officer to assess the animal's condition.



Cats: responsible care

Cats need food, shelter, bedding and much more to ensure they live a long and happy life.

There are minimum standards of day-to-day care that cat owners must provide (for more, see Responsible Pet Ownership at www.eastgippsland.vic.gov.au).

Registration

Registering your cat and keeping your registration details up to date will help keep your cat safe.

Cats over three months of age must be microchipped and registered with Council. Pet registration is a Victorian State Government requirement under the Domestic Animal Act 1994.

If your lost cat is found by a Community Laws Officer, it will be taken to Animal Aid in Bairnsdale. If your cat can be identified, Animal Aid will attempt to contact you. This is why it is so important to have your cat registered and microchipped.

Cat containment

In East Gippsland Shire, cat owners must not allow their cat to wander from their property. This means cats and dogs are treated the same way in not being allowed to roam onto a neighbour's property or public land.

This containment rule has been in place for over 20 years. It helps keep cats safe,

protects wildlife and reduces nuisance to neighbours.

While it is not easy to confine a cat, it is possible. For example, there are products that can help prevent a cat from climbing a boundary fence.

If a cat is caught in a Council cat cage, a fine may apply for not containing a cat to its property.

Catching a nuisance cat

Cats can be considered a nuisance if they wander off a property into other people's yards, chase wildlife, fight at night, etc. Feral/wild cats are also considered to be nuisance cats. Any resident can borrow a cage from Council to try to catch a nuisance cat. There are animal welfare rules that must be followed when borrowing a cage, which are provided when the cage is issued. Community Laws Officers will only pick up cats in OH&S-approved Council cat traps (as pictured). These



are traps without angled doors, and which have an upward sliding end door for cage-to-cage transfers. If

you have a cat in an unapproved cage, please contact Animal Aid for drop-off instructions.





Cat attacks

There is no law for Council to enforce regarding cat attacks.

In some cases, the victim of an attack can take civil action against an owner of a cat, via the Victorian Civil and Administrative Tribunal (VCAT).

Excessive cats

If too many cats are being kept on a property, Council's Community Laws Officers will attempt to work with owners or residents to employ approved cat cages.

If permission cannot be obtained from owners or residents, Officers can attempt to work with neighbours to place and operate approved cat cages.

If you live next to a property that is home to an excessive number of cats, please contact Council's Community Laws Officers, if you are willing to operate an approved cat cage.

If you have excessive cats because of difficulty or hardship, please discuss this with one of Council's Community Laws

Officers who will determine if assistance can be provided.

Domestic animal businesses

The definition of a Domestic Animal Business may surprise you.

Any person with more than two (un-desexed) female cats or dogs is classed as a legal Domestic Animal Business.

Breeders, boarding facilities and pet shops are also classed as Domestic Animal Businesses.

Microbreeders

If you own one or two fertile female cats or dogs and breed them to sell or give away their offspring, you are classified as a microbreeder.

Microbreeders do not have to register as a domestic animal business with Council or comply with the Code of Practice for the Operation of Breeding and Rearing Businesses 2014 (revision 2018).

Recreational breeders

Members of an applicable organisation (such as Dogs Victoria - the peak body representing owners and breeders of purebred dogs in Victoria) with up to 10 fertile female cats or dogs that breed to sell are classified as recreational breeders.

Recreational breeders do not need to register with Council as a Domestic Animal Business (DAB) or comply with the Code. Instead, recreational breeders need to comply with their organisation's rules and code of ethics. For more information, visit www.agriculture.vic.gov.au.

DAB registration

If you have between three and 10 fertile female dogs or cats, are not a member of an applicable organisation as determined by the Victorian government, and breed to sell, you are classified as a Domestic Animal Business (DAB).

DABs must be registered with Council and comply with the Code of Practice for the Operation of Breeding and Rearing Businesses 2014 (revision 2018).

The Code outlines minimum welfare standards for housing and managing dogs and cats in breeding and rearing businesses. DABs must also comply with Council's General Local Laws and planning laws.

For more information, visit www.agriculture.vic.gov.au

Other DABs

This resource deals with small Domestic Animal Businesses, not large commercial operations. For more information, visit www.agriculture.vic.gov.au.



For East Gippsland visitors

What to bring when travelling and what to do if problems occur.

Carry registration papers

A Council pound or Council Community Laws Officer may ask for proof of registration. A dog or cat owner visiting another Council area may be fined if unable to prove registration. Ensure each animal is wearing its Council registration tag and that microchip information is up to date.

Obeys Council signs

The onus is on animal owners to be aware of and to obey rules and regulations. For prohibited areas, leash requirements and more, visit www.eastgippsland.vic.gov.au.

Check State-area rules

Check with Victorian state departments such as Parks Victoria or Department of Energy, Environment and Climate Change Action for regulations regarding animal control in Victorian government-owned areas.

Follow beach/foreshore rules

Some beaches and foreshore reserves are subject to restrictions. For rules regarding animals on Council-managed foreshore reserves and beaches, visit www.eastgippsland.vic.gov.au.

Report dog attacks

If your dog is involved in an attack, best practice is to call the police on 131 444 or a Council Community Laws Officer on (03) 5153 9500. The Domestic Animals Act provides for prosecution beyond Council boundaries of an animal owner suspected of committing an offence.

 5153 9500

 eastgippsland.vic.gov.au

 EastGippyShire

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