

# CM20211123 - Additional Council Meeting - 23 November 2021 Attachments

<b>8.1 DOMESTIC ANIMAL ACT 1994 - SECTION 26 - DOGS ON LEASH.....</b>	<b>2</b>
8.1.1 Domestic Animals Act 1994 - Section 26 Order and Conditions of Entry Sign - November 2021.....	2
8.1.2 Government Gazette Section 26 Order - 2018.....	5

NOTICE UNDER **DOMESTIC ANIMALS ACT 1994**  
Order under Section 26(2) **Domestic Animals Act 1994**

**2021 ORDER OF GREATER SHEPPARTON CITY COUNCIL**

On **23 November 2021**, Greater Shepparton City Council (Council) made an order (Order) under section 26(2) of the **Domestic Animals Act 1994**. This Order is effective from **24 November 2021**.

**1. Revocation of all previous orders**

All previous orders made by Council under section 26(2) of the *Domestic Animals Act 1994* are revoked.

**2. Prohibited Areas**

A dog must not enter or remain in any **Prohibited Area** regardless of whether the dog is on a chain, cord or leash or otherwise controlled or not controlled.

**3 Dogs must be on leash**

The **owner** of any dog must keep the dog restrained by means of a chain, cord or leash not greater than 3 metres in length, and is attached to the dog when the dog is:

- (i) in any reserve, or area other than a Designated Area; or
- (ii) in any **Public Place** in the municipality;

and the chain, cord or leash must be either held by or attached to the of the dog or securely fastened to a post or other fixture and the dog remains under sight or voice control by the owner.

**4. Dogs in Designated Area**

Subject to clause 5 and clause 6, a dog may be exercised in a **Designated Area**;

- (i) if the **owner** of a dog:
  - (i) is 18 years of age or older;
  - (ii) has their dog on a leash, of no more than 3 metres in length, and be attached to the **owner**, before entering and exiting the **Designated Area**;
  - (iii) remains inside the fenced area with their dog at all times;
  - (iv) cleans up after their dog and place faeces inside a plastic bag into the bin provided;
  - (v) must not behave in an offensive, violent, threatening or intimidating manner; and
  - (vi) must immediately remove their dog from this area if the dog shows signs of aggression or mating behaviour;
- (ii) A dog may be exercised off a chain, cord or leash within the **Designated Area** if the **owner** of a dog;
  - (i) carries a chain, cord or leash sufficient to bring the dog under effective control by placing the dog on a chain, cord or leash;
  - (ii) has effective voice and/or hand control of the dog and is within constant sight of the dog so as to be able to promptly bring the dog under control by placing the dog on a chain, cord or leash;
- (iii) An **owner** a dog must ensure that the dog;
  - (i) is not allowed to worry, rush at, bite, attack or otherwise threaten any person or animal;
  - (ii) is not on heat and is prevented from breeding or attempt to breed with any other dog;
  - (iii) is prevented from causing damage and or injury to any person or animal;

- (iv) is prevented from digging, burrowing or otherwise disturbing turf, grassed areas or the earth in any way;
- (v) is restrained and prevented from damaging property or Council assets;
- (vi) is up to date with their Vaccinations; and
- (vii) wears a collar or harness and current registration tag at all times.

- (iv) Any **person** in the **Designated Area** must;
  - (i) comply with all conditions of entry, directions or requirements for use of the **Designated Area**, as signposted by Council; and
  - (ii) comply with all requirements or directions given by an authorised officer under the Act.

### 5. Restriction on number of dogs

A **person** or **owner** of a dog must not have more than two (2) dogs under the person's apparent control (whether on or off leash) in a **Public Place** or **Designated Area** at any one time.

### 6. Non-application to specified dogs or greyhounds

- (i) Clause 2 of this Order does not apply to Guide dogs, Guide dogs in training, Guide dog puppies and accredited service dogs.
- (ii) Clause 4 of this Order does not apply to any dog which has been declared a dangerous dog, menacing dog or restricted breed dog under the Act, or to a greyhound that must be restrained in accordance with the restraint requirements at section 27 of the Act.
- (iii) Clause 3, 4 and 5 of this Order does not apply to a dog in any of the circumstances listed in section 20(2) of the Act.

### 7. Meaning of Words

In this Order:

**Act** means the *Domestic Animals Act 1994*.

**Council** means Greater Shepparton City Council

**Designated Area** means any of the following reserves or part of the reserves;

- Ducat Reserve, Patterson Road Shepparton, within the fenced area signposted by Council as the 'off leash dog park'.
- Princess Park, Nixon Street Shepparton, within the fenced area signposted by Council as the 'off leash dog park'.

**owner** includes a person in apparent control of the dog at the time.

**person** means a natural person.

**Prohibited Area** means an area (including an area on or between specified times and on or between specified dates) described as;

- any children's playground; and
- within ten (10) metres of the perimeter of any children's playground.

**Public Place** has the meaning as in section 3 of the *Summary Offences Act 1966* but does not include a public place on private land.

## CONDITIONS OF ENTRY SIGN

### Off Leash Dog Park

#### CONDITIONS OF ENTRY

A dog may be exercised in this area if the dog owner:

- is 18 years of age or older;
- have their dog on a leash and be attached to the person, before entering and exiting the area;
- remain inside the fenced area with their dog at all times;
- is legally responsible for their dogs and their actions;
- cleans up after their dog;
- ensures their dog is vaccinated, wearing a collar and a current registration tag;
- must immediately remove their dog from this area if the dog shows signs of aggression or mating behaviour;

A dog may be exercised off a chain, cord or leash within this area if the dog owner;

- carries a chain, cord or leash sufficient to bring the dog under effective control by placing the dog on a chain, cord or leash; and
- has effective voice and/or hand control of the dog and is within constant sight of the dog so as to be able to promptly bring the dog under control by placing the dog on a chain, cord or leash;

Any person in this area must;

- Always consult those already using the area before entering
- No smoking
- No alcoholic beverage
- No climbing on fences or equipment
- comply with all conditions of entry
- comply with all directions given by an authorised officer

Conditions of Entry into the off leash dog park are in accordance with Section 26 of the *Domestic Animals Act 1994* and Council Local Laws. Penalties apply.

The Greater Shepparton City Council accepts no responsibility arising out of use of the park and disclaims all liability for any injury to a person or animal or damage to property, including any injury caused by dogs or others at this park. Usage of this park constitutes acknowledgement and acceptance of this disclaimer.

CITY OF GREATER SHEPPARTON  
Notice Under **Domestic Animals Act 1994**

Order under Section 26(2) **Domestic Animals Act 1994**

**2018 ORDER OF GREATER SHEPPARTON CITY COUNCIL**

Notice is hereby given that at its Council meeting on 16 October 2018, Greater Shepparton City Council (Council) made an order (Order) under section 26(2) of the **Domestic Animals Act 1994** to take effect on 25 October 2018.

**1. Revocation of all previous orders**

All previous orders made by Council under section 26(2) of the **Domestic Animals Act 1994** are revoked.

**2. Prohibited Areas**

A dog must not enter or remain in any **Prohibited Area** regardless of whether the dog is on a chain, cord or leash or otherwise controlled or not controlled.

**3. Dogs must be on leash**

The **person** in apparent control of any dog must keep the dog restrained by means of a chain, cord or leash not greater than 3 metres in length, and is attached to the dog when the dog is:

- a) in any reserve, or area other than a **Designated Area**; or
- b) in any **Public Place** in the municipality;

and the chain, cord or leash must be either held by or attached to the person in apparent control of the dog or securely fastened to a post or other fixture and the dog remains under sight or voice control by the person.

**4. Dogs in Designated Area**

Subject to clause 5 and clause 6, a dog may be exercised off a chain, cord or leash in a **Designated Area**, if the **person** in apparent control:

- a) carries a chain, cord or leash sufficient to bring the dog under effective control by placing the dog on a chain, cord or leash;
- b) remains in effective voice and/or hand control of the dog and within constant sight of the dog so as to be able to promptly bring the dog under control by placing the dog on a chain, cord or leash;
- c) ensures that the dog:
  - (i) is not allowed to worry, rush at, bite, attack or otherwise threaten any person or animal;
  - (ii) is prevented from breeding or attempt to breed with any other dog;
  - (iii) is prevented from causing damage and or injury to any person or animal;
  - (iv) is prevented from digging, burrowing or otherwise disturbing turf, grassed areas or the earth in any way; and
  - (v) is restrained and prevented from damaging property or Council assets; and
- d) does not attend the **Designated Area** if their dog is on heat or for the specific purposes of breeding;
- e) does not behave in an offensive, violent, threatening or intimidating manner; and
- f) complies with all directions or requirements for use of the **Designated Area**, as signposted by Council.

**5. Restriction on number of dogs**

A person must not have more than four (4) dogs under the person's apparent control (whether on or off leash) in a **Public Place** or **Designated Area** at any one time.

**6. Non-application to specified dogs or greyhounds**

- a) Clause 2 of this Order does not apply to Guide dogs, Guide dogs in training, Guide dogs puppies and accredited service dogs.
- b) Clause 4 of this Order does not apply to any dog which has been declared a dangerous dog, menacing dog or restricted breed dog under the Act, or to a greyhound that must be restrained in accordance with the restraint requirements of section 27 of the Act.

**7. Meaning of Words**

In this Order:

**Act** means the **Domestic Animals Act 1994**.

**Council** means Greater Shepparton City Council

**Designated Area** means any of the following reserves or part of the reserves;

- Ducat Reserve, Patterson Road Shepparton, within the fenced area signposted by Council as the 'off leash dog park'.

**person** means a natural person.

**Prohibited Area** means an area (including an area on or between specified times and on or between specified dates) described as;

- any children's playground; and
- within ten (10) metres of the perimeter of any children's playground.

**Public Place** has the meaning given to it in the **Summary Offences Act 1966**, but does not include a public place that is on private land.

PETER HARRIOTT  
Chief Executive Officer