

KENNEL LICENCE APPLICATION

DOG CONTROL ACT 2000

Please take the time to read through the following information as it answers many commonly asked questions and is designed to assist you when submitting an application for a kennel licence.

The *Dog Control Act 2000* and the *Dog Control Regulations 2021* contain a number of procedures that must be followed by an applicant prior to, and when lodging their application. Similarly, the *Dog Control Act 2000* also describes the way Council will process the application.

To enable your application to be dealt with in the shortest possible time, please ensure that all relevant information is provided.

Should you require further information or assistance please do not hesitate to contact Council's Animal Control Officer on (03) 6256 4777.

WHEN IS A KENNEL LICENCE REQUIRED?

Where a person keeps more than two (2) dogs or, in the case of working dogs, four (4) dogs on any property they must apply to Council's General Manager for a kennel licence.

HOW TO APPLY FOR A LICENCE

You must publish a *Notice of Intention to Apply for Kennel Licence* in a daily newspaper circulated throughout the Municipality of Glamorgan Spring Bay (Mercury or Examiner Newspaper). To comply with this requirement, it is suggested that you place your notice in the Public Notices section of the Mercury or Examiner Newspaper on any day, except Sunday.

This notice must be in the attached prescribed form (Attachment A).

Keep a copy of the advertisement as you will need this as proof of publication. The entire page of the newspaper on which the advertisement appears must be submitted with your application. This will provide proof of the date advertised. Complete the attached *Application for Kennel Licence* (Attachment B). Use the check list on the back of the form to ensure that your application can be processed.

Lodge the application together with the prescribed fee and a copy of the newspaper notice containing proof of the date advertised within 3 days after publication of the notice.

WHO MAY OBJECT TO THE GRANTING OF THE LICENCE?

Any person residing or owning land within 200 metres of the property boundary where the dogs are to be kept may submit a written objection to the General Manager within fourteen (14) days of publication of the *Notice of Intention to Apply for Kennel Licence*. The reasons for the objection must be clearly set out.

HOW WILL THE COUNCIL PROCESS THE APPLICATION?

The owners of adjoining properties may be notified of the application.

Council's General Manager cannot consider the application until 28 days after the publication of the *Notice of Intention to Apply for Kennel Licence*.

A Council Officer will inspect the property including all kennels and enclosures.

The application will not be considered until all dogs kept on the property are registered.

HOW WILL THE 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 objections received.

The site inspection report will be considered together with any other matters that relate to the *Animal Welfare (Dogs) Regulations 2016 and Public Health Act 1997*.

The likelihood of the dogs creating a nuisance by barking or otherwise will be taken into consideration.

Once a decision has been made, Council will notify the applicant of the outcome of their application.

Where the outcome 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. Where the licence is refused the applicant will receive written notification.

CAN COUNCIL REFUSE TO GRANT, RENEW OR CANCEL A LICENCE?

The General Manager may refuse to grant a licence if he is 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. Renewal of a licence may be refused if Council is of the opinion that:
 - The requirements of the *Dog Control Act 2000*, the *Dog Control Regulations 2021*, *Animal Welfare (Dogs) Regulations 2016* or the *Public Health Act 1997* are not being complied with.
 - The condition of the premises is creating a nuisance.
 - It is of public interest that the licence is not renewed.

A licence may be cancelled at any time if Council is satisfied that:

- The requirements of the *Dog Control Act 2000*, the *Dog Control Regulations 2021*, *Animal Welfare (Dogs) Regulations 2016* or the *Public Health Act 1997* are not being complied with.
- The condition of the premises is creating a nuisance and/or kennel licence conditions are not being complied with.

WHAT IF COUNCIL REFUSES TO GRANT, OR RENEW, OR INTENDS TO CANCEL A LICENCE?

You may appeal to a Magistrate in accordance with *s.59(1) Appeals in respect of licence* of the *Dog Control Act 2000*.

An appeal shall:

- Be instituted by giving written notice to the Clerk of Petty Sessions on the prescribed form.
- Be accompanied by the prescribed fee.
- Be made within the prescribed time 14 days of the date of Council notification and
- Otherwise, be instituted in the prescribed manner.

At the hearing of an appeal the Magistrate may:

- Dismiss the appeal; or
- Direct the Council to grant or renew the licence.
- Quash the Council's decision to cancel the licence, subject to any conditions the Magistrate thinks fit.
- The Council must comply with any directions given to it by the Magistrate.
- The Magistrate's decision is final.

For further information please go to:

www.magistratescourt.tas.gov.au/about_us/administrative_appeals_division/appealing_a_legal_decision

SPECIFICATIONS FOR THE CONSTRUCTION OF KENNELS AND ENCLOSURES

The following specifications are those specified in the *Dog Control Regulations 2021* as the minimum required for the construction of kennels and enclosures on licensed premises:

- The kennel or enclosure shall be at least 9 metres from any dwelling house.
- The kennel or enclosure shall be at least 2 metres from any boundary of the premises on which the enclosure is constructed.
- The premises shall be enclosed in such a manner to contain any dogs kept in the kennel or enclosure.
- The kennel or enclosure shall be constructed in such a way as to provide effective methods of cleaning and disinfection.
- There shall be sufficient room to allow dogs reasonable freedom of movement.
- There shall be a raised suitable sleeping area.
- Adequate ventilation and insulation shall be provided to maintain a comfortable internal temperature, freedom from condensation, and an adequate supply of fresh air.
- A sanitary method of disposal of excreta and waste shall be provided.

Where the General Manager is satisfied that adequate provisions for the health and welfare of all dogs are provided in accordance with the *Animal Welfare (Dogs) Regulations 2016*, and that no nuisance to any other person will occur, and all laws relating to the *Dog Control Act 2000*, the *Dog Control Regulations 2021* and the *Public Health Act 1997* will be satisfied, Council may issue a kennel licence.

WILL PLANNING AND BUILDING APPROVAL BE REQUIRED?

Under normal circumstances planning and building approval is not required if the dogs are kept as pets, working or hunting dogs, or for show purposes. However, if the total floor area of the kennels exceeds 10 square metres, the above approvals may be required.

CONDITIONS

The Council may grant a licence which is subject to one (1) or more conditions. Where a licence is granted for the keeping of dogs on premises that do not meet the above-mentioned specifications, it can be expected that the licence will be subject to a number of conditions. Licence holders should be aware that failure to comply with these conditions listed on the licence may result in the cancellation or non-renewal of the licence.

RENEWAL OF LICENCE

Kennel Licences expire on the 30 June each year.

Licences may be renewed for a further 12 months upon payment of the prescribed fee and a satisfactory inspection of the premises by a Council Officer.

CAN THE LICENCE BE TRANSFERRED TO ANOTHER PERSON OR PROPERTY?

Licences are not transferable from one person to another, nor are they transferable from property to property, therefore if you:

- Sell your property and the new owner requires a kennel licence; or
- You move to another property and wish to retain your licence; A new application must be submitted.

COSTS

Please refer to Council's Fees & Charges for the following fees:

- Application for Kennel Licence
- Renewal of Kennel Licence

Other than the fees listed, an applicant will need to meet the cost of publishing their intention to apply for a licence.

PENALTIES

In accordance with the *Dog Control Act 2000, s.50. Keeping several dogs*. A person, without a licence, must not keep or allow to be kept, for any period of time, on any premises more than two (2) dogs, other than working dogs, over the age of 6 months or more than four (4) working dogs over the age of 6 months. Infringement not exceeding 1 penalty unit.

**Attachment A
Newsletter Template**

NOTICE OF INTENTION TO APPLY FOR A KENNEL LICENCE

Notice is hereby given that it is my intention to apply to the Glamorgan Spring Bay Council for a kennel licence for:

(1) _____ (2) _____

Dogs at my premises situated at:

(3) _____

Persons residing within 200 metres of the above premises may, within 14 days after the publication of this notice, object in writing to the General Manager of the Glamorgan Spring Bay Council, PO Box 6, Triabunna, Tas, 7190, stating their reasons of objection to granting the licence.

Applicant's name

- (1) Number of dogs.
- (2) Breed of dogs.
- (3) Address where dogs are kept.

Note: The advertisement may be placed in the *Mercury or **Examiner (depending on which town the licence is applicable to) in the Public Notices section (any day except Sunday) and returned to Council with proof of publication within 3 days of the advertisement appearing in the newspaper.

*Swansea South = Mercury

**Swansea North = Examiner

Attachment B

APPLICATION FOR A KENNEL LICENCE

I _____,

of _____

In the state of Tasmania, hereby apply for a kennel licence for the purpose of keeping at the premises situated at:

_____, dogs of the following

breed(s) or kind(s):

Breed(s) or Kind(s)	Microchip Number:	Registration Number:

A copy of the entire page of the newspaper on which the advertisement appeared pursuant to the *Dog Control Act 2000* is attached.

I undertake that all the requirements of the *Dog Control Act 2000* the *Dog Control Regulations 2021* and the *Public Health Act 1997* will be observed in relation to the keeping of dogs on these premises.

I tender herewith the prescribed fee of \$_____.

Dated: _____ day of _____, 202__.

Signed _____.

Contact Number _____.

Privacy Statement

Completion of this form may require the disclosure of personal information. The intended recipients of this information are officers of the Glamorgan Spring Bay Council in order to advance the purposes of this form and to carry out Council business. The Personal Information Protection Act 2004 and Council's Privacy Policy regulate the use of this information, which will not be disclosed to any other party, except with your permission or if required or authorised by law. You may make application to access or amend personal information held by Council by contacting 03 6256 4777. Should you not provide the information sought, Council will not be able to process this form.

CHECKLIST

Have you:

- Advertised your intention to apply for a kennel licence.
- Attached a copy of the advertisement with proof of the date advertised.
- Registered and Microchipped all dogs.
- Given your full name.
- Given your full address.
- Given accurate description of the breed or kinds of dogs to be kept.
- Signed and dated the application.
- Provided a daytime contact telephone number.
- Paid the prescribed fee.