

# LORD HOWE ISLAND BOARD POLICY

<b>TITLE</b>	<b>Dog Importation and Management Policy</b>		
<b>DATE ADOPTED</b>	November 2014	<b>AGENDA ITEM</b>	8 (i)
<b>CURRENT VERSION</b>	March 2019	<b>AGENDA ITEM</b>	9 (iii)
<b>REVIEW</b>	5 Years	<b>FILE REFERENCE</b>	GF311
<b>ASSOCIATED LEGISLATION</b>	<i>Lord Howe Island Act 1953</i> <i>Lord Howe Island Regulation 2014</i> <i>Veterinary Surgeons Act 1986</i> <i>Companion Animals Act, 1998</i> <i>National Parks &amp; Wildlife Act, 1974</i>		
<b>ASSOCIATED POLICIES</b>	N/A		

## CONTENTS

1	Introduction .....	2
2	Objectives.....	2
3	Policy .....	2
3.1	Approval Process and Conditions .....	2
3.2	Eligibility .....	3
3.3	Transfer of Ownership .....	4
3.4	Responsibility of Dog Owners .....	4
3.5	Restricted Dogs .....	4
3.6	Nuisance Dogs.....	5
3.7	Menacing or Dangerous Dogs .....	5
3.8	Dog Management Zones.....	5
3.9	Public Places.....	5
3.10	Designated Dog Exercise (Off-Leash) Areas .....	6
3.11	Prohibited Place .....	6
3.12	Special Circumstances.....	7
3.13	Outdoor Dining Areas .....	7
3.14	Dogs on Leasehold Land.....	7
3.15	Dogs defecating in public place .....	7
3.16	Communication – education.....	7
3.17	Enforcement .....	8
3.18	Penalties.....	8

3.19 Seizure of Dogs.....	8
Appendix A: Dog Management Areas.....	9
Appendix B: Application to Import a Dog .....	18
Appendix C: Application to Transfer a Dog.....	20
Appendix D: Dog Obedience Training and Validation Assessment.....	23

## 1 Introduction

This document sets out specific policies and procedures for the importation and management of dogs on Lord Howe Island (LHI). The policy has been prepared by the LHI Board (LHIB) in accordance with the *Companion Animals Act, 1998 (CA Act)*, the *Lord Howe Island Regulation 2014 (LHI Regulation)* and the *National Parks & Wildlife Act, 1974*.

## 2 Objectives

The policy encourages responsible dog ownership and aims to provide adequate areas for dogs and their owners to exercise both on and off leash.

The policy restricts the number, type and the areas where dogs are permitted, consistent with the natural heritage values of the Island.

The policy will be managed through an integrated process of community education, cooperation, enforcement and ongoing review.

## 3 Policy

### 3.1 Approval Process and Conditions

3.1.1 Approval may be given under Clause (CI) 62 (2) of the *LHI Regulation* to import a Dog to LHI, subject to the following sub-clauses:

- a) 62 (3) (a) The dog is free of disease and parasites.
- b) 62 (3) (b) A veterinary practitioner (within the meaning of the *Veterinary Practice Act 2003*) has certified that the dog is de-sexed or is permanently incapable of reproduction.
- c) 62 (4) Despite subclause (3) (b), the LHIB may grant approval for the bringing of a dog (such as a trained sniffer dog, a dog trained in search and rescue or a specialist hunting dog) onto the Island for a short period for a specified project.
- d) 62 (5) This CI does not prevent a person with a disability from bringing an assistance animal (within the meaning of the *Disability Discrimination Act 1992*) onto the Island, subject Clause 2 below and prior approval from the LHIB.

3.1.2 In order to satisfy CI 62 (3) (a), the applicant will be required to provide a certificate (not more than 14 days prior to the date of import) signed by a Veterinary Surgeon registered under the *Veterinary Surgeons Act 1986*, certifying that the dog has current:

- a) C5 vaccination (protection against distemper, hepatitis, parvovirus and canine cough (parainfluenza and bordetella bronchiseptica);
- b) Heartworm protection;
- c) Broad spectrum intestinal worm control;
- d) External parasites control including flea, tick and mites.

Please note that this condition applies to any dog that leaves the island. For example, if a resident takes their dog on a holiday with them, the dog will need to be certified free from disease and parasites prior to returning to the island.

- 3.1.3 In order to satisfy CI 62 (3) (b), the applicant will be required to provide a certificate (not more than 1 month prior to the date of import) signed by a Veterinary Surgeon registered under the *Veterinary Surgeons Act 1986*, certifying that the dog is de-sexed, or otherwise rendered permanently incapable of reproduction, prior to importation to the Island.
- 3.1.4 Male dogs under the age of four months may be permitted provided the dog is de-sexed or otherwise rendered permanently incapable of reproduction prior to seven months of age. In this instance a bond equivalent to 10 penalty units must be lodged with the LHIB prior to importation of the dog. This bond will be refunded upon production of the appropriate veterinary certificate demonstrating compliance with this clause. All female dogs must be de-sexed prior to importation.
- 3.1.5 In accordance with the *CA Act*, dogs must be micro-chipped prior to importation and registered at the LHIB's Administration Office within seven (7) days of the dog arriving on the Island. All dogs must be entered into the NSW Companion Animals Lifetime Registration database.
- 3.1.6 An annual 'animal permit fee' is payable to the LHIB. Fees are listed in the LHIB's schedule of fees and charges.
- 3.1.7 Prior to importation, dogs over the age of four months must have completed Dog Obedience Training and be validated by an accredited trainer or veterinary surgeon as having attained a basic level of obedience according to the criteria listed in Appendix D. An overall pass grade must be obtained before approval can be issued by the Chief Executive Officer. If an overall fail grade is obtained, the Lord Howe Island Board members must consider the application
- 3.1.8 In the event the dog is under the age of four months and/or considered too young to be trained, a bond equivalent to 10 penalty units (\$1,100.00) must be lodged with the LHIB 'prior to importation. This bond will be refunded upon the production of the appropriate training certificate demonstrating compliance with this clause prior to the dog reaching one year of age. Failing to have the dog certified to a Basic Level of Obedience following the criteria above before reaching one year of age, will be deemed to be a breach of the conditions of the approval to import and will result in the approval being terminated.
- 3.1.9 In the event the dog is too young to be trained (prior to 4 months of age), and is a male dog and is not de-sexed at the time of importation, a bond of 10 penalty units will suffice for both conditions. The bond will be refunded at such time as the owner demonstrates both conditions (4 & 8) have been met. Failure to meet both conditions will result in the approval being terminated.
- 3.1.10 Where approval to bring (import) a dog to the Island under clause 62 (2) of the *LHI Regulation* is granted, the dog must be imported within twelve (12) months from the approval being given, otherwise the approval will lapse and a new application will be required.

## **3.2 Eligibility**

- 3.2.1 Written applications for importing a dog can be made on the prescribed application form (Appendix B). Applicants must show valid reasons why they wish to import a dog.
- 3.2.2 Persons may be permitted to import dogs to the island if they:
  - a) Are a leaseholder or have lived on the island for more than two years immediately prior to lodging their application; or
  - b) Own a dog prior to becoming a temporary resident of the island, provided that they have documentary evidence that their term of employment will be at least two years duration.
- 3.2.3 Not more than one dog per household shall be permitted and dogs must be kept at the normal place of residence.

### **3.3 Transfer of Ownership**

- 3.3.1 Dogs imported to the Island must be kept at the normal place of residence of the approved importer. Where dog owners require someone else to care for their dog for periods greater than 90 days, an application to transfer the dog ownership is required.
- 3.3.2 Written applications for the transfer of dog ownership can be made on the prescribed application form (Appendix C). The person applying must satisfy all relevant conditions of this Policy. Applications outside the transfer of ownership criteria will be assessed on their merits and agreed to by the LHIB.

### **3.4 Responsibility of Dog Owners**

- 3.4.1 Approval to import and keep a dog on the Island will be subject to the owner of the dog complying with the conditions of this policy.
- 3.4.2 Failure to comply with this policy will be deemed to be a breach of the conditions of the approval to import and may at the discretion of the LHIB, result in approval to keep the dog on the Island being withdrawn, in which case enforcement action such as the issue of a penalty notice, prosecution or deportation of the dog may occur.
- 3.4.3 If an approval to import a dog to the Island has been terminated, the dog must be removed from the Island within 2 weeks from the date of the notice for termination being issued. Failing to remove the dog from the Island within the time specified may result in the dog being seized by officer(s) appointed by the LHIB, a Police Officer or any other person and may result in fines to the owner.

### **3.5 Restricted Dogs**

- 3.5.1 It is an offence in New South Wales to sell, acquire or breed dogs on the restricted dog list. The breeds of dogs that are prohibited from importing to the Island are as follows:
  - a) American Pit-bull Terrier or Pit-bull Terrier;
  - b) Japanese Tosa;
  - c) Dogo Argentino (Argentinean fighting dog);
  - d) Fila Brasileiro (Brazilian fighting dog);
  - e) \* Any dog declared by the LHIB under Division 6 of the *CA Act* to be a restricted dog;
  - f) Any other dog of a breed kind, or description prescribed by the Regulation.

\* Refers to any dog where the LHIB is of the opinion that the dog is a breed of dog on the restricted dog list, or a cross-breed of any such breed or dog.

### **3.6 Nuisance Dogs**

- 3.6.1 The provisions of Section 21 – of the *CA Act* apply to LHI in respect of *Nuisance Dogs*. A dog is a nuisance if the dog:
- a) Is habitually at large, or
  - b) Makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
  - c) Repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, or
  - d) Repeatedly runs at or chases any person, animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, or
  - e) Endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock), or
  - f) Repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.
- 3.6.2 Where there is evidence that a nuisance dog complaint is justified, the LHIB will issue the owner of the dog with an abatement notice. This presents the owner with a realistic definite timeline in which to take action to abate the nuisance. If requested the LHIB will provide advice as to corrective measure that may be employed, but it remains the owners responsibility to determine and implement the necessary corrective action.
- 3.6.3 Where the nuisance has not been abated after the abatement period the LHIB may issue an Infringement Notice. In the case of continued nuisance the LHIB may revoke any prior approvals and order the dog to be removed from the Island.

### **3.7 Menacing or Dangerous Dogs**

- 3.7.1 Dogs attacking or injuring persons or animals can be declared menacing or dangerous. A dog declared menacing or dangerous is subject to very strict controls and ultimately a destruction order may be issued for the dog.

### **3.8 Dog Management Zones**

- 3.8.1 For the purpose of this policy, land is classified into the following zones:
- a) Public Place
  - b) Designated Dog Exercise Area
  - c) Prohibited Place
  - d) Leasehold Land
- 3.8.2 Maps showing specific locations are provided in Appendix A.
- 3.8.3 Bona fide assistance animals (including guide dogs, hearing assistance dogs and trained animals) are generally exempt from all zonal restrictions

### **3.9 Public Places**

- 3.9.1 Under the *CA Act* a public place is defined as:
- Any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden; and
  - Any other place that the public are entitled to use.
- 3.9.2 A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person.

### 3.10 Designated Dog Exercise (Off-Leash) Areas

- 3.10.1 The LHIB has declared the following public places as “Off-Leash” areas:
- The grassed open space area west of Lagoon Road from the northern side of the Aquatic Club, south to the southern-most boundary of the oval;
  - The southern section of Blinky Beach south of the main access track;
  - Middle Beach from the bottom of the northern access steps to the bottom of the southern access steps;
  - Lagoon Beach from the northern side of the Aquatic Club, south to Pinetrees boatshed and
  - Lagoon Beach, from the south-western boundary of the airstrip (airstrip rocks) to the northern bank of Cobby’s Creek.

### 3.11 Prohibited Place

- 3.11.1 Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):
- Children’s play areas: meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children).
  - Recreation areas where dogs are prohibited: meaning any playing area of a sports ground or tennis court on which sport is being played.
  - School grounds and Child care centres.
  - All beaches excluding those identified as Designated Dog Exercise Areas.
  - All public buildings.

3.11.2 In addition, the LHIB has declared the following locations as Prohibited Places:

LOCATION	DEFINITION OF PROHIBITED PLACES
The Permanent Park Preserve	All of the Permanent Park Preserve with the exception of: <ol style="list-style-type: none"> <li>The southern walking track to Middle Beach;</li> <li>The Transit Hill walking track from Bowker Ave to Blinky Beach (but not including the northern end of the beach area).</li> </ol> Dogs must be leashed at all times whilst on the tracks identified above.
The Pines Precinct	All of the area generally west of Lagoon Road from the rock cairn at Signal Point to the northern end of the car park north of the boat sheds, including the whole of the BBQ area and adjacent beach.
The Island Cemeteries	Any area of Crown land reserved for the purposes of a cemetery together with such areas on leasehold as are clearly defined as private cemeteries.
Ned’s Beach	The whole of the Ned’s Beach area, from where the palm tree forest ends on Ned’s Beach Road, including the beach, BBQ areas and open recreational areas.
Blinky Beach	The northern end of Blinky Beach, northwards from where the carpark access track meets the beach.

Old Settlement Beach	The entire length of Old Settlement Beach including access tracks and BBQ areas on the western side of Lagoon Rd.
Little Island	The part of the Little Island Track and foreshore south from the boulder section at Little Island marking the northern boundary of Far Flats to Little Island (where the palm tree forest starts).
Cobby's Corner	All the area west of Lagoon Road at Cobby's Corner including the beach and BBQ area to the northern bank of Cobby's Creek.
The Waste Management Facility (WMF)	Dogs will be prohibited from the area occupied by the WMF and adjacent revegetation areas.

3.11.3 The above prohibition does not apply to dogs such as a trained sniffer dogs, dogs trained in search and rescue or other specialist dogs imported to the Island in accordance with CI 62(4) of the LHI Regulation.

### 3.12 Special Circumstances

3.12.1 Dogs are permitted in some public places, subject to the following conditions:

LOCATION	DEFINITION OF PROHIBITED PLACES
The Aerodrome (Portion 180)	Dogs will be prohibited from Portion 180, except for the purpose of loading or unloading a dog from an aircraft.

### 3.13 Outdoor Dining Areas

3.13.1 Dogs are prohibited from the following outdoor dining areas including 10m from BBQ facilities at the following areas:

- a) Old Settlement Beach
- b) The Playground
- c) Cobby's Corner
- d) North Bay
- e) Ned's Beach
- f) The Pines precinct
- g) BBQ area at the Jetty

3.13.2 The above prohibition does not apply to dogs such as a trained sniffer dogs, dogs trained in search and rescue or other specialist dogs imported to the Island in accordance with CI 62(4) of the LHI Regulation.

### 3.14 Dogs on Leasehold Land

3.14.1 Dogs do not have to be on a leash if they are on the dog owner's property.

3.14.2 A dog must not be on any other lease without the lease owner's consent.

### 3.15 Dogs defecating in public place

3.15.1 If a dog, under the control of any person, defecates in a public place, that person must immediately remove the faeces and properly dispose of them. Proper disposal means complete removal from the site and later disposal at the Waste Management Facility. Burying faeces onsite is not acceptable.

### 3.16 Communication – education

3.16.1 Information and maps will be provided to all registered dog owners. The policy will be available on the LHIB's website for all residents to download.

3.16.2 Where the boundaries of designated dog areas are difficult to identify (i.e. Cobby's Beach, Aquatic Club and Old Settlement Beach, Clear Place Track), appropriate signage will be installed.

### **3.17 Enforcement**

3.17.1 The policy will be given effect and enforced by delegated LHIB staff.

3.17.2 Mandatory reassessment of obedience will be required for dogs that are declared a nuisance dog or for owners that have been issued a formal warning or have been issued a penalty infringement notice within six months of the notice being issued. Failing to pass the reassessment may result in the approval being suspended. Reassessment of dogs will be undertaken by a delegated LHIB officer.

### **3.18 Penalties**

3.18.1 Penalties (enforceable by an on-the-spot fine or in court) may be imposed on the owner of a dog for a number of offences. Some of these are:

- a) Dog found in a public place and not under control by leash etc.;
- b) Dog found in a Prohibited Place;
- c) Dog attacking or injuring persons or animals;
- d) Dog fouling a public place, and failure of the person controlling the dog to remove and appropriately dispose of faeces;
- e) Failure to notify the LHIB of transfer of ownership of dog; and
- f) Where an Authorised Officer is satisfied that a dog is a nuisance.

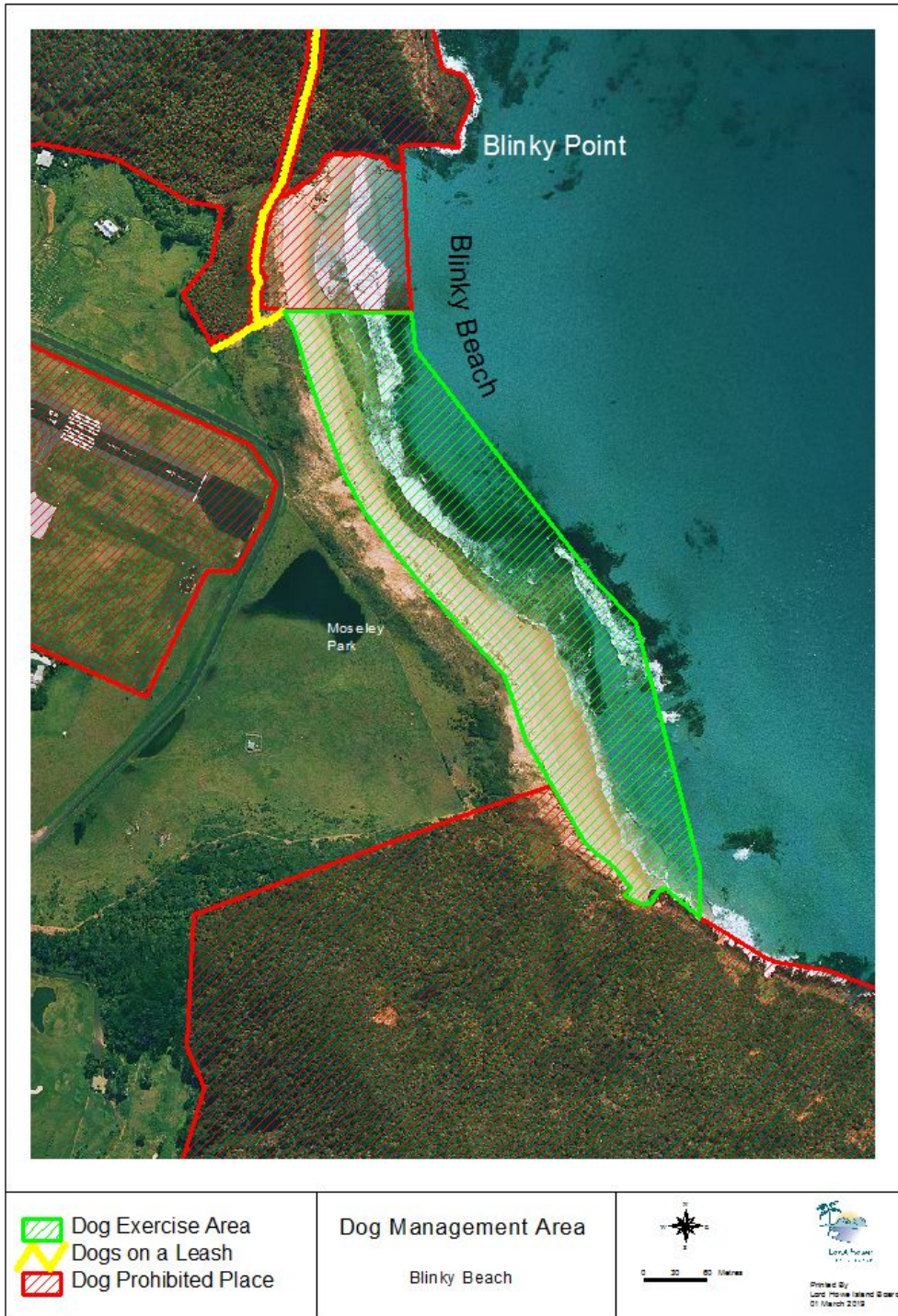
3.18.2 Offences under the *CA Act* attract fines of up to \$1,000. In addition, penalties under the *National Parks and Wildlife Act 1972* where dogs harm protected fauna may attract fines up to \$10,000.

### **3.19 Seizure of Dogs**

3.19.1 If a dog is found in contravention of the policy, the dog may be seized. A dog may be seized by officer(s) appointed by the LHIB, a Police Officer or any other person. A dog that has been seized under the Companion Animals Act must be delivered to the officer in charge of the LHIB's dog pound immediately. If your dog is seized, the LHIB will notify you as soon as practicable. Your dog can then be released on payment of a release fee (\$50) and a maintenance fee (\$5 / hour or part thereof) for the dog while it has been in the pound. If your dog is seized on a 2<sup>nd</sup> or subsequent occasion within 12 months of it first being seized, the release fee on each occasion is \$300. Dogs found to be continually wandering will be seized and will be declared a 'nuisance dog' under the Companion Animals Act, resulting in fines to the owner.

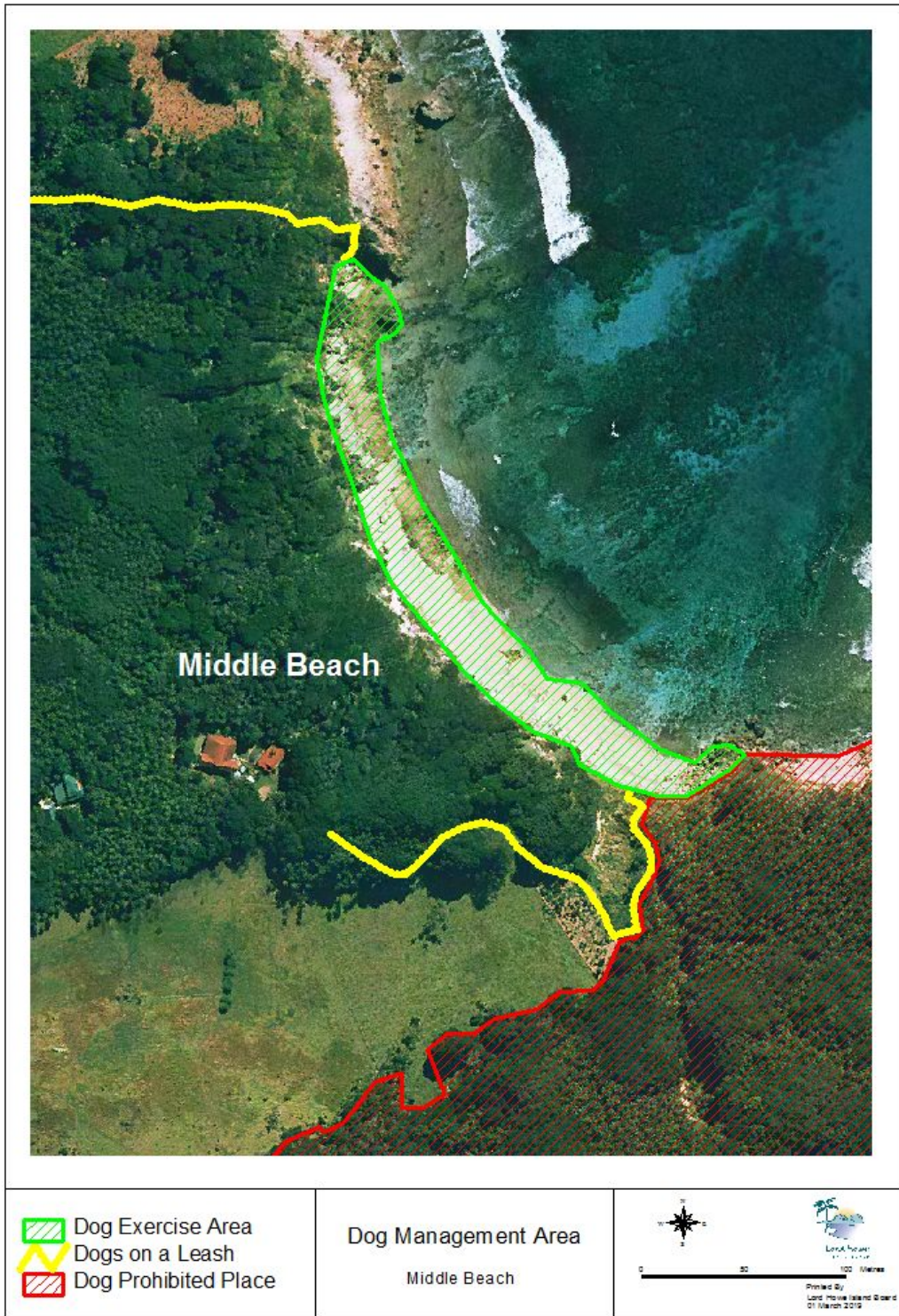


Appendix A: Dog Management Areas





















# LORD HOWE ISLAND BOARD

## APPLICATION TO IMPORT A DOG

Please complete the following details to enable your dog importation application to be assessed.

<b>Name of applicant</b>	
<b>Address</b>	
<b>Lease where dog will be kept</b>	
<b>Name of dog</b>	
<b>Breed and description of dog</b>	
<b>D.O.B of dog</b>	
<b>Is the dog free of disease and parasites and certificate is attached?</b> <i>(See section 3.1.2 of the Policy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No  Certificate must state dog is up-to-date with C5 vaccination, heartworm protection, broad spectrum intestinal worm control and external parasite control including fleas, ticks and mites.
<b>Is the dog de-sexed and certificate attached?</b> <i>(See section 3.1.3 of the Policy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <i>A bond must be lodged (10 Penalty units; \$1,100).</i>  All female dogs must be de-sexed prior to importation. Male dogs under the age of four months may be permitted provided the dog is de-sexed or otherwise rendered permanently incapable of reproduction prior to seven months of age.
<b>Has the dog completed the Dog Obedience Assessment Checklist and certificate attached?</b> <i>(See Appendix D: Dog Obedience Training and Validation Assessment)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <i>A bond must be lodged (10 Penalty units; \$1,100).</i>
<b>Reason for importation</b>	

I, ..... being the applicant, have read the Lord Howe Island Board's *Dog Importation and Management Policy 2014* and understand the provisions and conditions therein. I understand that failure to abide by the conditions of the policy may result in the termination of approval to have a dog on the Island, that fines may be imposed, and that it may also render future applications ineligible.



## LORD HOWE ISLAND BOARD

### APPLICATION TO TRANSFER A DOG

Please complete the following details to enable the transfer of ownership application to be assessed.

<b>Name of applicant (transferee)</b>	
<b>Address</b>	
<b>Lease where dog will be kept</b>	
<b>Name of previous owner of dog (transferor)</b>	
<b>Name of dog</b>	
<b>Breed and description of dog</b>	
<b>D.O.B of dog</b>	
<b>Is the dog free of disease and parasites and certificate is attached?</b> <i>(See section 3.1.2 of the Policy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No  Certificate must state dog is up-to-date with C5 vaccination, heartworm protection, broad spectrum intestinal worm control and external parasite control including fleas, ticks and mites.
<b>Is the dog de-sexed and certificate attached?</b> <i>(See section 3.1.3 of the Policy)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>A bond must be lodged (10 Penalty units; \$1,100).</i>  All female dogs must be de-sexed prior to importation. Male dogs under the age of four months may be permitted provided the dog is de-sexed or otherwise rendered permanently incapable of reproduction prior to seven months of age.
<b>Has the dog completed the Dog Obedience Assessment Checklist and certificate attached?</b> <i>(See Appendix D: Dog Obedience Training and Validation Assessment)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>A bond must be lodged (10 Penalty units; \$1,100).</i>
<b>Reason for transfer</b>	

**TRANSFEEE**

I, ..... being the applicant, have read the Lord Howe Island Board’s *Dog Importation and Management Policy 2014* and understand the provisions and conditions therein. I understand that failure to abide by the conditions of the policy may result in the termination of approval to have a dog on the Island, that fines may be imposed, and that it may also render future applications ineligible.

Signature: ..... Date: .....

**TRANSFEROR**

I, ..... approve the transfer of my dog,  
..... to .....

Signature: ..... Date: .....

**OFFICE USE ONLY**

Criteria	Yes	No
Does the applicant meet the residency requirement?		
Does the applicant meet the dogs per household requirement?		
Does the applicant provide a reason for transferring the dog?		
Is the dog free of disease and parasites and certificate is attached?		
Is the dog de-sexed and certificate attached?		
Has the dog completed formal Dog Obedience Training and certificate attached?		
Is a bond required?		

If all criteria meet the conditions of transfer under the *Dog Importation and Management Policy 2014*, approval can be issued by the Chief Executive Officer. If all criteria are not met, the Lord Howe Island Board members must consider the application.

APPROVED

DEFERRED FOR BOARD CONSIDERATION

..... Date: .....

**CHIEF EXECUTIVE OFFICER**

**Assessment Notes:**

## Appendix D: Dog Obedience Training and Validation Assessment

Prior to importation, dogs over the age of four months must have attained a basic level of obedience and be certified by an accredited trainer according to the following criteria:

Criteria	Description	Validation	Comments
<b>Sociability</b> <i>On lead</i>	In an open area, a non-aggressive dog or puppy on-lead approaches the dog with a person two meters away. The person has a short conversation with the owner. The dog must remain under the owner's control, not displaying any signs of aggression, stress or vocalizations towards the other dog or puppy.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
<b>Heel</b> <i>On lead</i>	Hold dog by owner's side while walking. Dog must not pull.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
<b>Sit</b> <i>On lead</i>	Dog must be controlled and focused on the handler. Dog must sit on command.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
<b>Stay</b> <i>Off lead</i>	Dog must not move until commanded to move. Dog must be able to demonstrate a stay of 30 seconds.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
<b>Come</b> <i>Off lead</i>	Dog must return to handler on command.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	
<b>No</b> <i>Off lead</i>	Dog must stop behaviour on command.	<input type="checkbox"/> Pass <input type="checkbox"/> Fail	

### Overall Assessment

PASS

FAIL

Validators name: ..... Position: .....

Validators Signature: ..... Date: .....

**Assessment Notes:**

In the event the dog is under the age of four months and/or considered too young to be trained, a bond equivalent to 10 penalty units (\$1,100.00) must be lodged with the Lord Howe Island Board prior to importation.

This bond will be refunded upon the production of the appropriate training certificate or veterinary certificate demonstrating compliance with this clause prior to the dog reaching one year of age.

Failing to have the dog certified to a Basic Level of Obedience following the criteria above before reaching one year of age will be deemed to be a breach of the conditions of the approval to import and will result in the approval being terminated.