

Draft Dog Importation and Management Policy

Lord Howe Island Board Policy

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Introduction

This document sets out the specific policies and procedures for the importation and management of dogs on Lord Howe Island. The policy has been prepared by the Lord Howe Island Board in accordance with the *Companion Animals Act 1998*, the *Lord Howe Island Act 1953*, and the *National Parks & Wildlife Act 1974*.

Purpose

The principal object of this policy is to provide for the effective and responsible care and management of companion animals on Lord Howe Island. It also aims to provide protection to the World Heritage values of the island, including the protection of endemic and/or protected flora and fauna.

Scope

The policy encourages and reinforces responsible dog ownership (including minimum training requirements) and aims to provide adequate areas for dogs to be exercised and socialised both on and off leash.

The policy restricts the number of dogs on the Island 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.

Definitions

Term	Meaning
Assistance animal	A dog or other animal: a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or b) accredited by an animal training organisation prescribed by the Disability Discrimination Regulations 2019 for the purposes of this paragraph; or c) trained: i) to assist a person with a disability to alleviate the effect of the disability; and ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.
Authorised Officer	An employee of the Lord Howe Island Board authorised to perform regulatory functions for the purposes of the CA Act.
CA Act	Companion Animals Act 1998 (NSW)
CA Regulation	Companion Animals Regulation 2018 (NSW)
Dangerous dog	A dog for the time being the subject of a declaration by an Authorised Officer of the LHIB or a court under the CA Act that the dog is a dangerous dog.
Dog attack	The act of a dog rushing at, attacking, biting, harassing or chasing any person or animal (other than vermin), whether or not any injury is caused to the person or animal.
Leashed area	A public place declared by order of the LHIB to be a leashed area where dogs are permitted only whilst under the effective control of a competent person by way of a leash, cord or chain.
LHI or 'the Island'	Lord Howe Island
LHIB or 'the Board'	Lord Howe Island Board
Menacing dog	A dog for the time being the subject of a declaration by an Authorised Officer of the LHIB under section 34 (1A) or a court under section 45 (1A) of the CA Act that the dog is a menacing dog.

Term	Meaning
Nuisance dog	A dog is a nuisance if the dog: <ul style="list-style-type: none"> (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.
Off leash area	An area declared by order of the LHIB to be a designated dog exercise area where dogs are permitted to be off leash.
PPP	Permanent Park Preserve
Prohibited Area	An area declared by order of the LHIB and/or under the CA Act where dogs are not permitted, whether or not they are leashed or otherwise controlled.
Public Place	Any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden, or any other place the public are entitled to use.
Veterinary practitioner	A person who is registered as a veterinary practitioner under the Veterinary Practice Act 2003.
WMF	Waste Management Facility

Policy

1. Approval Process and Conditions

Approval may be given to import a dog to LHI, subject to the following conditions:

a) The dog is free of disease and parasites.

To satisfy this condition, the applicant will be required to provide a certificate not more than 14 days prior to the date of import signed by a veterinary practitioner, certifying that the dog has current C5 vaccination, is free of clinical signs of infectious or contagious disease and has been treated with broad spectrum internal and external parasite prevention including effective treatments for worms, fleas and ticks.

This condition also applies to dogs that are returning to the island (for example after being away with the owner on holidays).

b) The dog is de-sexed prior to 6 months of age.

Dogs must be de-sexed or otherwise rendered permanently incapable of reproduction prior to 6 months of age.

A dog may be permitted to be de-sexed between 6 and 12 months of age if recommended by a veterinary practitioner for health reasons, in which case a letter from a veterinarian will be required. Applications to import intact dogs over 6 months of age will be assessed on a case-by-case basis.

If an intact dog is permitted to be imported, a bond equivalent to 10 penalty units (\$1100) must be lodged with the LHIB prior to importation of the dog. This bond will be refunded upon production of appropriate veterinary certification of de-sexing.

Intact female dogs that are in heat must be confined to the owner's property at all times.

In the unlikely event a female dog becomes pregnant while on the Island, the owner must immediately notify the Board so that an appropriate course of action can be determined. Failure to do so will be deemed to be a breach of the conditions of the approval to import and may result in the approval being terminated.

Failing to have a dog de-sexed or otherwise rendered permanently incapable of reproduction by 12 months of age will be deemed to be a breach of the conditions of the approval to import and may result in the approval being terminated.

Dogs over the age of 12 months must be de-sexed prior to importation.

These conditions do not prevent a person with a disability from bringing an assistance animal onto the Island.

These conditions do not prevent the LHIB from granting approval for the bringing of a dog (such as a trained detection dog, a dog trained in search and rescue or a specialist hunting dog) onto the Island to carry out priority work.

c) The dog is microchipped and registered.

In accordance with the CA Act, dogs must be microchipped prior to importation and registered at the LHIB's Administration Office within seven days of the dog arriving on the Island. All dogs must be entered into the NSW Companion Animals Lifetime Registration database.

An annual animal permit fee is payable to the LHIB. Fees are listed in the LHIB's schedule of fees and charges.

d) The dog meets minimum obedience requirements.

Prior to importation, dogs over the age of 6 months must be validated by an accredited trainer in accordance with the LHIB Assessment Standards for Dog Obedience Training.

In the event the dog being imported is under the age of 6 months 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 condition.

In addition, within 6 weeks of arriving on the island dogs must undergo assessment of sociability and bird avoidance, in accordance with the LHIB Assessment Standards for Dog Obedience Training.

Until a dog is able to be assessed and meet the minimum obedience requirements, then the dog must remain on a leash at all times while off the owner's property.

Failing to have the dog certified to the required level of obedience and bird avoidance before reaching 12 months of age will be deemed to be a breach of the conditions of the approval to import and may result in the approval being terminated.

In the event the dog is too young to be trained (prior to 6 months of age) and is not de-sexed at the time of importation, a bond of 10 penalty units (\$1100.00) will suffice for both conditions. The bond will be refunded when the owner demonstrates both conditions (de-sexing and obedience training) have been met. Failure to meet both conditions will result in the approval being terminated.

These conditions do not prevent a person with a disability from bringing an assistance animal onto the Island.

2. Eligibility

Persons may be permitted to import dogs to the island if:

- i. They are a leaseholder or have lived on the island for more than two years immediately prior to lodging their application; or
- ii. They 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; or
- iii. The dog is an assistance animal or a working detection dog.

Not more than one dog per household shall be permitted and dogs must be kept at the owner's normal place of residence.

Where approval to import a dog to the Island is granted, the dog must be imported within 12 months from the approval being given, otherwise the approval will lapse and a new application will be required.

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.

Written applications for importing a dog can be made on the prescribed application form.

3. Transfer of Ownership

Dogs imported to the Island must be kept at the normal place of residence of the approved importer. When 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.

Written applications for the transfer of dog ownership can be made on the prescribed application form. The person applying must satisfy all relevant conditions of this Policy. Applications outside the transfer of ownership criteria will be assessed on their merits by the LHIB.

4. General Responsibilities of Dog Owners

- A dog must have a collar around its neck with a name tag attached that shows the name of the dog and the address or telephone number of the dog's owner.
- The owner of a dog must take all reasonable precautions to prevent the dog from escaping from the property on which it is being kept.
- 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.
- If a dog defecates in a public place the person who is in charge of the dog at that time must immediately remove the dog's faeces and properly dispose of them. Proper disposal means complete removal from the site and later disposal at the WMF. Burying faeces on site is not acceptable.

5. Restricted dogs

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:

- American Pit-bull Terrier or Pit-bull Terrier;
- Japanese Tosa;
- Dogo Argentino (Argentinean fighting dog);
- Fila Brasileiro (Brazilian fighting dog);
- Perro de Presa Canario or Presa Canario;
- * Any dog declared by the LHIB under Division 6 of the CA Act to be a restricted dog;
- 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 or cross-breed of dog on the restricted dog list

6. Nuisance dogs

If the Board becomes aware of any dog behaviour that may be considered a nuisance, an investigation will be undertaken by the Board's Authorised Officers, as a result of which the Authorised Officer may issue a nuisance order requiring the owner of the dog to prevent the behaviour that is alleged to constitute the nuisance.

This presents the owner with a realistic definite timeline in which to take action to abate the nuisance. If requested, the LHIB may provide advice as to corrective measures that may be employed, but it remains the owner's responsibility to determine and implement the necessary corrective action.

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.

7. Menacing and dangerous dogs

A dog that attacks persons or animals can be declared menacing or dangerous. A dog declared menacing or dangerous is subject to very strict controls under the CA Act.

8. Dog attacks

Dog attacks on persons, other dogs, wildlife or stock should be reported to the Board as soon as possible so that they can be investigated.

9. Dog Management Zones

Assistance animals and biosecurity detection dogs are generally exempt from all zonal restrictions.

a) Off leash areas

The following areas are designated dog exercise areas where dogs are permitted to be off leash. Dogs must be under constant supervision to ensure the safety of other dogs, people and wildlife in these areas.

- The open space area west of Lagoon Road from the Aquatic Club carpark south to the southern end of the grassed area opposite the oval
- Blinky Beach south of the main access track
- Middle Beach from the bottom of the southern access steps to the bottom of the northern access steps
- Lagoon Beach from the Aquatic Club south to Pinetrees boatshed
- Lagoon Beach from the southern boundary of the airstrip (airstrip rocks) south to the beach access track adjacent to the WMF gate (known locally as 'dump beach').
- 'Dump beach' BBQ area
- Salmon Beach

b) Leashed areas

Dogs are permitted in the following areas only whilst under the effective control of a competent person by way of a leash, cord or chain.

- The northern and southern walking tracks to Middle Beach
- Transit Hill track including Bowker Avenue track to Blinky Beach
- Little Island track from the gate south to the southern end of Salmon Beach
- Foreshore walking track from opposite Wilsons Hire to the Aquatic Club
- Foreshore walking track from opposite Pinetrees cemetery north to the start of the off-leash area opposite the oval
- Stevens Reserve
- Aquatic Club BBQ area
- Cobbys Corner BBQ area and beach from the fig tree to 80 metres north to level with the Norfolk Pines
- All other public places not listed as an off-leash or prohibited area

c) Prohibited areas

Due to the popularity and social and environmental values of some public areas, and the presence of seabirds and shorebirds, dogs are prohibited from the following areas, whether or not they are leashed or otherwise controlled:

- All of the Permanent Park Preserve (including North Bay) except the southern walking track to Middle Beach and the Transit Hill walking track.

- The Old Settlement area including the beach, access tracks and BBQ areas.
- The Neds Beach area from the eastern end of the palm tree forest on Neds Beach Road, including the beach, BBQ areas and grassed open recreational areas.
- Blinky Beach north of where the carpark access track meets the beach.
- Lagoon Beach north of the Aquatic Club
- Cobbys beach from the northern most Norfolk pine near the BBQ area north to the WMF access track
- Lovers Bay
- Johnsons Beach
- Kings Beach including the entrance to Soldiers Creek
- Little Island track south of the southern end of Salmon Beach
- All other beaches, dunes and rocky shorelines not listed as an off leash or leashed area.
- All BBQ areas except Aquatic Club, Cobbys Corner and 'Dump Beach'
- 'The Pines' precinct – all of the foreshore from Signal Point to the boat sheds carpark
- The Aerodrome (Portion 180) except for the purposes of loading or unloading a dog from an aircraft.
- The Waste Management Facility and adjacent revegetation areas
- The Island cemeteries – Any area of crown land reserved for the purposes of a cemetery, together with such areas on leasehold land that are clearly defined as private cemeteries.

Under the CA Act dogs are prohibited in the following public places:

- Childrens play areas – within 10 metres of any playground.
- School grounds and childcare centres
- All public buildings
- Sporting fields
- Food preparation and consumption areas except for outdoor eating areas as approved by the vendor.

Leasehold land:

- A dog does not have to be on a leash if it is on the dog owner's property.
- A dog must not be on any other lease without the lease owner's consent.

10. Communication and education

The LHIB will supply dog owners with resources, support and guidance in the form of community information sessions, printed materials, limited signage, advice from accredited dog trainers, and information on the LHIB website.

11. Enforcement and penalties

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

Penalties enforceable by an on-the-spot fine or in court may be imposed on the owner or person in control of a dog for various offences under the CA Act and CA Regulation. Such offences include, but are not limited to:

- i. Dog in a public place not under the effective control of some competent person by means of an adequate chain, cord or leash
- ii. Dog in a prohibited area

- iii. Dog attacking persons or animals
- iv. Dog fouling a public place, and failure of the person controlling the dog to remove and appropriately dispose of faeces
- v. Failure to notify the LHIB of transfer of ownership of a dog
- vi. Where an Authorised Officer is satisfied the dog is a nuisance.

Offences under the CA Act attract on-the-spot fines of up to \$1,320. Significant penalties may apply where dogs harm protected fauna.

Mandatory reassessment of obedience training will be required for any dog whose owner is issued an official caution or penalty infringement notice for their dog rushing at or attacking persons or animals, and/or where an Authorised Officer is satisfied the dog is a nuisance.

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 enforcement action such as the issue of a penalty notice, prosecution or an approval to keep the dog on the Island being withdrawn, in which case deportation of the dog will occur.

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 an Authorised Officer of the LHIB or a Police Officer and may result in fines to the owner.

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