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GREATER
SHEPPARTON

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 owner 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;

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- (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) Clauses 3, 4 and 5 of this Order do 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.

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