

PUBLIC STATEMENT

7 August 2026

Council statement – St Marys dog breeding matter

Break O'Day Council is aware of further commentary circulating on social media regarding the dog breeding operation at St Marys.

We understand the concern this matter has caused and share the community's concern for the welfare of the animals involved. However, some of the commentary currently being circulated creates the impression that Council has failed to act.

That is simply not correct.

Council refused to renew his Kennel Licence following inspections and has been actively pursuing the matter for approximately 18 months.

The subsequent delay has not been because Council was unwilling to act. It has been the result of the legal processes that Council is required to follow.

Council's enforcement action was challenged through the Tasmanian Civil and Administrative Tribunal and subsequently appealed to the Supreme Court. That appeal has now been rejected, meaning Council will now be able to continue to progress further action under the Dog Control Act 2000.

Throughout this entire process, Council has also been working with RSPCA Tasmania.

It is important to understand that Council and RSPCA Tasmania operate under different legislation and have different powers. Council's responsibilities include matters such as dog registration and kennel licensing under the Dog Control Act. Animal welfare and cruelty matters fall under separate legislation and are matters for authorities including RSPCA Tasmania.

This situation has really highlighted that the Dog Control Act is restrictive and that the State Government needs to consider increasing legislative requirements and powers around errant breeders. It is clear that community expects Councils to do more in this space but without legislation and regulations – we simply are not able to.

This does not mean agencies are "passing the buck". It means each authority must act the law.

There also appears to be some misunderstanding about what Council, or the Mayor personally, can legally do.

The Mayor cannot simply direct staff to enter private property and seize animals. Nor can Council disregard appeal rights, procedural fairness or the legal processes established under legislation. Any

enforcement action must have a lawful basis and must be undertaken in accordance with the powers available to Council.

Those safeguards apply to everyone, regardless of how strongly Council or the community may feel about a particular matter.

Now that the appeal process has concluded, Council is progressing the actions legally available to it and will continue working with RSPCA Tasmania where their respective responsibilities intersect.

There are limits to the operational details Council can appropriately discuss publicly while enforcement activity is underway. However, the community can be assured of the following:

- Council acted when this matter came to its attention.
- Council has continued to act throughout a lengthy legal process.
- Council has worked with RSPCA Tasmania throughout.
- Council will now continue to pursue the enforcement options available to it.

We appreciate that people care deeply about animal welfare. Council does too. But suggestions that Council or the Mayor “simply do not care” disregard the substantial work undertaken over the past 18 months and the legal processes Council has been required to follow.