



ENCLOSURE

Item No. 8 Review and Exhibition of Companion Animals Management Plan

File No. F00462

Business Paper of 15 March 2011



Draft Companion Animals Management Plan (Cats and Dogs) 2011-2014



Introduction

The City of the Blue Mountains has a unique location within a National Park and a World Heritage Area. This brings special responsibilities for people to protect the natural environment by the appropriate management of their companion animals. The keeping of companion animals although satisfying and rewarding can also impact on the immediate neighbourhood if a thoughtful approach to community living is not implemented.

The Council has adopted a community endorsed strategic plan 'Sustainable Blue Mountains 2025'. The 2011-2014 Companion Animals Management Plan is consistent with the Council's strategic plan. It also complies with the obligations placed on the Council by the NSW Companion Animals Act. It provides an opportunity for Council to find the balance between encouragement and support for the social benefits of pet ownership, whilst at the same time indicating a strong commitment to protecting public amenity, safety and the environment. The plan focuses on the following outcomes:

- To ensure that Council meets its responsibilities under the Companion Animals Act 1998 and Companion Animals Regulation 1999 and help to find the correct blend between regulatory action and education.
- Helping to protect the natural environment including sensitive land and native fauna from the actions of some cats and dogs.
- Providing information to residents to support socially responsible pet ownership.
- Identifying and prioritising relevant companion animal management issues.
- Maintaining constructive communication with people who have expertise in companion animal management in order to forge stronger community ties.
- Creating an awareness of, and seeking compliance with, the provisions of the Companion Animals Act and Regulation.

The plan has been prepared to guide actions over the period July 2011 to June 2014. The document is separated into 9 sections and is supported by the Local Orders Policy:

1. Microchipping and Registration
2. Animal Wellbeing
3. Community Living
4. Protection of the Natural Environment
5. Public Amenity and Open Spaces
6. Pound Activities
7. Educational Initiatives
9. Compliance Issues



Each segment overviews the issues. Key actions have been listed and performance indicators identified to assist in measuring the progress towards achieving the stated outcome. Where possible, the key actions have been kept to match existing resource levels. The Plan primarily seeks to shape the work that is currently undertaken, to give it a strategic direction, to target resources and to influence the workload mix to incorporate non-regulatory activities into daily practice. Where funding is required this is indicated.

Council's Key Enforcement Powers

The NSW Companion Animals Act sets out the regulatory provisions for the management of domestic dogs and cats. Local government is charged with implementing the Act. In Council, the enforcement of companion animals management is primarily undertaken by Environmental Rangers who also perform a range of other important regulatory roles. The actions outlined in this plan however include responsibilities of other areas of Council's operations thus ensuring a co-ordinated approach to companion animal management.

The key legislative responsibilities under the Companion Animals Act, include:

Cats

Section 31 The issuing of a nuisance notice or order - issued where a cat persistently makes a noise or the noise continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premise or where a cat repeatedly damages anything outside the property on which it is ordinarily kept.

Sections 92;30; 10A Issuing of penalty infringement notices - Cats found in prohibited places such as food preparation / consumption areas and designated wildlife protection areas. Note: Roaming cats are not regulated other than in these areas. A notice can also be issued where a cat has not been microchipped, registered or is not properly identified while away from the property on which it is ordinarily kept.

Council does not have regulatory powers to restrict roaming cats, unless clear evidence is available that shows the cat is causing a nuisance to or damaging a neighbours property or wildlife.

Dogs

Section 34 Declaration of a dangerous dog - Council can declare a dog as dangerous where it displays unreasonable aggression or is a dog kept for hunting purposes. Owners may also voluntarily declare their pet as a dangerous dog.

Section 21 The issuing of a nuisance notice or order - issued where a dog is habitually at large, persistently barks or makes a noise that continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in another premise; repeatedly defecates outside the property;



Council's Key Regulatory Roles

repeatedly chases or runs at any person or vehicle; endangers the health of any person and / or repeatedly causes substantial damage to anything outside the property on which it is kept.

Sections 18;57 Seizure of an attacking and / or biting dog and where control requirements associated with restricted breeds are not complied with.

Sections 92;14;
12A;13;20;57A;
10A Issuing of penalty infringement notices - Dogs found in prohibited places such as child care centres, children's play areas, food preparation and consumption areas (unless in a road reserve), public bathing areas and parks / recreational areas so indicated as prohibiting dogs; and designated wildlife protection areas. Dogs not being contained within a property and not on a leash whilst in a public place other than a designated off leash area; as well as fines for dogs defecating in public place; the sale of a restricted dog or proposed restricted dog; where a dog has not been microchipped and registered or for non compliance with a nuisance order.

A recurring theme throughout the Companion Animals Management Plan is the issue of socially responsible pet ownership.

Responsibilities include but are not limited to meeting the regulatory requirements including a collar, identification, microchipping and registration, being restrained on a lead and under effective control, minimise excessive noise, ensuring containment of the animal on the premises, etc., and where relevant, satisfying the legislative requirements for dangerous or restricted breeds of dogs.



Companion Animals Management Issues

1. Microchipping and Registration

Outcomes Sought

All eligible cats and dogs within the City are microchipped and registered on the NSW Companion Animals Register.

The Companion Animals Act (Sections 8-9) requires owners to:

- Have their cats and dogs microchipped from 12 weeks of age or at the time in which they are sold or given away;
- Register their cats and dogs on the NSW Companion Animals Register by 6 months of age; and
- Advise Council when there is a change in either ownership or place of residence and on the death of their pet/s.

Note: There are exemptions to these requirements for cats born before the commencement of the Act on 1 July 1999. These cats do not have to be registered (unless sold) but are required to be identifiable when away from the place of residence.

The identification and registration of cats and dogs underpins responsible pet ownership and delivers the following benefits:

- Lost pets can be identified and returned to the legal owners. This can also be an advantage in the event of a bushfire or other emergency where pets may be separated from owners;
- Ownership of pets can be legally established in the event where liability has been incurred as a result of animal behaviour and where the enforcement strategies of the Companion Animals Act need to be used;
- Owners of abandoned animals can be readily identified to aid the efforts of Animal Welfare bodies to locate and bring to account irresponsible animal owners;
- Faster reunion with pet owners saves those owners the costs of collection, kennelling, impounding and possible destruction of pets. It also reduces stress on lost pets by returning the pet directly to the owner;
- Enables Council to engage in more direct communication with pet owners to advise of new programs, initiatives and requirements;

It is in everyone's interest for the entire cat and dog population of the City to be microchipped and registered. Action needs to focus on initiatives that address the percentage of the population that do not have their pets microchipped and registered, including those who sell or give a gift of a cat or dog, to ensure compliance with the law at the point of origin.



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The following key actions for microchipping and registration have been identified.

Key Actions		Timeframe / Comment
1.1	Council continues to act as an agent for the State Government by accepting payment for lifelong membership of companion animals and enter the relevant details into the electronic NSW Companion Animals Register.	Ongoing - within existing resources
1.2	Advise owners in writing of the need to register any microchipped but unregistered animal over 6 months of age using reports made available from the Companion Animals Register.	Quarterly - within existing resources
1.3	Develop and implement an incentive proposal to encourage microchipping and registration of cats in particular.	As opportunities arise
1.4	Complete letterbox drops in targeted street locations advising owners of the requirements of the Companion Animals Act.	Ongoing - within existing resources
Performance Indicator		Measurement tool
1.A	The number of cats and dogs both microchipped and registered increases.	Companion Animal Register

2. Animal Wellbeing

Outcome Sought

All companion animals are appropriately cared for by their owner by the provision of adequate shelter, nutrition, exercise and interaction with other pets and people, and are kept in a manner that protects wildlife.

Companion animals which are provided with appropriate management, attention and care are less likely to develop behavioural problems which can impact on wildlife, other animals, family members and friends as well as the broader community. Animals kept in a confined space can become bored and this may lead to barking, excessive jumping and chasing. Animals that are adequately prevented from roaming are safe from other cat, dog or fox attacks, or motor vehicle injuries/death and are less likely to impact on wildlife.

Responsibilities include but are not limited to:

- Select the correct type of pet for the family or individual.
- Provide adequate food, grooming and shelter for the animal with sufficient space to exercise.
- Ensure adequate veterinary care including desexing (if appropriate) and vaccinations.
- Ensure proper care by adopting acceptable hygiene practices including cleaning the premises, the removal and proper disposal of animal faeces.



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- Provide opportunities for social interaction with other animals and humans.
- Manage the pet in a way which does not adversely impact on neighbours, wildlife and / or which does not create a nuisance in public places.

Note: Predation by feral cats is listed as a key threatening process under Schedule 3 of the Threatened Species Conservation Act 1995.

- Ensure pets are well cared for during extended periods of absence with regular meals, exercise and human contact.

To address the issues of animal wellbeing, the following key actions have been identified.

Key Actions		Timeframe / Comment
2.1	Report incidents of suspected maltreatment of companion animals to the RSPCA.	Ongoing - within existing resources
2.3	Review and adopt a Local Orders Policy on the minimum standards required for the keeping of domestic animals to improve animal welfare and minimise impact on the immediate neighbourhood. (Review required under s.165 Local Government Act within 12 months after the declaration of the poll for a general election of the Council).	Years 2-3 - within existing resources
Performance Indicator		Measurement tool
2.A	Animal welfare statistics.	RSPCA data

3. Community living

Outcome Sought

Pet owners are aware of their responsibilities and manage their pet/s in a manner which does not adversely impact on other residents, the environment and wildlife.

In most years, the Council receives and investigates around 1550 complaints concerning the keeping of animals. The majority of these complaints relate to stray, roaming, attacking or barking dogs. A significant number also relate to the number of animals on a single property and / or their impact on the environment and the amenity of the immediate neighbourhood due to any one or more contributing factors. These include excessive and objectionable noise, odour, unsightliness, unhygienic conditions, inadequate distances to habitable rooms in nearby properties or lack of containment.

Contrary to legislations dogs are by far the most common animal found to be roaming. Roaming dogs affect the surrounding neighbourhood by engaging in skirmishes, defecation, urinating and damage to gardens. Note: Council does not have regulatory powers to restrict roaming cats,



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unless they are causing a nuisance which is substantiated by evidence. Some common reasons that cause dogs to roam include:

- Boredom;
- Separation from family/ pack;
- Inadequate property fencing;
- To find a mate;
- To find food.

The Companion Animals Act has provisions to penalise the owners of roaming dogs. The public health, safety and convenience consequences of roaming dogs include:

- Threatening, harassing and attacking behaviour;
- Traffic hazard;
- Loss or injury of the dog;
- Damage to other property;
- Barking nuisances;
- Pollution from defecation, urination and rummaging through bins;
- Indiscriminate breeding;
- Transmission of diseases;
- Destruction of wildlife;
- Increase in the feral dog population.

A reduction in the number of roaming dogs will increase the level of safety and build tolerance in the community for animal ownership. There are a number of measures that can be employed by owners to address the roaming animal problem in the Mountains.

- Ensure all dogs in public spaces are on a leash and under effective control (see Section 5: Public Amenity and Open Spaces)
- Ensure that a dog is not able to overpower the person who is in control of the dog.
- Ensure yard areas are adequately fenced.
- Ensure dogs are both microchipped and registered.

Noise pollution from companion animals is normally reported by an adjoining resident because it intrudes into their awareness, is heard against their wishes and affects their comfort.



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In the Mountains, background noise levels throughout the community are often quite low, even in the urbanised areas. Traditional noise attenuation strategies of separation and acoustic treatment are not usually practical for the control of animal noise. Separation distances to attenuate the noise of a barking dog are too great to be an effective control strategy in the urban environment and acoustic treatments are often expensive.

Control of animal noise can be enforced under a range of legislation including the Companion Animals Act, Protection of the Environment Operations Act and the Local Government Act. The Community Justice Centre and the local Chamber Magistrate at Katoomba Court may be of assistance in resolving neighbourhood noise issues.

By far, the most effective tool is to control the noise at the source, ie., the owner takes responsibility for managing their pet. To be effective, animal owners need to understand why an animal will bark or make a noise.

- Attention seeking – the animal usually gains a response from its owners.
- Dominant / spoilt – the animal when left alone or not getting its way will bark.
- Boredom.
- Separation anxiety.
- Traits of different breeds.
- Lack of training.

To address the issues raised in community living, the following key actions have been identified.

Key Actions		Timeframe / Comment
3.1	Identify and target enforcement and education action in areas having higher complaint profiles and pet population density.	Ongoing - within existing resources
3.2	Issue at a minimum a warning on every identified roaming dog; thereafter penalties should apply unless extenuating circumstances exist.	Ongoing - within existing resources
Performance Indicator		Measurement tool
3.A	Analysis of trends on the number of complaints about companion animals.	Council records



Companion Animals Management Issues

4. Protection of the Natural Environment

Outcome Sought

The City's cats and dogs are managed in a way that minimises impact on the natural environment, particularly wildlife.

Many privately owned properties particularly those located at the bushland interface provide habitat and shelter for native flora and fauna. Cats and dogs, if allowed to roam unrestricted in these environments, can have a significant impact on native flora and fauna. Cats in particular are very efficient hunters with studies estimating that each domestic cat kills on average 30 native animals per year.

Dogs and cats seek and kill small mammals, lizards and other reptiles and the physical impact of larger dogs can destroy elements of local ecosystems rendering them more prone to weed infestation and destruction. The flow on effects of such activities threaten the survival of our unique native plants and animals.

The mere presence of cats and dogs can attract other predators of our native flora and fauna such as foxes. The Blue Mountains local government area contains a very high fox population and this is partly attributed to the presence of companion animals. Pet food for cats and dogs is a source of nourishment for foxes and they are known to enter backyards to eat remaining pet foods that have been left out in bowls.

The presence of dog and cat waste, including faeces, urine and foodscraps, not only impacts on health and amenity, but also through its decomposition releases high levels of nutrients into local soil systems that threaten biodiversity. Adding nutrients upsets the soil balance leaving the local environment prone to exotic weed infestation. It is an offence under Section 20 of the Act for an owner not to remove and appropriately dispose of dog faeces in a public place. In general, however these offences are difficult to enforce.

The Companion Animals Act 1998 declares that the protection of native birds and animals is an objective of animal welfare policy in the State of NSW, so owners of companion animals must make every effort to prevent their animals from adversely impacting on wildlife.

On the 23 November 2010, the Council adopted a policy on Wildlife Protection Areas. Further work is to be undertaken on the establishment of trial Wildlife Protection Areas within the City of Blue Mountains. This requires the careful consideration of all issues including the requirements for additional resources to effectively investigate, establish and manage such areas together with an assessment of the impacts of Wildlife Protection Areas on all users.

The Companion Animals Act enables Council to prohibit dogs and / or cats from "Wildlife Protection Areas". Such areas are set apart for the protection of wildlife.



Companion Animals Management Issues

The following key actions for the protection of the natural environment have been identified.

Key Actions		Timeframe / Comment
4.1	Develop a memorandum of understanding for the management of companion animals captured as part of the NPWS wild dogs programme.	Years 1-2 - within existing resources
4.2	Implement trial 'Wildlife Protection Areas'.	Years 1-3 - funding required
Performance Indicator		Measurement tool
4.A	Outcome of trial on selected 'Wildlife Protection Areas' reported to the Council.	Report completed

5. Public Amenity and Open Spaces

Outcome Sought

People are able to move freely throughout the public areas of the City without loss of amenity due to cats and dogs not being under effective control, and furthermore that dog owners have access to safe leash free exercise areas for their pets.

Cats and dogs are important companions to their owners and the rights of owners to enter public places with their pets needs to be protected. It is equally important that general rights to enjoy community and open spaces, free of dog and cat nuisances, are enforced.

There are a number of locations where the Companion Animals Act (Sections 14, 30) prohibits cats and dogs.

	Applies to dogs	Applies to Cats
Food preparation and consumption areas, unless it is a public thoroughfare such as a road, footpath or pathway in which case appropriate food laws apply.	*	*
'Wildlife protection areas' as defined under the Act.	*	*
In or within 10 metres of children's play areas.	*	
Recreation and public bathing areas where signage prohibits dogs.	*	
School grounds, unless with the permission of the person controlling the grounds.	*	
Child care centres unless with the permission of the person controlling the centre.	*	
Shopping arcades / complexes where animals are prohibited unless secured in a vehicle, or with the permission of the person controlling the place or going to or from a vet or pet shop.	*	



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It is essential that owners keep their pets under effective control when they exercise their rights to enter the public domain and immediately pick up and appropriately dispose of faeces.

Council can declare a public place to be an “off leash” area under Section 13 of the Act. In areas so designated, dog owners do not have to restrain their animal on a leash, but must act in a responsible manner to ensure that the dog does not cause injury, nuisance or harm to any other animal, person or the environment. For information on off leash areas go to www.bmcc.nsw.gov.au

Multiple off leash areas:

- Provide opportunities for dogs to socialise with other dogs and humans;
- Increase the likelihood that exercise and recreation activities will minimise poor behaviour and aggression and to keep pets healthy and relieve boredom thereby minimising potential nuisances.

There is a need to protect these areas from conflicting uses and this is best achieved by developing and implementing plans of management and improving the planning and design of new areas.

To address the public space and amenity issues, the following key actions have been identified.

Key Actions		Timeframe / Comment
5.1	Ensure that signage of Council parks/reserves and off leash areas is prominent, clear and easily understood.	Ongoing - within existing resources
5.2	Investigate the inclusion of additional off leash areas within the City for the purpose of enabling owners to exercise their dog/s without adversely impacting the environment, including wildlife, and managing the impact on other users of public open space.	Years 2-3 - within existing resources
5.3	Conduct targeted patrols of Council parks/reserves and off leash areas to ensure pets are appropriately managed within these spaces.	Ongoing - within existing resources
5.4	Review the adequacy of the number of waste bins provided and maintained in designated off leash areas.	Years 2-3 - within existing resources
5.5	Investigate the inclusion of dog free zones on selected sports grounds.	Years 1-2 - within existing resources
Performance Indicator		Measurement tool
5.A	Number of PINs / Warnings issued for dogs in public places.	SDRO records



Companion Animals Management Issues

6. Pound Activities

Outcome Sought

Council continues to operate an animal pound to provide the best available service in a cost effective manner.

A component of Council's animal management services is the need to provide food and short term shelter for stray or roaming cats and dogs until claimed by their owner. This service is currently provided under contract.

Impounding of animals

Where a animal is microchipped and registered, every effort is made to return the animal to the owner, assuming that the place of residence is current and affords suitable containment for the animal. In most other circumstances the animal will be transported to the Pound for collection by the owner within the prescribed time limits.

The Act provides that microchipped animals be held for a minimum of fourteen days and unidentified animals kept for seven days.

Appropriate fees apply for the accommodation, sustenance, registration and microchipping, veterinary costs, upon collection of the animal. At the expiration of the prescribed periods the unclaimed animal may be disposed of by sale or euthanised.

Feral and infant animals

Infant or feral animals can find their way to the Pound facility by a number of means including delivery by:

- The owner of the animals, or
- Resident or visitor, or
- Council staff.

Consequently and in a practical sense, a prompt, humane and cost effective decision is required upon receipt of an infant or feral animal/s at the animal shelter. The Companion Animal Act (Section 64(2)) allows for the decision to euthanase an infant animal to be made without waiting the prescribed minimum time periods.

Under these circumstances the following operational arrangements will apply.

The shelter manager or the person acting in that position will, in the case of infant animal/s, carry out an assessment which includes:

- The approximate age of the animal/s;



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- Whether the animal/s have been microchipped;
- The condition of the animal/s, the ability to eat without assistance;
- Whether the animal/s appears malnourished;
- The likelihood of survival;

or for feral animals:

- The capacity of the staff to safely handle and store the animal/s;
- Any occupational health and safety issues;
- The sustainability of caring for the animal/s;
- The prospects of re-housing the animal into a responsible environment.

If the assessment by the shelter manager in either of the above situations discloses that it is not humane, or practical to provide immediate or long term care and shelter for the infant or feral animal/s, then the shelter manager, after consultation with the appropriate Council representative may destroy the animal/s without waiting the prescribed mandatory time.

Any such action taken by the shelter manager shall be appropriately reported to Council in accordance with routine reporting arrangements.

The following key actions in relation to Pound activities are to be undertaken.

Key Actions		Timeframe / Comment
6.1	That Council submit an annual report to the Department of Local Government in accordance with the provisions of Section 67A of the Act by 30 September each year.	Ongoing - within existing resources
6.2	Develop and implement an electronic pound register to replace manual record keeping practices.	Year 1 - within existing resources
6.2	Implement pound contract and manage contract services.	Ongoing - within existing resources
Performance Indicator		Measurement tool
6.A	Number of animals impounded.	Pound data



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7. Educational Initiatives

Outcome Sought

A practical balance is achieved which delivers sustainable outcomes between enforcement and education.

There are a range of strongly held views in the community on the relative merits of education versus enforcement with regard to domestic animal management. In reality there is a role for both.

Whilst voluntary compliance and/or behavioural changes are preferable, there will be a need from time to time, for regulatory action to be instigated. The latter approach can be time consuming and comes with some financial cost to Council and therefore ratepayers. In relation to serious safety, amenity and environmental matters, enforcement action and / or imposition of penalties are often unavoidable.

Whilst the Companion Animals Act is prescriptive in many of its requirements, there is scope for an educational approach at a state and local level.

The State Government has developed a number of educational strategies and it is in the community and Council's interests to support these initiatives. This plan seeks to facilitate educational programmes so as to reduce the need for regulatory action and both financial and social costs.

The following key actions are proposed.

Key Actions		Timeframe / Comment
7.1	Enlist the support and co-operation of key stakeholders such as vets, pet shops, kennels and cattery operators, pet groomers, animal trainers and the like to promote responsible pet ownership.	As opportunities arise
7.2	Support and promote the educational initiatives of both Government and non-government agencies in regard to companion animals.	As opportunities arise
7.3	Design a fact sheet that encourages direct dialogue between neighbours on noise issues and better defines management options.	Year 1 - within existing resources
7.4	Review and update Council's website on responsible pet ownership and other companion animal related initiatives.	Ongoing - within existing resources
7.5	Expand forums in which educational material is published.	As opportunities arise



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7.6	Distribute hardcopy educational material that: a) promotes better pet management within the native bushland environment, focusing on the importance of the urban backyards to wildlife. b) provides information on a range of topics including animal welfare, wildlife protection. c) promotes the benefits of early desexing of animals in addressing behavioural traits.	Integrate into daily activities
Performance Indicator		Measurement
7.A	Educational initiatives are advised in the Council Annual Report.	Reported annually

8. Compliance Issues

Outcome Sought

The community is protected from serious dog attacks and/or injury by the enforcement of the prescribed requirements of the Companion Animals Act.

Significant changes have occurred to the Companion Animals Act in recent years placing additional responsibilities on Council's regulatory services.

The practical problems which can arise from the management of pets, can be an emotive issue at the local neighbourhood level and this is reflected in the receipt of an increasing number of complaints by Council on a broad range of animal management issues.

Whilst every effort is made to resolve such complaints in a negotiated manner, there are occasions in which some form of enforcement action is required. The Act provides for a broad range of compliance options for Council including:

- The issuing of nuisance orders;
- Dangerous dog declarations;
- Restricted breed requirements;
- Penalty infringement notices;
- Legal action in the Local Court;
- Seizure powers;



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- Destruction orders through the Local Court.

The following summary provides an indication of some of the compliance issues which Council officers regularly confront.

Nuisance cats and dogs include the following situations in which the animal is:

	Applies to dogs	Applies to Cats
habitually at large;	*	
*making a persistent noise;	*	*
defecating on another person's property;	*	
chasing a person, vehicle or animal;	*	
endangering the health of any person, animal;	*	
repeatedly causes substantial damage to anything outside the premises.	*	*

Where evidence is available to substantiate an offence, the cat or dog can be declared a nuisance within the terms of either Sections 21 or 31 of the Act respectively. Whilst every effort is made to resolve these situations by negotiation, there are occasions when regulatory action is required.

In these circumstances, Council is required to observe the principles of natural justice and serve a 'Notice of Intention' on the pet owner. The affect of the process is to give the owner a certain time period in which to lodge a written submission as to why a formal Order should not be issued.

If a Nuisance Order is issued it will remain in place for 6 months and the owner is expected to undertake whatever action is necessary to change the behaviour of their pet. Penalties apply for non compliance and any enforcement action undertaken will be in accordance with Council's Enforcement Policy and / or Local Orders Policy.

Dangerous dogs

Significant changes were introduced in the Companion Animals Act in response to growing community concerns on the irresponsibility of a very small minority of dog owners and the seriousness and frequency of attacks by certain breeds of dogs.

Consequently under the provisions of the Companion Animals Act (Section 34), a dog can be declared a dangerous dog by an authorised officer of Council (or a Court), if the dog:

1. (a) has, without provocation, attacked or killed a person or animal (other than vermin), or
- (b) has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin), or



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- (c) has displayed unreasonable aggression towards a person or animal (other than vermin), or
 - (d) is kept or used for the purposes of hunting.
2. A dog is not, for the purposes of subsection (1) (d), to be regarded as being kept or used for the purposes of hunting if it is used only to locate, flush, point or retrieve birds or vermin. "Vermin" for the purposes of this subsection includes small pest animals only (such as rodents).

Note: If a hunting dog is declared to be a dangerous dog, the declaration does not necessarily mean that the dog cannot be used for the purposes of lawful hunting.

The Act provides for certain procedures to be followed in which the owner of the dog is given an opportunity to make a written submission as to why an Order should not be issued. The prescribed requirements of the Act can include, but are not limited to, the desexing of the dog, the wearing of a muzzle and on a lead in public places, in addition to certain signage, a mandatory dog collar to be worn, and the installation of an enclosure of a minimum size and construction on the property.

A certificate of compliance for the enclosure is required to be obtained from the Council. The dangerous dog Order remains with the dog for its lifetime and the Order is recorded on the State-wide Companion Animals Register.

Restricted breeds

The Act (Section 55) currently prescribes the following breeds to be restricted breeds:

- (a) American pit bull terrier or pit bull terrier;
- (b) Japanese tosa;
- (c) dogo Argentino;
- (d) fila Brasileiro;
- (d1) any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the *Customs Act 1901* of the Commonwealth;
- (e) any dog declared by an authorised officer of a council under Division 6 of this Part to be a restricted dog;
- (f) any other dog of a breed, kind or description prescribed by the regulations for the purposes of this section.

The requirements which apply to dangerous dogs such as the enclosure of the property and other safety matters also apply to the restricted breed dogs. The Act also provides for an independent breed and temperament assessment should there be a dispute as to the specific breed of the dog.



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Seizure of dogs

Authorised officers may seize an animal in certain circumstances. In these situations and in accordance with the statutory period, microchipped animals are held for a minimum of fourteen days and unidentified animals kept for seven days. Where an animal is identified, advice of the dog's seizure or impounding will be directed to the address given at the time of microchipping and / or registration. A formal notice will be left in a conspicuous location on the premises if the residence is unattended.

The regulatory powers to seize animals do not extend to entering private property to seize an animal that may have been the subject of neglect or cruelty. In any such case, the RSPCA is the appropriate authority.

Dog attacks

Offences relating to dog attacks are broadly defined in the Act. An offence occurs if a dog consistently rushes at, bites, harasses or chases any person or animal, whether or not any injury is caused. It is not an offence if the dog is provoked by teasing, is being mistreated or attacked.

The offence provisions also apply to a person/owner who urges a dog to attack.

Victim and witness statements received by Council on alleged dog attacks will be assessed on their individual merits to determine the nature of any enforcement action.

All confirmed dog attacks will be reported to the Department of Local Government, in accordance with the established protocol.

The following key actions are to be undertaken.

Key Actions		Timeframe / Comment
8.1	Implement the requirements of the Companion Animals Act in accordance with Council's Enforcement Policy and / or Local Orders Policy.	Ongoing - within existing resources
8.2	Enforce the enclosure and other requirements for dangerous dog / restricted breeds.	Ongoing - within existing resources
8.3	Investigate all dog attacks as a matter of high priority and report confirmed incidents to the Department of Local Government for inclusion on a database.	Ongoing - within existing resources
Performance Indicators		Measurement tool
8.A	Report on compliance and enforcement activities as part of the review of the 2011-2014 Plan.	Report completed