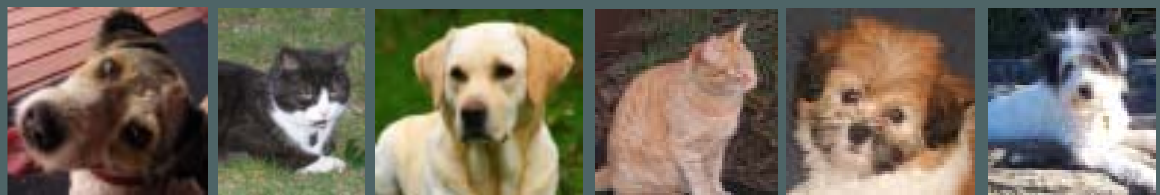




Companion Animals Management Plan (Cats and Dogs) 2008-2011





Introduction

The development of the Companion Animals Management Plan reflects, in part, the fact that Council's role in animal management, which once was simply administrative and regulatory, has changed in keeping with community attitudes and expectations towards a more holistic approach to animal management.

The Blue Mountains City Council 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. This plan serves, amongst other things, to provide the platform for future actions to reflect this status.

The Companion Animals Management Plan 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 be consistent with Council's 25 year Strategic Plan.
- 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 prioritise 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 for the period 2008 to 2011. The document is separated into 10 segments and is supported by the Local Orders Policy:

1. Responsible Pet Ownership
2. Microchipping and Registration
3. Protection of the Natural Environment
4. Roaming Dogs
5. Animal Welfare
6. Public Amenity and Use of Open Spaces
7. Barking Dogs
8. Compliance Issues
9. Pound Activities
10. Educational Initiatives



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 changes proposed primarily seek to shape the work that is currently undertaken, to give it a strategic direction and to influence the workload mix to incorporate non-regulatory activities into daily practice. Where funding is required this is indicated in the Plan.

Council's Key Regulatory Roles

Companion animal management is currently undertaken by Council's Environmental Rangers who also perform a range of other important regulatory roles for Council. The implementation of the actions of this plan may require an expansion of companion animal management to include other areas of Council's operations. The key legislative responsibilities under the Companion Animal 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 neighbours and 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.



Companion Animals Management Issues

1. Responsible Pet Ownership

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.

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

These responsibilities include but are not limited to:

- Selecting the correct type of pet for the family or individual.
- Providing adequate food, grooming and shelter for the animal with sufficient space to exercise.
- Ensuring adequate veterinary care including desexing (if appropriate) and vaccinations.
- Ensuring proper care by adopting acceptable hygiene practices including cleaning the premises, the removal and proper disposal of animal faeces.
- Providing opportunities for social interaction with other animals and humans.
- Managing 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.

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

The following key actions have been identified.

Key Actions

Timeframe / Comment

- | | | |
|-----|--|------------------------|
| 1.1 | 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 |
| 1.2 | Complement action taken by government agencies and other stakeholders to support responsible pet ownership. | As opportunities arise |



Companion Animals Management Issues

| | Timeframe / Comment |
|--|-----------------------------------|
| 1.3 Encourage responsible ownership as part of the regulatory activities. | Integrate into existing practices |
| 1.4 Encourage responsible pet ownership by seeking voluntary co-operation in the management of companion animals by providing accessible promotional material. | As opportunities arise |
| 1.5 Investigate ways to improve data collection in relation to companion animal ownership, including the incidents of animal attack. | As opportunities arise |
| Performance Indicators | Measurement tool |
| 1.A Trend analysis on the number of orders issued on the keeping of animals under the Local Government Act. | Council database |

2. Microchipping and Registration

Outcome Sought

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

As at June 2007, there were over 16,000 microchipped dogs and cats residing in the Blue Mountains City area. Of these microchipped animals 8,563 have been registered on the New South Wales Companion Animal Register. Note that these figures are for animals over 6 months old.

Registration is required for all dogs and cats and is a one off lifetime registration, fees apply. Identification and registration of cats and dogs is important if Council is to manage at least the partial costs for pet activities. Identification also allows for the speedy reunion of lost pets with their owners. 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 once they reach 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.



Companion Animals Management Issues

Reasons why people do not register their cats and dogs can be summarised in the following points:

- Confusion – people think that the microchip identification is the registration of the pet;
- Forgetfulness – people delay having their pet registered until the animal is desexed to take advantage of reduced registration fees;
- Unaware of the legal requirement to do so;
- Fear that the registration of numerous pets by a single owner may trigger enforcement action on the number of pets owned;
- Disregard for the legal requirement to do so; and
- Affordability.

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 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 costs on 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;
- Provides an accurate source of data on local cat and dog populations, distribution and their characteristics to enable effective and efficient application of Council resources;
- Nuisance pets can be readily identified to appropriately enforce the provisions of the Companion Animals Act.

It is in everyone's interest for the entire cat and dog population of the City to be identified and registered. Council 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.



Companion Animals Management Issues

Animals which have unfortunately been killed on the road are scanned and where microchipped, the owner is notified. In circumstances where the animal is removed to a waste disposal facility the recovery of the animal by the owner is not possible.

To achieve this outcome the following key actions have been identified.

| Key Actions | Timeframe/ Comment |
|--|---|
| 2.1 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 |
| 2.2 Department of Local Government to be requested to establish a system to autogenerate letters to owners of dogs and cats over 6 months of age that have been microchipped but not registered, advising of the legal requirement to register their cat and/or dog on the NSW Companion Animals Register. | Year 1 - within existing resources |
| 2.3 Implement appropriate enforcement action against the owners who fail to have their cat or dog microchipped in accordance with the Companion Animals Act. | Ongoing - within existing resources |
| Performance Indicators | Measurement tool |
| 2.A The number of cats and dogs both microchipped and registered increases. | Comparative data - Companion Animals Register |



3. 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.

The Blue Mountains local government area covers approximately 143,000 hectares of the Great Dividing Range. About 70% of the City is designated as National Park that is recognised with World Heritage status due to its unique eucalypt vegetation and globally outstanding biodiversity. As at December 2005, there were 36 known threatened animal species within our Local Government area.

In the year 2000, our resident population was approximately 77,000 people who live in, or in the vicinity of 26 towns and villages. With only 10.5% of the total land within the local government area falling under private ownership, the management of the activities of human settlement needs to be carefully balanced to protect world-renowned natural environment. Community feedback to the Council's 25 year strategic plan indicates that the protection of the environment is of significance, identifying the following environmental priorities for the City:

- The natural environment is preserved with:
 - The diversity of native flora and fauna being maintained;
 - The health of waterways and catchments being improved;
 - Our clean air quality being maintained.
- Management of the impact of existing and new development on the environment.
- Blue Mountains residents living sustainably in the environment.

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.



Companion Animals Management Issues

The impact of companion animals on the environment is mitigated by a number of actions within this plan. Wildlife Protection Areas or the proper disposal of animal waste are not dealt with elsewhere in terms of “Key Actions”.

Wildlife Protection Areas

The Companion Animals Act enables Council to prohibit dogs and / or cats from “Wildlife Protection Areas” (meaning any public place or any part of a public place set apart by the Council for the protection of wildlife and in which the Council has ordered that cats and/or dogs are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the Council at reasonable intervals notices to the effect that dogs and cats are prohibited in or on that public place).

The establishment of Wildlife Protection Areas within the City of Blue Mountains will require 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.

Additional resources will be required to facilitate any introduction of Wildlife Protection Areas.

Animal waste

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 general, however these offences are difficult to enforce.

To manage these issues the following key action has been identified.

Key Action

Timeframe / Comment

- | | | |
|-----|---|------------------------------|
| 3.1 | Develop educational material, particularly for residents living close to sensitive environmental areas, to promote better pet management within the native bushland environment, focusing on the importance of the urban backyards to wildlife. | Years 2-3 - funding required |
| 3.2 | Investigate the viability of declaring a trial area as “Wildlife Protection Area”. | Years 2-3 - funding required |

Performance Indicators

Measurement tool

- | | | |
|-----|---|--|
| 3.A | Random survey of residents. | Results of survey |
| 3.B | A report to Council is prepared in relation to the establishment of a trial Wildlife Protection Area. | An investigation and report to Council is prepared |



4. Roaming Dogs

Outcome Sought

The incidence of roaming dogs is reduced to preserve the health, safety and convenience of the wider community and to preserve native fauna and natural ecosystems..

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, unless they are causing a nuisance (see [Section 6 - Public Amenity and Open Spaces](#)).

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.



Companion Animals Management Issues

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.
- 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 registered.

To address the issues raised by roaming dogs the following key actions have been identified.

| Key Actions | Timeframe / Comment |
|---|---------------------------------------|
| 4.1 Develop guidelines to assist in the appropriate design of fencing and yard areas to minimise the chance of escape. | Years 1-2 - funding required |
| 4.2 Target enforcement surveillance in areas identified as having higher complaint profiles and pet population density. | Ongoing - within existing resources |
| 4.3 Ensure repeat offences are recorded / captured for easy analysis. | Years 1-2 - within existing resources |
| Performance Indicators | Measurement tool |
| 4.A Analysis of trends on the number of complaints about roaming dogs. | Council database |



Companion Animals Management Issues

5. Animal Welfare

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.

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.

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.

To address the issue of animal welfare, the following key actions have been identified.

Key Actions

- | | Timeframe / Comment |
|---|---------------------------------------|
| 5.1 Report incidents of suspected maltreatment of companion animals to the RSPCA. | Ongoing - within existing resources |
| 5.2 Implement 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. | Years 1-2 - within existing resources |
| 5.3 Provide educational material on animal welfare, including wildlife protection. | Years 1-2 - within existing resources |

Performance Indicator

- | | Measurement tool |
|--------------------------------|------------------|
| 5.A Animal welfare statistics. | RSPCA data |



Companion Animals Management Issues

6. 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. | ✓ | |

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.



Companion Animals Management Issues

There are a number of benefits in having multiple off leash areas including the popularity of dog ownership, the opportunity for dogs to socialise with other dogs and humans, the likelihood that exercise and recreation activities will minimise poor behaviour and aggression.

These off leash areas provide an opportunity for human social interaction as well as exercise to keep pets healthy and relieve boredom thereby minimising potential nuisances.

A list of off leash areas and operational times can be found on www.bmcc.nsw.gov.au

There is a need to protect these areas from conflicting uses and this would be 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 |
|---|---------------------------------------|
| 6.1 Ensure that signage of Council parks/reserves and off leash areas is prominent, clear and easily understood. | Years 1-2 - within existing resources |
| 6.2 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 on the community or the environment, including wildlife. | Years 1-2 - within existing resources |
| 6.3 Conduct regular patrols of Council parks/reserves and off leash areas to ensure pets are appropriately managed within these spaces. | Ongoing - within existing resources |
| 6.4 Enforce the provisions of the Act where breaches of the Act associated with pets in public areas occur. | Ongoing - within existing resources |
| 6.5 Investigate the feasibility of ensuring that waste bins are provided and maintained in designated off leash areas. | Years 1-2 - within existing resources |
| Performance Indicators | Measurement tool |
| 6.A Audit of animal management signage in the Council reserves. | Audit undertaken |



Companion Animals Management Issues

7. Barking Dogs

Outcome Sought

Reduce the overall impact of barking dogs with a responsible approach to community living.

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

In the mountains, background noise levels throughout the community are quite low, even in the urbanised areas. The topography of the land often means that a barking dog may produce a noise level that it is clearly audible for quite a distance from the source with the potential to affect many surrounding residences.

Traditional noise attenuation strategies of separation and acoustic treatment are not usually practical for the control of animal noise. Separation distances to attenuate a barking dog are too great to represent a control strategy in the urban environment and acoustic treatments are expensive and often of a material that create unhealthy conditions.

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, i.e., 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 noise nuisance issues arising from barking dogs, the following key actions can be taken.



Companion Animals Management Issues

| Key Actions | Timeframe/ Comment |
|---|-------------------------------------|
| 7.1 To educate the community on the definition and management options associated with nuisance barking. | Integrate into daily activities |
| 7.2 Promote the benefits of early desexing of animals in addressing behavioural traits. | Integrate into daily activities |
| 7.3 Design guidelines that encourage direct dialogue between neighbours on noise issues. | Years 2-3 - funding required |
| 7.4 Enforce the provisions of the relevant legislation. | Ongoing - within existing resources |
| Performance Indicators | Measurement tool |
| 7.A Analysis on number of complaints relating to barking dogs. | Council database |

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 management of dogs and cats consequently represents a major impact on staff resources, particularly the Council's Ranger services. 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;



Companion Animals Management Issues

- Seizure powers;
- 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. | ✓ | ✓ |

Under any of these circumstances 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.

A Nuisance Order remains 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.

With respect to cats, it should be understood that a distinction needs to be drawn at this point between feral and domestic owned cats, the latter being the subject of this aspect of the legislation. The primary issue is the potential for domestic cats to stray from their home and either into a neighbouring property or bushland with an adverse impact on wildlife.



Companion Animals Management Issues

Dangerous dogs

Significant changes were introduced in the Companion Animals Act in recent times 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
 - (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;



Companion Animals Management Issues

- (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.

Seizure of dogs

Authorised officers may seize an animal in certain circumstances. In these situations, the RSPCA facility at Mort Street Katoomba is used to impound the animal for the statutory period, ie., microchipped animals are held for a minimum of fourteen days and unidentified animals kept for seven days.

In accordance with the legislation, every effort will be made by the Council to notify the owner of the dog's seizure or impounding. 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 circumstances associated with dog attacks can also occur if the owner leaves a gate open, allowing the dog to attack pedestrians.

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 extent of any enforcement action.

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



Companion Animals Management Issues

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 | Implement a strategy for the issue of a Certificate of Compliance and periodic inspections of premises on which a dangerous or restricted dog is located. | Year 1 - integrate into existing practices |
| 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 |
| 8.4 | Develop a statement for Council's Annual Report on activities relating to enforcement and compliance with the Companion Animals Act and Regulation. | Annually - within existing resources |

Performance Indicators

Measurement

- | | | |
|-----|--|---|
| 8.A | Local trends on the number of dog attacks. | Department of Local Government database |
|-----|--|---|



Companion Animals Management Issues

9. 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) by the RSPCA who operate a pound at Mort Street Katoomba.

As a guide, a total of 659 cats and dogs were delivered to the Pound during 2006/07. Cats and dogs are taken to the Pound by various means including Council rangers and the public.

Impounding of animals

If a dog or cat is picked up by a Council Ranger as a roaming or stray animal, every effort is made to return the animal to the owner, assuming the animal is microchipped and the place of residence 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 RSPCA animal shelter 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 RSPCA animal shelter. The Companion Animal Act (Section 64(2)) allows for the decision to be made without waiting the prescribed minimum time periods.



Companion Animals Management Issues

Under these circumstances the following operational arrangements will apply.

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

- The approximate age of the animal/s;
- 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 who is satisfied that the alternatives under Section 64 (5) of the Act have been considered, the shelter manager may exercise the discretion under Section 64 (2) of the Act and seize and destroy the animal/s without waiting the prescribed mandatory time outlined in Section 64 (1) (a) and (b).

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

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

| Key Actions | Timeframe/ Comment |
|---|--|
| 9.1 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. | Annually - within existing resources |
| 9.2 Review Pound activities and contract. | Years 1 & 2- within existing resources |
| Performance Indicators | Measurement |
| 9.A Pound statistics. | Pound data |



Companion Animals Management Issues

10. Educational Initiatives

Outcome Sought

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

There will continue to be emotional arguments from all stakeholders 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, it is sometimes 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 to reduce the need for regulatory action and both financial and social costs.

The following key actions are proposed.

Key Actions

Timeframe/ Comment

- | | |
|--|------------------------------|
| 10.1 Organise either alone or in association with other stakeholders a Companion Animals Day or alternate activity at appropriate intervals at different venues. | Years 1-3 - funding required |
| 10.2 Support and promote the educational initiatives of both Government and non-government agencies in regard to companion animals. | As opportunities arise |
| 10.3 Develop online and hardcopy educative material on responsible pet ownership and other companion animal related initiatives. | Years 2-3 - funding required |

Performance Indicators

Measurement

- | | |
|--|-------------------|
| 10.A Any educational initiatives are advised in the Council Annual Report. | Reported annually |
|--|-------------------|