



Companion Animals Management Plan

(Cats and Dogs)
2017-2021



Introduction

The City of the Blue Mountains is uniquely located within a National Park and a World Heritage Area. This location 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 2017-2021 Companion Animals Management Plan is consistent with the strategic plan. It also complies with the obligations placed on the Council by the NSW *Companion Animals Act 1998*. It provides us with an opportunity 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 2008* and help to find the correct balance 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 1998* and Regulation.

The plan has been prepared to guide actions over the period July 2017 to June 2021. The document is separated into 8 sections:

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



Companion Animals Management Plan

Each section 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 1998* 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 animal 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 services thus ensuring a co-ordinated approach to companion animal management.

The key enforcement provisions under the *Companion Animals Act 1998* include:

Cats

- Sections 29; 30;92 The issuing of a Penalty Infringement Notice - A cat must be identified by way of a collar and tag or microchip while away from the property it is ordinarily kept. Cats are generally prohibited in food preparation/consumption areas and in wildlife protection areas.
Note: Roaming cats are not regulated other than in these areas. A penalty infringement notice (PIN) can be issued for breaches of the above.
- Section 31; 31A 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.
- Section 32 Seizure of cats - any person can seize a cat to protect any person or animal from injury or death. (Specific procedures must be followed).

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



Council's Key Enforcement Powers

Dogs

- Section 33;
33A;34
- Declaration of a dangerous or menacing dog - Council can declare a dog as dangerous if it:
- i) has, without provocation, attacked or killed a person or animal; or
 - ii) has without provocation, repeatedly threatened to attack, or repeatedly chased a person or animal; or
 - iii) is kept or used for the purpose of hunting.

A dog can also be declared as menacing if it:

- i) has displayed unreasonable aggression; or
- ii) without provocation, attacked a person or animal but without causing serious injury or death.

The nature of the aggression shown or potential aggression in the case of hunting dogs, will determine how Council proceeds. Refer to Section 9 of this Plan for more information.

- Section 32A;
32B
- 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; 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 and secure of dogs - A dog that has attacked or bitten may be secured on its property or seized. A dog may also be seized where any control requirements applying to the dog are not complied with.

- Sections 92;
14;12A;13;
20;57A;10A
- Issuing of penalty infringement notices (PIN) - A PIN can be issued in respect of:
- i) 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;
 - ii) dogs not being contained within a property and not on a leash whilst in a public place other than a designated off leash areas;
 - iii) dogs defecating in public place;
 - iv) the sale of a restricted dog or proposed restricted dog;
 - v) a dog that has not been microchipped and registered;
 - vi) for non compliance with a nuisance order.



Wild Dogs

Wild Dogs are not managed as part of this Companion Animals Management Plan. The management and control of wild dogs is the responsibility of the relevant land owners and managers.

As a land manager, Council has the same obligations in relation to the control and management of wild dogs as any other land owner. Under the *Local Land Services Act 2013* wild dogs are a declared pest, and as land manager, Council is required to control these pests.

Council's Environmental Rangers in their role of managing domestic dogs under the *Companion Animals Act 1998*, respond to minimise the threat to the community by providing assistance to relevant land managers with trapping programs and communication with the local community.

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; minimising excessive noise; ensuring containment of the animal on the premises; and where relevant, satisfying the legislative requirements such as the restraining dogs on a lead and under effective control; as well as identification of 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 1998* (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 prior to 12 weeks of age;
- Register their cats and dogs on the NSW Companion Animals Register by 12 weeks of age, or upon sale of the cat or dog (if sold prior to 12 weeks 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.

The State Government established a Companion Animals Taskforce in 2012 to provide advice on key companion animal issues. Following a review of the Taskforce Reports, the Government adopted a number of changes to the Act and other measures to help keep the community safe and further protect animal welfare. These measures included a review of the registration system and establishment of a funding program for Council and partner organisations to deliver targeted microchipping, registration and desexing programs.

In July 2016 the Office of Local Government launched the NSW Pet Registry which is an online database of microchipped and registered cats and dogs in NSW. All existing microchipped cats and dogs that have previously been contained within the Companion Animals Register are available via the new Pet Registry.

The Pet Registry enables owners to:

- update their contact details such as a change of address;
- transfer ownership;
- report pets as missing or deceased; and
- pay most lifetime registration fees online.

In 2017, the Office of Local Government will launch new modules as part of the NSW Pet Registry that will replace the Companion Animals Register, for councils and other authorised users with improved forms, functionality and reporting tools.

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;



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- 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 1998* 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.

Blue Mountains City Council encourages the microchipping and registration of cats and dogs. Where appropriate, it conducts or enters into partnerships with animal welfare or similar organisations to deliver subsidised desexing and microchipping programs for cats and dogs. This usually involves owners being required to register their animal as a condition of participation.

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.

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.	As opportunities arise - within existing resources
1.3	Work with animal welfare or similar organisations to deliver subsidised desexing, microchipping and registration programs for cats and dogs.	As opportunities arise - partially dependent on external funding and/or participation of animal welfare or similar organisations
1.4	Conduct letterbox drops in targeted street locations advising owners of the requirements of the <i>Companion Animals Act 1998</i> .	Ongoing - within existing resources
Performance Indicator		Measurement tool
1.A	The number of cats and dogs both microchipped and registered increases.	Companion Animal Register



Companion Animals Management Issues

2. Animal Wellbeing

Outcome Sought

All companion animals are appropriately cared for 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, escaping 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 (except where the animal is registered as a breeding animal) and vaccinations.
- Ensure proper care by adopting acceptable hygiene practices including cleaning the premises, the removal and proper disposal of animal faeces.
- 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 and predation and hybridisation by feral dogs are 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	Ensure that appropriate references to injured, sick, feral or infant seized or impounded animals are included in the management contract for Companion Animal Impounding.	Year 4 - within existing resources



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2.2	Provide promotional material aimed at improving animal well being.	Years 1-4 - within existing resources
Performance Indicator		Measurement tool
2.A	Promotional material developed.	Record of promotional material developed
2.B	Appropriate references to injured, sick, feral or infant seized animals included in management contract for companion animal impound services	References included in contract

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 approximately 1200 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.

Roaming dogs affect the surrounding neighbourhood by engaging in skirmishes, defecation, urinating and damage to gardens. Roaming cats prey on native wildlife. Council does not have regulatory powers to restrict roaming cats, unless they are causing a nuisance which is substantiated by evidence.

Some common reasons that cause dogs to roam include:

- Poor or inadequate levels of management;
- Boredom;
- Separation from family/pack;
- Inadequate property fencing;
- To find a mate;
- To find food.



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The *Companion Animals Act 1998* 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 of unwanted litters;
- Transmission of diseases;
- Destruction of wildlife;
- Increase in the feral/wild 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 roaming dogs.

- Exercise your dog regularly and provide a healthy diet;
- Provide veterinary care including vaccinations, worm and flea prevention;
- Desex your dog (except where the animal is registered as a breeding animal);
- Keep your dog secure on your premises with adequate shelter;
- Adopt appropriate hygiene practices by removing animal faeces, especially from public areas;
- Provide regular social inter-action with other animals and people;
- Ensure your dog in public places is on a leash and under effective control. Ensure that it is not able to overpower the person who is in control of the dog;
- Ensure dogs are both microchipped and registered.

To minimise problems associated with roaming cats you can:

- Keep your cat indoors day and night:
 - choose a breed of cat suited to indoor-living. Contact the RSPCA for help;
 - train your kitten or cat to live indoors (they are less likely to become lost, injured or exposed to disease);
 - train your cat to walk on a leash.



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- Consider constructing a cat run to prevent your cat from roaming. However, before proceeding, contact Council to determine whether you require development consent.
- Place a suitable collar, tag and bell on your cat. Note: Bells on collars don't always work;
- Desex your cat to avoid unwanted kittens;
- Vaccinate your cat against diseases, treat it for worms and provide veterinary care.

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.

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.

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. Reasons include:

- 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.

The Community Justice Centre and the legal helpline - Law Access NSW (1300 888 529) may be of assistance in resolving neighbourhood noise issues. Control of animal noise can be enforced under a range of legislation including the *Companion Animals Act 1998*, *Protection of the Environment Operations Act 1997* and the *Local Government Act 1993*.

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	Where appropriate, issue a warning on a 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.

The City's urban areas have a very large urban bushland interface and pet ownership has the potential to impact on native fauna. If allowed to roam, companion animals can have a significant impact on native flora and fauna. Cats in particular are very efficient hunters with studies estimating that each free-roaming domestic cat kills on average 30 native animals per year.

The small to medium sized native animals that dogs and cats prey on, such as insects, reptiles, birds and mammals, play an important role in maintaining the overall health of our natural systems.

The impacts of dogs and cats on our bushland areas go beyond direct predation on native animals. If not properly placed, pet food provides a ready source of food for other non-native bushland predators and invasive species, such as foxes, rats, Indian Mynas and feral cats. These animals will usually breed in response to food sources, and increased food availability results in increased population densities. Increases in feral animal populations can also have significant impacts on public health and amenity.

Our bushland areas, particularly in most of the Blue Mountains have evolved as "low nutrient" environments. Dog and cat faeces and urine are a source of nutrients which can impact on our native plants, encourage weeds and reduce water quality.

The scent from dogs and cats can result in increased stress on native animals, and may even encourage them to relocate to safer locations, causing a decline in the biodiversity values of bushland.

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.

The *Companion Animals Act 1998* enables Council to establish Wildlife Protection Areas. Wildlife Protection Areas are established for the protection of wildlife and enable Council to regulate and/or prohibit cats and/or dogs from declared Wildlife Protection Areas.

In 2012 two trial Wildlife Protection Areas (WPA) were established at Bonnie Doon Reserve, Katoomba and Sassafras Gully, Springwood for a five year trial period. These trials are scheduled to be completed in December 2017. The establishment or declaration of any further WPA's will be dependant on the results of the trial.



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

Key Actions		Timeframe/Comment
4.1	Continue the implementation and monitoring of the Wildlife Protection Areas at Bonnie Doon Reserve, Katoomba and Sassafras Gully, Springwood.	Years 1 - funding required
4.2	Provide promotional material aimed at encouraging responsible pet ownership to minimise the impacts of cats and dogs on native wildlife.	Years 1-4- within existing resources
4.3	Investigate introduction of a non-mandatory cat curfew.	Years 1-4- within existing resources
Performance Indicator		Measurement tool
4.A	Complete trial of Wildlife Protection Areas.	Trial completed and results reported to Council
4.B	Promotional material developed.	Record of promotional material developed
4.C	Outcome of investigation of non-mandatory cat curfew reported to the Council at end of investigation.	Completion of a report to Council by 2021

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 off-leash and on-leash 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 1998* (Sections 14, 30) prohibits cats and dogs that are not registered as assistance animals, a police or corrective services dog.



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	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. Information on off-leash areas is available at Council offices or on the web - www.bmcc.nsw.gov.au

Provision of accessible and appropriately located off-leash and on-leash areas is important to:

- 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.
- Increase exercise opportunities for the benefit and health and well-being of dog owners.

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.



Companion Animals Management Issues

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	Subject to the approval of the Dogs in Public Spaces Strategy (DiPS), implement strategies to provide dog off-leash and on-leash areas to the community.	Years 1-4 - subject to funding
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
Performance Indicator		Measurement tool
5.A	Number of PINs/Warnings issued for dogs in public places.	SDRO records
5.B	Number of patrols of off-leash areas.	Council records
5.C	Actions of the DiPS are implemented.	Monitoring and analysis of progress against actions of the DiPS

6. Impound Facility Activities

Outcome Sought

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.

The Council has entered into a Services Deed (contract) with the RSPCA for the provision of impound facilities on behalf of Council using their animal shelter in Mort Street Katoomba until 30 June 2021. The Deed includes provision for the continuation of the contract beyond that date with the agreement of the parties. Alternatively, a new contract will need to be entered into with the RSPCA or another approved service provider beyond this date.

As a guide, approximately 400 cats and dogs were delivered to the impound facility by the Council during 2015/2016. Cats and dogs are taken to the impound facility by various means including Council rangers and the public.



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Impounding of animals

Where an animal is microchipped and registered, every effort is made to return the animal to the owner, providing 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 Council's impound facility for collection by the owner within the prescribed time limits.

The Act provides that identified animals be held for a minimum of 14 days and unidentified animals kept for 7 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.

Hardship

Section 95 of the *Companion Animals Act 1998* provides for the reduction or waiver of fees payable to Council under that Act for persons in receipt of a pension, benefit or allowance under the *Commonwealth Social Security Act 1991*.

If the following circumstances apply, the owner of the companion animal will generally be entitled to a reduction or waiver of fees:

- in terms of economic status, the owner:
 - (i) holds a pension card;
 - (ii) holds an income support card;
 - (iii) receives a disability support pension; or
 - (iv) receives unemployment benefits; and
- they have had no previous history of having animals impounded; and
- the animal is:
 - (i) not a Restricted, Dangerous Menacing or Nuisance Dog, or a Nuisance cat; and
 - (ii) not declared in any way under the *Companion Animal Act 1998*.

Where the above circumstances do not apply an owner will generally not be entitled to any fee reduction, waiver or refund.

Requests for fee reductions, waivers, refunds or access to payment plans by persons not in receipt of a pension, benefit or allowance under the *Commonwealth Social Security Act 1991* will be determined on a case by case basis.



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In determining such requests the Council will consider the owner's individual circumstances including:

- the socio-economic status of the owner;
- any previous involvement or history;
- whether the owner has taken steps to have the animal micro-chipped, registered or de-sexed;
- whether the animal is a Restricted, Dangerous Menacing or Nuisance Dog, or a Nuisance cat; or declared in any way under the Companion Animal Act;
- the general medical and behavioural presentation of the animal whilst impounded; and
- the circumstances that lead to the animal being impounded (poor yard security, accident, storm etc) and what action has been taken to prevent reoccurrence in the future.

Feral and infant animals

Infant or feral animals can find their way to the impound 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 a decision to be made to euthanise a feral or infant animal without waiting the prescribed minimum time periods.

Identified companion animals will remain in the impound facility for the duration of their legislated holding period except on occasions veterinary care is required.

Placement into a home environment affords infant animals greater socialisation opportunity as well as reduced exposure to disease, thereby improving the overall wellbeing of the animal and reducing euthanasia.

As a matter of policy, where resources permit, unidentified infant companion animals will be placed in the permanent care of the RSPCA or associated animal welfare organisation where practicable and appropriate in the circumstances.

Under these circumstances the following operational arrangements will apply.



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The impound facility manager or the person acting in that position will carry out an assessment which includes:

- The capacity of the RSPCA or associated animal welfare organisation to accept the animal;
- 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.

If the assessment by the impound facility manager of the above situations discloses that it is not humane, or practical to provide immediate or long term care and shelter for the infant animals, then the impound facility manager may euthanise the animal/s without waiting the prescribed mandatory time.

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

Unidentified seized animals that are deemed to be feral will be euthanised.

The following key actions in relation to impound facility activities have been identified.

Key Actions		Timeframe/Comment
6.1	That Council submit an annual report to the Office 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	Maintain impound services for the Blue Mountains community on an on-going basis.	Ongoing - within existing resources
6.3	Negotiate and enter into a new contract/s with an appropriate service provider/s for the provision of impounding facilities to provide an ongoing service, following the expiry of the contract with the RSPCA.	Year 4 - within existing resources
Performance Indicator		Measurement tool
6.A	Number of animals impounded.	Impound facility data
6.B	Impound services are provided for the Blue Mountains community.	Continuation of impound service
6.C	Number of roaming dogs returned to owners.	Council records



Companion Animals Management Issues

7. Educational Initiatives

Outcome Sought

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

There are a range of 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 1998* is prescriptive in many of its requirements, there is scope for an educational approach at a state and local level.

As part of the State Government’s response to the Companion Animals Taskforce Reports released in 2014 the Office of Local Government developed and conducted a range of educative and other programs promoting responsible pet ownership.

It is in the community’s and Council’s interests to partner with animal welfare organisations and other local pet service providers to support and promote initiatives that improve animal and human welfare outcomes.

The following key actions for education have been identified.

Key Actions		Timeframe/Comment
7.1	Enlist the support and co-operation of key stakeholders such as the RSPCA, animal welfare organisations, 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	Review and update Council’s website and utilise social media to educate and inform companion animal owners on responsible pet ownership and other companion animal related initiatives, including opportunities for training and exercise.	Ongoing - as need arises within existing resources



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7.4	<p>Develop / distribute / publish educational material that:</p> <p>a) promotes responsible pet ownership to minimise the impacts of cats and dogs on native wildlife.</p> <p>b) provides information on a range of topics including animal welfare, wildlife protection and appropriate animal behaviour and management on public land (e.g. sportsgrounds, dog off-leash areas, etc.)</p> <p>c) promotes the benefits of early desexing of animals in addressing behavioural traits.</p>	Integrate into daily activities
7.5	Investigate the feasibility of joining with the University of South Australia in the national expansion of the Cat Tracker Citizen Science Research Program.	Year 1
7.6	Implement Cat Tracker Citizen Science Research Program.	Year 2-4 subject to acceptance by Council of the program following feasibility investigation
Performance Indicator		Measurement
7.A	Educational initiatives are advised in the Council Annual Report.	Reported annually
7.B	Brief Councillors on the Cat Tracker Citizen Science Research Program.	Councillors briefed

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 1998.

Significant changes have occurred to the *Companion Animals Act 1998* 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 number of complaints received 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. These include:



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- The issuing of nuisance orders;
- Dangerous dog declarations;
- Menacing dog declarations;
- Restricted breed declarations;
- Penalty infringement notices;
- Seizure destruction powers by Council;
- Legal action in the Local Court;
- 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 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 32A and 32B 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.



Companion Animals Management Issues

Dangerous and Menacing Dogs

Dangerous dogs

The *Companion Animals Act 1998* includes provisions that impose stringent controls on dogs that pose a threat to the safety of humans and other animals through attacks or menacing behaviour. Under the provisions of the *Companion Animals Act 1998* (Sections 33 and 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) is kept or used for the purposes of hunting.
2. A dog is not 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 section 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 include, but are not limited to, the desexing of the dog, the wearing of a muzzle and on a lead in public places, the installation of 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.

Menacing Dogs

Amendments to the *Companion Animals Act 1998* commenced on 18 November 2013 and introduced a new category of "menacing dog".

A dog can be declared a menacing dog by an authorised officer if the dog:

- a) has displayed unreasonable aggression towards a person or animal (other than vermin), or
- b) has, without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death.



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Similar to the provisions applying to dangerous dogs, the Act provides an opportunity for the owner of a dog to make a submission as to why their dog should not be declared a menacing dog.

Similarly, there are onerous desexing, signposting, collar, reporting and enclosure requirements for menacing dogs.

While the Act stipulates enclosure requirements are specified for dangerous dogs, the Act only stipulates that a menacing dog must be enclosed in a manner that is sufficient to restrain the dog and prevent a child from having access to the dog.

Council deems that the following enclosure specification will satisfy that performance requirement:

- A 1.8m high fence of substantial construction, such as paling, metal panels or chainwire fence;
- Openings in the fence, including the gate(s), shall be not greater than 50mm;
- The access gate being capable of being locked to prevent access by children, including children from the household;
- A self-closing and latching mechanism will be considered as an alternative. Alternative measures will be considered on a case by case basis and must be approved by Council;
- Robust measures are to be put in place to ensure that the dog is unable to dig out of the enclosure;
- Appropriate kennelling should be provided within the enclosure;

NOTE: It remains the owner's responsibility to ensure that the performance requirements are met as a minimum.

Restricted breeds

The Act (Section 55 and Section 58C) currently prescribes the following breeds or cross-breeds of such 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;



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- (e) any dog declared by an authorised officer of a council under Part 5 of the *Companion Animals Act 1998* 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 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 owner at 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, the Animal Welfare League or the Police is the appropriate authority.

Under certain circumstances an authorised officer may authorise the destruction of a dog that is declared menacing or dangerous.

Dog attacks

Offences relating to dog attacks are broadly defined in the Act. An offence occurs if a dog 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 Office of Local Government, in accordance with the established protocol.

Significant penalties apply to the owners of a dog that is involved in serious attacks.



Companion Animals Management Issues

The following key actions have been identified.

Key Actions		Timeframe/Comment
8.1	Implement the requirements of the <i>Companion Animals Act 1998</i> in accordance with Council's Enforcement Policy.	Ongoing - within existing resources
8.2	Enforce the enclosure and other requirements for dangerous dogs, menacing dogs and restricted breeds.	Ongoing - within existing resources
8.3	Investigate all dog attacks as a matter of high priority and report confirmed incidents to the Office 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 2017-2021 Companion Animals Management Plan.	Completion of a report to Council

