



Companion Animals Policy

Application	All Staff, Community Members
Responsible Officer	Building and Regulatory Services Manager
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Purpose

To encourage and reinforce the responsible management of pets for the benefit of the community through education, information and enforcement, consistent with the Shire's responsibilities under the *Companion Animals Act 1998*.

Scope

Council is responsible for administering the *Companion Animals Act 1998*, which contains regulations relating to pet ownership. Council values pet ownership and is committed to encouraging responsible pet ownership to benefit the whole community, as well as the welfare of the pets. This Policy provides a guide for all council officers in exercising their delegated authority to regulate pet ownership in the local government area.

Definitions

Word/Acronym/Phrase	Definition
Council	Carrathool Shire Council
Companion Animal	A dog, a cat, or any other animal that is prescribed by the Companion Animal Regulations (the Regulations) as a companion animal. As at the date of the implementation of this Policy, no other animals have been classified as companion animals.
Dangerous Dog	A dog which has, without provocation, attacked or killed a person or animal, repeatedly threatened to attack or repeatedly chased a person or animal, or is kept or used for the purposes of hunting, and is the subject of a declaration by an authorised officer of a council or a court that the dog is a dangerous dog.
Working Dog	Means a dog used primarily for the purpose of droving, tending, working or protecting stock, and includes a dog being trained as a working dog.
Dog Attack	When a dog "rushes at, attacks, bites, harasses or chases any person or animal (not vermin), whether or not any injury is caused to the person or animal".
Menacing Dog	A dog which has displayed unreasonable aggression towards a person or animal, or has, without provocation, attacked a person or animal (not vermin) but without causing serious injury or death, and is the subject of a declaration by an authorised officer of a council or a court that the dog is a menacing dog.
Nuisance Cat	A cat which a) Makes persistent noise that unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or repeatedly damages anything outside the property on which it is ordinarily kept.



Nuisance Dog	is a dog which a) is habitually at large, or b) makes persistent noise, by barking or otherwise that unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or c) repeatedly defecates on the property of others, or d) repeatedly runs at or chases any person, animal (not vermin) or vehicle, or e) endangers the health of any person or animal, or repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.
Restricted Breeds	Some dogs are considered to be restricted breeds. These currently include: <ul style="list-style-type: none">• Pit Bull Terriers,• American Pit Bull Terriers,• Japanese Tosas,• Dogo Argentinos (Argentinean Fighting Dog), and• Fila Brasileiro (Brazilian fighting dog).

Reference

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

Companion Animals Act 1998

Local Government Act 1993

Policy statements

The Shire recognises that effective management of domestic pets needs a balanced approach, recognising the significant social and health benefits of pet ownership. The Carrathool Shire Council's Companion Animals Policy intends to achieve this by:

- implementing, wherever possible, a 'No Kill' policy and working in conjunction with rescue groups to re-home animals
- promoting the importance of companion animals to the wellbeing of people living in an regional/rural environment and encouraging responsible pet management.
- promoting responsible pet ownership through education, information and encouraging pet owners to register, microchip and de-sex their cats and dogs.
- meeting the requirements of the Companion Animals Act in relation to dogs which may be considered a nuisance, menacing, or dangerous, as well as restricted breeds.
- reducing the number of lost and wandering cats and dogs by educating pet owners about the importance of identifying, registering and maintaining control of their animals.
- using enforcement options provided in the legislation where appropriate and necessary.

Community Education

Education and awareness are critical to achieving responsible pet ownership and community harmony. This will be achieved by a range of, non-regulatory approaches that focus on community engagement.

The Shire will work toward ongoing, effective and community-sensitive education approaches to encourage and reinforce responsible pet ownership.



Identification and registration of cats and dogs

Cats and dogs must be micro-chipped by 12 weeks of age and registered by 6 months of age.

This system helps the Shire and other councils in returning pets to their owners if the pets are lost, hurt or stolen.

If registration details change, owners must inform the Council.

De-sexing

De-sexing helps to reduce aggressive behaviour in animals and helps owners control their cats and dogs. It is preferable that pets be de-sexed unless they are intended for breeding.

De-sexing greatly assists in reducing the number of abandoned companion animals and serves to prevent unnecessary suffering of unwanted animals.

Lost, seized or surrendered pets

The Shire will do everything possible to return a lost pet to its owner, rather than having the animal impounded. Returning a pet safely home, rather than impounding it, is much easier if the animal is micro-chipped and the registration details are up to date.

Owners have 14 days from date of notice to claim impounded micro-chipped pets or 7 days to claim non micro-chipped pets, before the animal may be re-homed.

Council will accept surrendered pets from owners who no longer wish to have them. Owners will be required to sign an animal surrender form. Once an animal is surrendered, the owner gives up any and all claims or rights to the animals and transfers ownership to Carrathool Shire.

Council is not authorised to accept animals seized under the Prevention of Cruelty to Animals Act 1979, or seized when there is no-one available to care for the animal. In these circumstances, it is appropriate to contact the Royal Society for the Prevention of Cruelty to Animals or other animal welfare organisations which operate under a 'No Kill' policy.

Cat management

Cats must have some form of identification showing the cat's name and the address or telephone number of the owner.

Cats are prohibited from wildlife protection areas and food preparation areas.

Cats without an identifiable owner may be trapped and removed if they are a danger to themselves or others.

Cat owners should keep their pets indoors after dark to minimise the opportunity for injury to the animal, protect wildlife and to reduce instances of nuisance.

Control of dogs

Dogs must always be under the effective control of their owners, including when they are let off the leash in designated off-leash areas. A dog is not considered to be under the effective control of a person if that person has more than four dogs under his or her control.

Council encourages all dog owners to enrol their dogs in a training course if they feel they are not able to effectively control their dog.



Prohibited areas

Dogs are prohibited from some public places at all times, which include:

- Children's playgrounds.
- Recreation areas, such as sports fields, ovals, pitches and courts (subject to Council determination and signage).
- School grounds.
- Childcare centres.
- Shopping areas (subject to Council determination and signage).
- Wildlife protection areas (subject to Council determination and signage).
- Food preparation and consumption areas, such as public barbeque facilities.

Although there are some exemptions to this as detailed below -

- When in an on leash area, a dog may be in a food preparation and consumption area if it is under the effective control of a person, restrained, kept on the ground and not fed,
- When in an off leash area, a dog may also be in a food preparation and consumption area. However, the dog does not need to be restrained, it can be fed provided it is on the ground, or it can sit on a person's lap.

A person with a disability is entitled to be accompanied by an assistance animal into or onto any building or place open to the public, including public transport.

Dog waste

Owners have a legal responsibility to pick up after their dogs.

Barking

Persistent barking can be a nuisance for the neighbourhood and a source of community complaints.

To address dog barking Council will pursue positive and proactive approaches such as:

- providing off-leash areas for dogs to socialise.
- providing community education and training for dog owners.
- investigating reports of persistently barking dogs and taking appropriate action to remove any nuisance caused by barking.

Nuisance orders

If Council becomes aware of any dog behaviour that may be considered a nuisance, an investigation will be undertaken by qualified staff.

Dog attacks

Dog attacks should be reported to Council as soon as practicable so that they may be investigated.

Menacing or dangerous dogs

The Companion Animals Act details the requirements and actions which must be taken if the behaviour of a dog is considered to be menacing or dangerous.

Applications seeking to revoke a declaration that a dog is menacing or dangerous

Once a declaration has been in place for 12 months, the dog owner can apply to the Council to revoke the declaration that their dog is menacing or dangerous.



Restricted breeds

The owner of a restricted dog must comply with a number of control requirements:

- The dog must be de-sexed.
- The dog must not be in the sole charge of someone under 18 years of age.
- Signs must be displayed on the property showing the words "Warning Dangerous Dog".
- The dog must wear a distinctive collar as prescribed by the Regulations.
- While the dog is on the property where it is normally kept, it must be kept in an enclosure that complies with the requirements prescribed by the Regulations.
- Whenever the dog is outside its enclosure it must be on a leash and must also be muzzled.

Restricted breeds may also include cross bred dogs.

A dog owner may request a review of the breed classification applied to their animal. If so, the owner will be asked to provide an independent breed assessment report. This report and any other submissions made by the owner will be considered by qualified personnel in determining whether a reclassification is required.

Privacy

Council staff will respect the confidentiality of complainants where requested, except where disclosure is required by law or enforcement action is taken.

Records will be kept of all complaints for future reference and will be referred to if further complaints about the particular dog or cat are received.

Staff qualifications

Council staff who are directly involved in the implementation of this Policy, such as community education, fines/penalties, reviewing complaints about the behaviour of a dog or cat, or reviewing applications for the revocation of declarations issued under the *Companion Animals Act*, have a comprehensive understanding of the relevant legislation, as well as associated guidelines issued by the Division of Local Government.

Actions Council will take

Council staff will undertake a review of the NSW pet register every six months to ensure the registry is accurate and up to date. Information we will be looking for are micro-chipping, registration, change of ownership and/or change of details.

Where a change of ownership or change of details has occurred with the animal, Council staff may ask the owner to put the request in writing and/or complete a statutory declaration.

Where the owner of a companion animal fails to meet their obligations under the *Companion Animals Act 1998*, in regard to micro-chipping, registration and/or updating information, Council staff will do the following:

a) Initial Advice:

Council staff will give advice to the owner, verbally where possible and in writing, advising them of the specific non-conformance and inform them of their duties and obligations under the legislation. Council will wait up to 28 days before following up.

b) Formal Warning:

After the 28 day period has expired, Council will review the information to determine if the owner has met the initial advice and request. Where the owner has not yet updated the information, Council will write a letter to the owner. This will be a formal warning advising them to comply with the request from Council or risk legal action. This formal warning will seek a response from the owner and provide 21 days to respond to the warning.



c) Final Warning:

After the 21 day formal warning period has expired, Council will review information to determine if the owner has complied. Where the owner has failed to comply with the initial advice and formal warning, Council staff will make attempt to contact the person one last time verbally where possible and in writing. i.e. Where Council are unable to contact the owner directly, Staff will write a letter to the owner and if possible, leave a phone message if we have their correct contact information based on the pet registry database. Council will give an additional 10 days for the owner to respond.

d) Legal Action:

After the 10 day final warning period has expired, Council will review information to determine if the owner has complied. Where the owner has failed to comply with items a) -c) above, Council will initiate legal action, which may include:

- i. Penalty Infringement Notice(s)
- ii. Orders
- iii. Court Attendance Notices
- iv. Other enforcement action determined necessary to meet it duties and obligations under the Act.

Revision Table

Minute / Date	Amendment Summary	Reason or Reference
0852 / 19.02.2019		

Associated Documents

Compliance Policy

Review

This policy may be amended from time to time and will be reviewed within four years of its adoption (or latest amendment) with reference to any relevant legislation and best practice guides.