

# Companion Animals Policy

## Resolution of Council

**5 DECEMBER 2011**

**ITEM 7.5 COMPANION ANIMALS POLICY – ADOPTION (S093009)**

It is resolved that:

- (A) Council adopt the draft Companion Animals Policy, as shown at Attachment A to the subject report; and
- (B) authority be delegated to the Chief Executive Officer to make minor amendments to the Companion Animals Policy that are required from time to time by legislative changes, subject to all Councillors being informed of these changes.

Carried unanimously.

The Companion Animals Policy, as adopted by Council, is as follows:

## **PURPOSE**

To manage companion animals presence within City of Sydney Local Government Area, in partnership with the community, in a manner which benefits animal owners, in accordance with requirements of the Companion Animals Act 1998.

## **POLICY OBJECTIVE**

The objective of the Policy is to protect the rights and responsibilities of animals and their owners in balance with the rights and responsibilities of others in the community. The Policy is based on education and information supply to pet owners and non-pet owners alike.

## **POLICY STRATEGIES**

The City recognises that effective management of domestic pets needs a balanced approach, recognising the real social and health benefits of pet ownership. The City of Sydney Companion Animals Policy intends to achieve this by:

- Promoting the value of companion animals to people living in an urban environment and encouraging responsible pet management. This will allow people to have the enjoyment of companion animals, without causing nuisance and annoyance to others.
- Managing pet ownership through education, information and encouraging pet owners to register, microchip and de-sex their cats and dogs.
- Enforcing the strict requirements of the Companion Animals Act in relation to restricted breeds, dangerous dogs, dog attacks and when owners allow dogs to enter prohibited areas such as playgrounds, wetlands and childcare facilities.
- Taking proactive measures to ensure that owners of restricted breeds and dangerous dogs comply with all relevant provisions of the Companion Animals Act.
- Identifying and promoting suitable and sufficient off-leash parks and open space areas for dog exercise.
- Fostering in the community the benefits of pet ownership, such as improved quality of life, as well as educating non-pet owners and children on animal behaviour and how to interact with other people's pets.
- Reducing the number of lost and wandering cats and dogs.
- Using enforcement sanctions only where appropriate and only as a last resort.

## **SCOPE**

The Policy applies to City of Sydney Local Government Area, public parks and open spaces. The Policy also is applicable to private areas where complaints about companion animals may be generated.

## **DEFINITIONS**

- Section 16(1) of the Companion Animals Act specifies a dog attack occurs, If a dog rushes at, attacks, bites, harasses or chases any person or animal (other than vermin), whether or not any injury is caused to the person or animal”.
- Section 14A of the Companion Animals Act allows a dog ( other than a dangerous dog or restricted breed ) in an outdoor dining area if:
  - (1)
    - (a) the dog is under the effective control of a competent person and is restrained by means of an adequate chain, cord or leash that is attached to the dog, and
    - (b) the person does not feed the dog or permit the dog to be fed, and
    - (c) the dog is kept on the ground.
  - (2) However, if the outdoor dining area is within a public place declared by a local authority to be an off-leash area:
    - (a) it is not necessary for the dog to be restrained by means of a chain, cord or leash, and
    - (b) the dog can be fed while on the ground, but not using any apparatus provided for the consumption of food by humans, and
    - (c) the dog can sit on a person’s lap, but must not be allowed to sit on any table or chairs or make contact with other apparatus provided for the consumption of food by humans.
- Section 33 of the Companion Animals Act defines a dog is dangerous if:
  - (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).All other definitions are as defined in the New South Wales Companion Animals Act 1998.

## **1. COMPANION ANIMALS POLICY**

### **1.1 Community Education**

Companion animals have significant social and health benefits for their owners. Pets teach responsibility to children, give love, comfort and companionship to their owners and provide security, particularly for older people and those who live alone.

The City values pet ownership and is committed to encouraging responsible pet ownership to benefit the whole community, as well as the welfare of the pets.

Education and awareness are the keys to achieving responsible pet ownership and community harmony. There is growing recognition that enforcement of laws will not, on its own, result in lasting voluntary changes in human behaviour. It needs to be supported by a range of innovative, non-regulatory approaches such as education, good design, and community partnership.

The City will implement ongoing, effective and community-sensitive education strategies to encourage and reinforce responsible pet ownership. Council's Companion Animals Liaison Officer and City Rangers will be the 'front line' of this community education strategy. They will educate and inform the community about responsible pet ownership by:

- Regularly visiting parks and talking to pet owners.
- Providing information to pet owners about responsible pet ownership and their obligations under the Companion Animals Act 1998.
- Informing non-pet owners (particularly children and their parents) about animal behaviour.
- Reporting the need for improved park signage when identified.

Information will be provided through Council's website, Neighbourhood Service Centres and at community events oriented towards companion animal ownership.

Non-pet owners (in particular children and their parents) will also be educated on how to approach other people's dogs and in animal behaviour.

## 1.2 Control of Dogs

Most dogs are effectively controlled by their owners. In the public domain, such as footpaths, parks, near playgrounds, and other civic spaces responsible pet management becomes particularly important.

Under the Companion Animals Act 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. Professional dog walkers should be aware of this legislative requirement.

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. The council sponsors and facilitates free dog obedience courses run by external trainers.

## 1.3 Off-leash areas

In a high density, inner city area such as the City of Sydney, public spaces to walk or run the dog are very important. Many residents live in small apartments or small terraces with limited access to open space where they can run or socialise their dogs. Off-leash exercise helps to relieve boredom and release the pent-up energy of dogs confined to home. Regular

off-leash exercise may also reduce incidences of unacceptable nuisance behaviour such as uncontrolled barking.

The City receives requests from dog owners to make parks off-leash. It is the responsibility of Council to respond to these needs.

Dog owners constitute a significant proportion of residents using local parks as a safe and effective way to exercise and socialise their dogs. The use of public parks must be managed in partnership with other park users including cyclists, children, recreational walkers, and picnickers.

To maximise opportunities for off-leash exercising and socialising of dogs, the City will provide designated off-leash parks and open space areas and progressively explore opportunities for additional off-leash areas when community feedback indicates this is appropriate. The City will review off-leash provisions and may recommend changes to off-leash or on-leash areas in response to changing demographics. Recommendations for changes to existing off-leash areas, or for additional off-leash areas will be referred to Council to determine. The decision-making process will involve community consultation and on-site notices.

The following broad criteria will be used as a guide for assessing potential off-leash areas:

- Scope for building community well-being and interaction and providing social opportunities for residents.
- Areas should be sufficiently large enough to exercise dogs and provide a safe environment for them to run freely.
- Areas should be locally accessible and should be within a comfortable walking distance for all residents across the City.
- When required, the city parks are evaluated for their suitability as off-leash areas. Factors considered should include: size, proximity of other off-leash areas, the mix of users prevalent in the park.
- Proximity to public places which are unsuitable and/or prohibited (such as childcare centres or playgrounds).

Effective, welcoming and positive signage will be used to identify off-leash parks and open spaces. Dog-tidy stations will be installed and maintained at off-leash parks.

Council will aim in the first instance to provide education and information to dog owners regarding on-leash and off-leash areas. Penalty notices will be issued only as a last resort.

#### 1.4 Prohibited Areas

Under the Companion Animals Act dogs are prohibited at all times in some public places. These places 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. The exemptions which permit dogs in food consumption areas under Section 14A of the Companion Animals Act are set out in the “Definitions” of this Policy.

### 1.5 Dog Waste

Most dog owners collect their dog’s faeces, but some may not be aware of their responsibilities and others may act irresponsibly. Owners have a legal and social responsibility to pick up after their dogs.

Uncollected faeces pose potential health risks. This is particularly a problem in playgrounds, on sports fields, on neighbour’s properties and on public footpaths.

The City will provide dog tidy stations (including dog litter bags) at off-leash parks and other suitable locations. The City will also educate dog owners to :

- to take a plastic bag with them when they take their dog for a walk, and
- that it is an offence not to put their dog waste in the bin.

City Rangers will work with dog owners in promoting awareness of these responsibilities, to encourage owners to clean up after their dogs.

### 1.6 Barking

Persistent dog barking can be a neighbourhood nuisance and a source of community complaint. Persistent barking may be caused by boredom, lack of exercise and stimulation, or confinement to an inappropriately small space.

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.

City Rangers may issue a Nuisance Dog Order where persistent barking is considered to be nuisance behaviour. In serious cases, dog owners may be liable to prosecution.

### 1.7 Dog Attacks

A dog attack is legislated to include incidents where a dog rushes at, attacks, bites, harasses or chases any person or animal. The City must investigate all attacks and report them to the Department of Local Government within 72 hours of being advised of an attack.

Some children and older people fear being attacked by dogs and others approach dogs in an inappropriate manner that can agitate otherwise well behaved dogs. The City will work with non-pet owners to educate them about animal behaviour and how to avoid attacks.

If a dog attack does occur, the City strongly encourages victims to report the incident to Council as soon as possible. The Council has an obligation to investigate reported dog attacks and take all necessary action.

A dog that has attacked may be declared a dangerous dog by Council.

### 1.8 Dangerous Dogs

Section 33 of the Companion Animals Act specifies the meaning of a dangerous dog.

Council officers will be proactive in dealing with instances of unacceptable behaviour by dogs which cause fear or apprehension of an attack.

Council may issue an Intention to Declare a Dog Dangerous when they have sufficient evidence that a dog is dangerous.

The owner has a right to object to such an Intention within 7 days after the date the notice is given.

Following receipt of any objection from the owner, the Council must consider this before declaring the dog is dangerous.

Police and City Rangers are empowered to impound dogs declared as dangerous.

Owners of dogs declared dangerous must comply with all the conditions for restricted breeds as shown in 1.9

### 1.9 Restricted Breeds

Some breeds of dog are prohibited from importation into Australia. These breeds are specified under the Companion Animals Act and include: Pit Bull Terriers, American Pit Bull Terriers, Japanese Tosa and Argentinean and Brazilian fighting dogs.

Council can issue a notice of intention to declare a dog a restricted breed if it is a cross breed of any of the dogs listed above. This notification sets out the control requirements the owner will have to comply with.

The sale or transfer of ownership of restricted breeds is prohibited. Owners of restricted breeds (and dogs declared 'dangerous') must ensure:

- The dog is de-sexed.
- The dog is kept in a child proof enclosure.
- A 'dangerous dog' warning sign which complies with the requirements of Clause 26 of the Companion Animals Regulation 2008 is clearly displayed on their property.
- The dog at all times wears a distinctive collar and tag.
- The dog is always leashed and muzzled when in public and under the control of a person over the age of 18 years.
- The dog's registration details are up to date.
- Council is immediately notified if the dog attacks or injures a person or animal.

### 1.10 Cat Management

Cats need to have identification (e.g. a collar and tag or microchip) that enables the City to find the name of the cat and the address or telephone number of the owner.

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



The City makes a distinction between domesticated pet cats and feral cats (which don't have an owner). If there are feral cats in the local area, they may be trapped and removed by the City if they are a danger to themselves

The City recommends that cat owners take steps to ensure that their animals are confined indoors after dark to prevent injury to the animal, protect wildlife and to reduce instances of nuisance.

#### 1.11 Nuisance Animals

For the welfare of animals and to reduce instances of public nuisance, residents should ensure that they select companion animals suitable to their lifestyle and living arrangements.

Owners of dogs and cats may not be aware that their pets are creating a nuisance for others.

Residents may contact Council to report nuisance issues.

Should a dog repeatedly bark, cause damage, or chase people, animals or vehicles, the City can issue a Nuisance Dog Order. A Nuisance Dog Order remains in force for six months. If during this time the owner then fails to stop the animal causing a nuisance, they are in breach of the order and may incur a penalty.

A cat may also be declared a nuisance cat if it persistently makes a noise that unreasonably interferes with the wellbeing of neighbours or if it repeatedly damages the property of others.

#### 1.12 De-sexing

De-sexing helps to reduce aggressive behaviour in animals and facilitates owners' control of cats and dogs. The City strongly recommends 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.

#### 1.13 Lifetime Registration

Under The Companion Animals Act cat and dog owners must take two steps to provide their pet with lifetime protection; permanent microchip identification and lifetime registration.

This two-step system greatly assists the City and other councils in returning pets to their owners in the event the pets are lost, hurt or stolen. It also provides the City with a more effective means of keeping track of cats and dogs for the benefit of the wider community.

In the event that a cat or dog owner changes contact details, or sells or gives away their cat or dog to a new owner, they must advise the City so the Companion Animals Register can be updated. It is the responsibility of the person selling or giving away the animal to notify Council of the change.

## 1.14 Lost, Seized or Surrendered Pets

The City wants to return all unaccompanied pets safely home to their owners. This is the City's preference rather than impounding pet. Returning a pet safely home is much easier if the animal is micro-chipped and registration details are up to date.

The City is unable to accept surrendered pets from owners who no longer wish to have a pet. The City can provide the names and contact details of organisations who can accept surrendered pets.

The City understands how distressing losing a pet is and tries to locate the owners as quickly as possible. Once an animal is impounded, the owners have 14 days to claim micro-chipped pets or 7 days to claim non micro-chipped pets, before the animal is put up for adoption.

## **REFERENCES**

### **Related Legislation & Standards**

- Local Government Act 1993
- Companion Animals Act 1998
- Companion Animals Regulations 1999
- Impounding Act 1993

### **Related Policies and Procedures**

- The City's Enforcement Policy.

## **APPROVAL AND REVIEW**

### **Review Period**

Manager City Rangers will review this policy every 2 years.

### **Next Review Date**

November 2013.

## **AUTHORISATION**

Approved by Council on 5 December 2011.