



COMPANION ANIMAL POLICY

P2.0065.1

COMPANION ANIMAL POLICY

DIVISION: Planning and Environment

BRANCH: Environment and Regulatory Services

CATEGORY: 2

PART 1 – INTRODUCTION

1. BACKGROUND

1.1 This policy has been developed to encourage and reinforce the responsible management of pets for the benefit of the community through education and information, consistent with Camden Council's responsibilities under the *Companion Animals Act 1998*.

2. OBJECTIVE

2.1 This policy aims to promote responsible pet ownership and provide the framework for how Council manages its responsibilities under the *Companion Animals Act 1998* and Companion Animal Program.

2.2 Council's Companion Animal Program is overseen by the Camden Council Companion Animal Advisory Committee.

3. SCOPE

3.1 This policy seeks to promote compliance through education and mutual understanding of the roles and responsibilities of all members of the community in relation to Companion Animals.

3.2 The policy applies to the Camden Council Local Government Area including public parks and open spaces. The policy also applies to privately owned areas where complaints about companion animals may be generated.

4. DEFINITIONS

4.1 **Authorised Officer** means an employee of a local authority authorised by the local authority for the purposes of the *Companion Animals Act 1998*.

4.2 **Companion Animal** means a dog, a cat, or any other animal that is prescribed by the *Companion Animal Regulation 2018* as a companion animal.

4.3 **Council** means Camden Council.

4.4 **Dangerous Dog** means a dog for the time being the subject of a declaration by an Authorised Officer of a council or a court under the *Companion Animals Act 1998* that the dog is a dangerous dog.

4.5 **Dog attack** means the act of a dog rushing at, attacking, biting, harassing or chasing any person or animal (not vermin), whether or not any injury is caused to the person or animal.

4.6 **Menacing dog** means a dog for the time being the subject of a declaration by an Authorised Officer of a council under section 34(1A) or a court under section 45(1A) of the *Companion Animals Act 1998* that the dog is a menacing dog.

4.7 **No Kill Facility** means an animal shelter that will rehome all animals assessed by a veterinarian as medically and behaviourally suitable. Animals will not be euthanised due to space restrictions at the facility. Euthanasia is reserved for animals considered dangerous to the public or those suffering from medical conditions which cannot be reasonably managed and result in a poor quality of life. No Kill supports the philosophy of 'Getting to Zero' whereby only a small percentage of animals are not suitable for rehoming due to illness, behavioural problems or a poor prognosis of medical or behavioural rehabilitation.

4.8 **Nuisance cat** means a cat that:

- a) makes a noise that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
- b) repeatedly damages anything outside the property on which it is ordinarily kept.

4.9 **Nuisance dog** means a dog that:

- a) is habitually at large, or
- b) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
- c) repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, or
- d) repeatedly runs at or chases any person, animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, or
- e) endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock), or
- f) repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

4.10 **Off-Leash Area** means a public place that is designated to be an off-leash area.

4.11 **Owner** means:

- The owner of the animal (in the sense of being the owner of the animal as personal property),
- The person by whom the animal is ordinarily kept,
- The registered owner of the animal.

4.12 **Restricted dog** means dogs that are restricted in accordance with the *Companion Animals Act 1998* including:

- (a) American pit bull terrier or pit bull terrier,
- (b) Japanese tosa,

- (c) dogo Argentino,
- (c1) Perro de Presa Canario or Presa Canario,
- (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 Part 5 to be a restricted dog,
- (f) any other dog of a breed, kind or description prescribed by the *Companion Animals Regulation 2018* (NSW).

PART 2 – POLICY STATEMENT

5. Management of Companion Animals

5.1 Council recognises that effective management of domestic pets requires a balanced approach particularly in light of the significant social and health benefits of pet ownership. This policy intends to achieve this by:

- Implementing, whenever possible, a ‘no kill’ policy.
- Promoting the importance of companion animals to the wellbeing of people living in our area and encouraging responsible pet management.
- Promoting responsible pet ownership through education, information and encouraging pet owners to register, microchip and desex their cats and dogs.
- 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.
- Meeting the requirements of the *Companion Animals Act 1998* in relation to dogs which may be a nuisance, menacing, or dangerous, as well as restricted dogs.
- Identifying, promoting, and assessing the suitability of off-leash parks and open space areas for dog exercise relative to the continued growth of Camden LGA.
- Monitoring compliance with the *Companion Animals Act 1998* and *Companion Animals Regulation 2018* and using enforcement action where appropriate.

5.2 Council’s fees and charges associated with the management of Companion Animals are set out in the annual Fees and Charges Schedule, available on Council’s website.

6. Community Education

6.1 Education and awareness are critical to achieving responsible pet ownership and community harmony. This is achieved through a range of innovative, non-regulatory approaches that focus on community engagement.

6.2 Council implements various community education strategies to encourage and reinforce responsible pet ownership. The Camden Council Companion Animal Advisory Committee lead the strategies.

6.3 Council's current responsible pet ownership program includes:

- Educating children and residents on the importance of microchipping and providing name tags for animals;
- Independent breed and temperament assessment of impounded animals that may be dangerous/aggressive/restricted;
- Attempts to return stray dogs to their owner instead of impounding them;
- Free nametags for all animals returned to their owner;
- Working with rescue organisations to rehome animals;
- Subsidised de-sexing to reduce the number of unwanted kitten litters
- Free microchipping for dogs and cats;
- PAWS in the PARK – an annual event raising awareness about responsible pet ownership;
- The development and distribution of information books on responsible pet ownership.
- Community education events to raise awareness about responsible pet ownership.

7. Identification and registration of cats and dogs

7.1 The likelihood of returning a pet to its owner safely instead of impounding, is much higher if the animal is:

- Microchipped, and the registration details are up to date, and
- Wearing a tag on its collar with the owner's current contact phone number.

7.2 Cats and dogs must be microchipped by the time they reach 12 weeks of age. Dogs must be registered by six months of age. Cats must be registered by four months of age.

7.3 It is the responsibility of a Companion Animal Owner to update any changes to the registration details through Council.

7.4 Residents can register, update contact details, report their pet missing, and pay registration of their pet online at www.petregistry.nsw.gov.au

8. Desexing

8.1 Desexing helps to reduce unwanted behaviour in animals and assists owners with controlling their cats and dogs. Desexing pets is preferable unless there is an intent to breed.

8.2 Desexing greatly reduces the number of abandoned animals and prevents unnecessary suffering of unwanted animals.

9. Council's Animal Care Facility (shelter) and lost, seized or surrendered pets

9.1 Council operates a No Kill Facility,

9.2 Council endeavours to return a lost pet to its Owner, rather than impounding the animal.

9.3 Owners have 14 days from the date on the seizure form to claim impounded microchipped pets or seven days to claim non microchipped pets, before the animal may be rehomed.

- 9.4 Council may accept surrendered pets from Owners who can no longer care for them. Owners will be required to complete all necessary documentation when surrendering an animal.
- 9.5 Council's Authorised Officers may investigate complaints regarding roaming dogs, nuisance cats and dog attacks. In exercising their powers, Council may impound animals.
- 9.6 Council will make every attempt to rehome all adoptable animals, by way of sale to the public or through animal rescue organisations if animals cannot or are unable to be sold.
- 9.7 Council will promote impounded animals on its website, social media and other promotional channels.
- 9.8 Council will provide impounded animals with enrichment programs and other value adding services to keep animals stimulated and provide the best possible chance of re-homing.
- 9.9 Some animals are unsuitable for rehoming due to being aggressive, significantly ill, injured or feral. Sections 52A and 57A of the *Companion Animals Act 1998* prohibit the sale of an animal declared or proposed to be declared a restricted breed or dangerous dog or menacing dog. This prohibition extends to the sale, adoption, rescue or rehoming of these animals.
- 9.10 Council is not authorised to accept animals seized under the *Prevention of Cruelty to Animals Act 1979* (NSW), or seized when there is nobody available to care for the animal. In these circumstances, the Royal Society for the Prevention of Cruelty to Animals or another animal welfare organisation should be contacted.
- 9.11 Council requires a current Clause 16d, signed Memorandum of Understanding between the rescue organisation and Council before any animals will be released into the care of a rescue organisation.

10. Cat management

- 10.1 Cats must be able to be identified by microchip and registration that enables Council to ascertain the owner's contact details.
- 10.2 Cats are prohibited from wildlife protection areas and food preparation areas.
- 10.3 Council encourages cat Owners to keep their pets inside or in an outdoor enclosure to minimise the opportunity for injury to the animal, protect wildlife and to reduce instances of nuisance.

11. Dog management

- 11.1 Dogs must always be under the effective control of their Owner when in a public place by way of a lead.
- 11.2 A dog is not considered to be under the effective control of a person if that person has more than four dogs.

12. Off leash Areas

- 12.1 To maximise opportunities for off-leash exercising and socialising of dogs, Council provides designated off-leash parks. Off-leash exercise helps to relieve boredom and reduce incidences of unacceptable nuisance behaviour such as uncontrolled barking.
- 12.2 Dogs in an off-leash area, whilst not required to be on a lead, must also be under the effective control of their owner
- 12.3 For a list of current off-leash areas please refer to Council's website www.camden.nsw.gov.au

13. Prohibited areas

- 13.1 Dogs are prohibited from certain public places in accordance with the Companion Animals Act 1998.
- 13.2 A person is entitled to be accompanied by an approved assistance animal into any building or onto any place open to the public, including public transport.

14. Dog waste

- 14.1 Owners have a legal responsibility to pick up dog waste after their dogs.
- 14.2 Council provides all-purpose bins at off-leash parks and other suitable locations.
- 14.3 Council will work with dog Owners to promote awareness of these responsibilities to encourage Owners to clean up after their dogs.

15. Barking

- 15.1 Persistent barking can be a nuisance in neighbourhoods and a source of community complaints.
- 15.2 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 targeted training for dog Owners.
 - Investigating reports of persistent barking and taking appropriate action to remove or reduce any nuisance caused by barking.
 - Further information can be found within Council's Barking Dog Guidelines.

16. Nuisance orders

- 16.1 If Council becomes aware of any dog or cat behaviour that may be considered a nuisance, an investigation may be undertaken by an Authorised Officer.
- 16.2 For Council to investigate the matter a statement is required from the person affected.

16.3 If an Authorised Officer identifies a serious or ongoing problem with an animal's behaviour, Council may issue a nuisance order. This order requires the owner to stop the animal doing the behaviour specified in the order. If the problem continues, the owner may be liable for a range of penalties.

16.4 A nuisance order remains in force for six months from the date it is issued.

17. Dog attacks

17.1 Dog attacks should be reported to Council as soon as practicable so that they may be investigated in accordance with the *Companion Animals Act 1998*.

17.2 An Authorised Officer, if satisfied a dog attack has occurred in accordance with the *Companion Animals Act 1998* may issue a Nuisance Order, a Menacing or Dangerous Declaration and or a penalty to the dog to the owner.

17.3 For Council to investigate the matter a statement is required from the person affected.

18. Menacing or dangerous dogs

18.1 Part 5, Division 1 of the *Companion Animals Act 1998* details the requirements and actions which must be taken if the behaviour of a dog is considered menacing or dangerous.

18.2 Authorised Officers are required under Section 35 of the *Companion Animals Act 1998* to give the owner of a dog a notice of their intention to declare the dog to be a dangerous or menacing dog.

18.3 The owner has the right to appeal against Council's intention to declare their dog to be a dangerous or menacing dog. The owner has 7 days from the date of the notice to make their representations to Council.

18.4 The appeal representation and all evidence will be evaluated by the appropriate review panel within Council.

18.5 After the expiry of the 7-day notice of intention period, the Authorised Officer must notify the dog's owner whether they intend to declare the dog dangerous or menacing.

18.6 The owner of a **menacing** dog must comply with the following requirements:

- The dog must be desexed
- The dog must be registered
- 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" in letters clearly visible from the boundaries of the property.
- The dog must wear a distinctive collar as prescribed by the *Companion Animals Regulation 2018*.
- When the dog is away from its property it has a muzzle securely fixed on its mouth that will prevent it from biting any person or animal

- During any period that the menacing dog is not under the effective control of a person of or above the age of 18 years, the dog must be enclosed in a manner that is sufficient to restrain the dog and prevent a child from having access to the dog.

18.7 The owner of a **dangerous** dog must comply with the following requirements:

- The dog must be desexed
- The dog must be registered
- Signs must be displayed on the property showing the words “Warning Dangerous Dog” in letters clearly visible from the boundaries of the property
- The dog must wear a distinctive collar as prescribed by the *Companion Animals Regulation 2018*
- Ensure that at all times when the dog is away from the property where it is ordinarily kept it is under effective control of some competent person by means of an adequate chain, cord or leash
- Ensure that at all times when the dog is away from the property where it is ordinarily kept it has a muzzle securely fixed on its mouth that will prevent it from biting any person or animal
- Ensure that the dog is kept in the prescribed enclosure, in accordance with *Companion Animals Act 1998*.

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

19.1 Once a declaration has been in place for 12 months, the dog owner can apply to Council to revoke the declaration that their dog is menacing or dangerous dog. Such applications will be reviewed on a case by case and merit basis. Any revocation is at the full discretion of Council and its Authorised Officers.

20. Restricted dogs

20.1 The owner of a restricted dog must comply with the following requirements:

- The dog must be desexed
- The dog must be registered
- 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” in letters clearly visible from the boundaries of the property
- The dog must wear a distinctive collar as prescribed by the *Companion Animals Regulation 2018*
- Ensure that at all times when the dog is away from the property where it is ordinarily kept it is under effective control of some competent person by means of an adequate chain, cord or leash
- Ensure that at all times when the dog is away from the property where it is ordinarily kept it has a muzzle securely fixed on its mouth that will prevent it from biting any person or animal
- Ensure that the dog is kept in the prescribed enclosure in accordance with the *Companion Animals Act 1998*

20.2 Restricted dogs may include cross-bred dogs.

20.3 A dog owner may request a review of the breed classification applied to their animal. The owner will be required to provide an independent breed assessment report. This report and any other submissions made by the owner will be considered by Council in its assessment of whether a reclassification may be appropriate.

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RELEVANT LEGISLATIVE INSTRUMENTS: *Local Government Act 1993 (NSW)*
Companion Animals Act 1998 (NSW)
Companion Animals Regulation 2018 (NSW)
Impounding Act 1993 (NSW)

RELATED POLICIES, PLANS AND PROCEDURES: Compliance and Enforcement Policy
Privacy Management Plan
RESPONSIBLE DIRECTOR: Director Planning and Environment

APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	11/08/2020	20/260716