



Policy Title	Companion Animals Management
Policy Category	Public
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Policy Owner	Community and Corporate
Approval by	Council
Effective date	
Date for review	September 2020

1. STRATEGIC PURPOSE

It is widely acknowledged that the keeping of companion animals and pets can be most beneficial to the well-being of people. Snowy Valleys Council (Council) has a regulatory obligation to manage Companion Animals under the Companion Animals Act 1998 (Act) within the Local Government Area (LGA) under jurisdiction of Council.

2. POLICY STATEMENT

The Council will inform the community of the statutory restrictions and requirements of ownership which apply to the keeping of companion animals.

The laws, regulations and standards under the Act are in accordance with the Local Government Act 1993 and the Companion Animals Act 1998 and associated Regulations. The intent of this policy is to ensure good health and safety for Companion Animals, their owners and the general public regarding companion animal management within Council LGA.

3. DEFINITIONS

Companion Animal – any dog or cat only. Companion animal does not refer to other domesticated animals, livestock, birds or pets that are not dogs or cats specifically.

Council Pound - any place approved by council as a place for the holding of animals

Authorised Person – an authorised person of the Council authorised to administer the Act, or police officer

DE sexed - rendered permanently incapable of reproduction

Effective Control- is defined in legislation as meaning the animal is controlled by means of an adequate chain, cord or leash that is attached to the dog and that is being held by, (or secured to) a competent person who if the owner is not present, is of or above the age of 16 years..

4. CONTENT

The Local Government Area (LGA) comprises 8,960 square km's and covers the western side of the southern-most portion of the Great Dividing Range and foothills in New South Wales. Large sections of the LGA are contained within national parks.

The LGA is made up of the following towns and villages Tumut and Tumbarumba, Adelong, Batlow, Brindabella, Brungle, Cabramurra, Gilmore, Grahamstown, Gocup, Jingellic, Khancoban, Killimicat, Rosewood, Talbingo, Tooma, Wondalga, and Yarrangobilly

Council encourages responsible pet ownership, reducing the number of unwanted animals that are processed through Council pounds, and seeks to reduce the number of companion animal complaints received. This is achieved through a process of education, facilitation and when necessary compliance enforcement of the Act.

The Act ensures that Council has a set of compliance standards and regulations in place to deal with the identification, registration, ownership responsibilities, as well as clear actions to which can be taken in the event of non-compliance with those requirements. These standards apply to both the community and for Council.

4.1 Registration and Microchipping

Unless specifically identified with an exemption in legislation, all companion animals are required to be permanently identified from 12 weeks of age by means of a microchip. All companion animals unless specifically identified with an exemption in legislation must be registered from 6 months of age through registration on the *Companion Animals Register*. Penalties apply under the Act for non-compliance.

The NSW *Companion Animals Register* is an electronic database which is maintained by the Office of Local Government. All NSW Councils may act as registration agents on behalf of the Office of Local Government. Alternatively, pet owners may access the registry individually to manage the information and details regarding their animals. Proper identification and currency of information allows councils/vets and others to identify companion animals, and their owners, to ensure the efficient return of the animals should they become lost. Some Council Rangers are qualified identifiers for companion animals.

Council offers general information on the companion animal ownership and responsibility, and conducts periodic events such as Paws in the Park and free microchipping days, regular information Council's social media page, local radio and newspaper, and face-to-face interaction with the community. Council also encourages education programs through schools, and those that are endorsed by the Office of Local Government, to enhance responsible ownership of companion animals.

4.2 Complaints

All Companion Animal related issues and complaints to Council will be investigated. When a complaint is received, the complainants contact details are given to Council on a *Complaints Form* including a detailed description of the problem.

- All complainant forms and details are managed in accordance with the Privacy Act
- If the complaint is such that an offence has been committed, a witness statement may be taken for evidence and the complainant will be informed that it may be used in a court of law.
- The complainant's anonymity remains intact, unless a court challenge to the offence has been issued. The witness details may be revealed as part of legal court proceedings.
- Council Rangers will use the information given to initiate an investigation.

- All investigations will begin with a companion animal registration check. Once a problem is identified, a resolution strategy is worked out which may include warnings, fines, nuisance orders etc or other actions as detailed in the Act and Regulations.
- Councils *Complaint Management Policy* will be followed in an event where further investigation is required.

4.2.1 Unsubstantiated Complaints.

When Council receives unsubstantiated, third-party complaints and/or complaints from residents that do not wish to give details or witness statements, the matters are investigated, however, no legal action, may be taken unless the complaint is formally addressed in writing (witness statement), or substantial evidence of the offence is found and attributed first hand by the investigating officer.

4.3 Restricted, Menacing, Dangerous and Restricted Dogs

Under the Act, the following dogs are classed as Restricted Dogs:

- (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 this Part to be a restricted dog,
- (f) any other dog of a breed, kind or description prescribed by the regulations for the purposes of this section.

The requirements for ownership of a "restricted dog breed is identical to those of ownership of a declared Dangerous Dog.

The NSW Government gives Councils the power to ban the ownership of any restricted dog in its area unless the owner has obtained an approval from the Council. As of 2019 an annual permit is required to own a restricted breed of dog. In addition, the NSW Government will work with local Councils, vets and scientists on ways to identify potentially dangerous cross breeds.

4.3.1 Dangerous and Menacing Dogs

Under the Companion Animals Act 1998, a dog is DANGEROUS if it:

- has, without provocation, attacked or killed a person or animal (other than vermin), or
- has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin), or
- has displayed unreasonable aggression towards a person or animal (other than vermin), or
- is kept or used for the purposes of hunting.

Under the Companion Animals Act 1998, a dog is MENACING if it:

- has displayed unreasonable aggression towards a person or animal (other than vermin), or

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

Any dog can be declared a "Dangerous or Menacing Dog" by an authorised officer of the Council, Local Court and/or a Police Officer if it falls under any of the above criteria and is associated with an incident or event.

For both *Declared Dangerous* and *Restricted Dogs* the owner of these dogs must comply with strict requirements as described in the Act and Regulations. If these strict requirements are not complied with, the owner of the dog may receive substantial on the spot fines, court action and/or a permanent or term of disqualification from owning or being in charge of dogs. Such as disqualification would be applicable throughout Australia. Authorised officers may also seize a dangerous dog from its property if the control requirements are not met.

4.4 PERMITS Required FOR NON-DESEXED CATS AND CERTAIN DOGS.

Under New Legislation, in effect as of 01 July 2020, an annual permit is required to own a non-de-sexed cat that is 4 months old or older. Substantial on the spot fines for non-compliance apply.

As of 01 July 2020, an annual permit is also required for ownership of a "Declared Dangerous Dog". The permit requirement becomes effective that date which is a maximum of 7 days after the declaration takes effect. Substantial on the spot fines for non-compliance apply.

As of 01 July 2020, the same permit requirement as "Declared Dangerous Dogs" applies for all restricted dogs, and for dogs that are "declared restricted" as being a breed or cross breed of those dogs named in legislation as restricted. A Substantial on the spot fines for non-compliance apply.

Permit verification is made by Council or authorised authority by Companion Animal Registry check. Not having the required permit is classed as a separate offence than not being registered and under that section of the Act, the penalty is issued for each calendar month that the contravention of that permit requirement continues.

4.5 Council Pounds

Council operates two pound facilities located in Tumut and Tumbarumba. Stray, lost or found cats and dogs can be taken or deposited at Council Pounds and will be kept until the requisite holding period has expired at which time the animal will, if not returned to their owners, be rehomed or euthanised.

Under the Act, animals not identified by microchip, or otherwise unidentified animals are only only required to be held by Council for a minimum period of seven (7) days. If the owner is identified, Council is only required to hold the animal for a minimum period (14) days.

All efforts will be made to reconnect the animals with their owner or a person responsible for them, however in some instances this is not possible. All companion animals must be microchipped and registered prior to release from impound unless a legislated exemption applies under section 17(1)(c) of the Act. All fees and charges must be paid prior to the animal being released. All fees and charges related to Companion Animals are as per Councils annual charter of *Fees and Charges* and/or as stipulated in the Act and regulations

4.5.1 Disposition of Unclaimed Animals

Unclaimed animals that are held by Council are evaluated for rehoming and whenever possible rehomed through an Animal Rescue organisations. Council will only sell animals from the pound under extenuating circumstances.

Council facilitates rescue of Companion Animals through various accredited rescue organisations throughout Australia. Council is dedicated to using local services, and will seek to relocate animals locally whenever possible. All Animals that are re-homed through rescue

organisations are micro-chipped, de-sexed, and vaccinated prior to being re-homed. Once an animal has been processed through the pound and re-homed, any claim to the animal by a previous owner ceases to exist.

4.6 Enforcement

Council Rangers are responsible for ensuring compliance is achieved through facilitation and education of the public with regard to responsible companion animal ownership and where necessary, the enforcement of the Companion Animals Act and Regulations. If offences are detected, Council Rangers will enforce the requirements of the Act and regulations in line with Council's *Enforcement Policy*.

Council liaises with other government authorities to enable thorough management and enforcement of companion animals. Those authorities can include but are not limited to:

- Department of Local Government;
- RSPCA;
- NSW Police;
- Local Land Services (LLS); and
- NSW Department of Primary Industries.

4.7 Off Leash Areas

Council has only one declared leash free area within Snowy Valleys Council LGA. That area is located at Bila Park in Tumut. A leash free area is an area where dogs can play/exercise without a leash attached. However the dog must still be under effective control of a competent person at all times.

5 ASSOCIATED LEGISLATION

The Companion Animal Act 1998
Companion Animals Regulation 2018
Local Government Act 1993
The Privacy PIPPA Act

6 ASSOCIATED COUNCIL DOCUMENTS

Fees and Charges
Enforcement Policy – SVC-ENV-PO-077
Companion Animals Procedure - SVC-ENV-PR-064
Complaints Management Policy - SVC-COR-PO-037

7 HISTORY

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
	Superseded	Companion Animals Management Plan (Former Tumut Shire Council)	CorpPlan.06v1.1		
	Superseded	Enforcement Measures – Companion Animals (Former Tumut Shire Council)	Reg .15		