

# **The Local Government view on urban animal management**

**Councillor Peter Woods**

## **ABSTRACT**

Local Government involvement in animal management has occurred mainly under the Dog Act which does not provide a cost-effective mechanism for control. Local Government supports the introduction of a consolidated legislative package for urban animal control - possibly the proposed Companion Animals Bill - which must provide adequate fees to enable councils to educate the community in the rights and responsibilities of animal ownership and maintain effective control measures where education fails.

## **INTRODUCTION**

Urban Animal Management is a significant community issue at present. Much of that community concern seems to be fragmented upon specific areas such as attack by dogs on children, and destruction of fauna by feral animals (usually cats). Current approaches by all spheres of government - including Local Government unfortunately - seem to be focussed on specific parts of the problem, rather than treating the question on a global basis. However, there is an awakening to the fact that we need to be more concerned with education and prevention than with punitive measures.

Local Government has a major role to play in urban animal management, and I propose to look at that role in a number of specific areas.

## **LOCAL GOVERNMENT - ROLE**

Animal control - in the current sense, dog control really - came to Local Government in 1966 when the Dog Act removed control from the police and vested it in councils. I am sure the police heaved a sigh of relief.

Since the inception of the original Local Government Act in 1919, councils had exercised various powers relating mainly to the keeping of poultry, pigs, horses, etc. in urban areas. These were generally exercised under the broad area of public health, safety and convenience, and considered as matters of public nuisance rather than of animal management.

The 1966 legislation imposed a dog registration fee of \$2. It was a classic example of functions and responsibilities not being matched with funding.

Currently, the registration fee is \$12 (with a reduced registration fees in some instances) - it has not even kept up with inflation. One Local Government view at the time was that the power to charge registration fees was not a plus for Local Government - if it had been easy to administer or had been a money spinner the police would have kept it. That view has been borne out.

Over the years some councils have ignored the Act, while others have embraced its provisions wholeheartedly at great financial cost. One large urban council receives about \$50,000 a year in registration fees and yet incurs pound operating costs of about \$250,000. In that Local Government area that deficit represents about \$2 a head of the local population. You do not have to have too many functions like that to go out of business very quickly.

Overall in New South Wales, councils received in 1991 about \$3.6 million income from dog and animal management activities and expended \$7.7M.

Local Government simply cannot afford to subsidise this function by \$4 million a year.

Numerous resolutions from conferences of the Local Government Association and the Shires Association over the years have requested the NSW government to face reality and provide a level of funding which would enable councils to provide the services in dog control which local communities require.

I note that the changes to the Dog Act which came into effect on 1 September 1993 provided increased penalties in a number of areas, but did not meet our need for increased registration fees. As recently as June this year the Department of Local Government and Co-operatives again advised '*the Regulation of fees and administration arrangements is shortly to be reviewed in its entirety*'.

Local Government has not been alone in taking a rather limited view of animal control or dog control. It is only recently that the community has become aware of problems caused by other animals which are not regulated by their owners. A television program in August showed that one of the most endearing of our pets - the cat - is actually responsible for significant destruction of native fauna. In an article ('Catastrophe') in *Habitat Australia* (May, 1993) it was suggested that there are 12 million feral cats plus three million domestic cats. Our population is about 17.5 million so there is almost a cat per person.

The article highlighted the significant impact cats - both domestic and feral - have on wildlife and showed that in Victoria alone there were 211 million wildlife victims a year. It painted a deplorable picture of what happens if cats are allowed to roam free, and strongly supported responsible cat ownership.

Over the past several years there have been motions at Local Government conferences seeking to have the registration of cats and the compulsory desexing of animals introduced through legislation. These have generally been defeated on the grounds of cost-effectiveness.

However, the 1992 Conference of my Association resolved to seek '*the introduction of appropriate legislation to require the regulation and control of cats in a manner which reduces their threat to the ecology*'.

A motion to this year's Local Government Conference seeks to prevent the sale of kittens which have not been desexed, and to require all cats (other than those required for breeding purposes) over the age of six months to be desexed.

Another council has imposed a covenant banning domestic cats - and requiring householders to adequately control their dogs - on a 47-block residential subdivision it is marketing.

Councils have also sought to ban specific types of dogs - such as Pit Bull Terriers - either generally or from a specific council area.

We are now looking at how animal control can be achieved in a better way than was achieved by the Dog Act. The logical way this can be achieved is through the proposed Companion Animals Bill.

Local Government just does not have the funds to take on another program which does not pay its way. In a time of declining resources and increasing demands for services any legislation on cat control, or animal control generally, must include realistic financial resourcing.

## **LOCAL GOVERNMENT CONCERNS**

A major concern, of course, is that the dog legislation we do have is not achieving its objective. If the Dog Act was working, councils would not be inundated with complaints about:

- Barking dogs interfering with the amenity of neighbours;
- The fouling of footpaths and parks by animals whose owners want to claim all the rights of pet ownership but are most reluctant to accept corresponding responsibilities; and
- Attacks by dogs on children, often with horrific physical and mental trauma.

The legislation itself is also subject to many defects. In June 1992, in the matter of Ivane Mary White v Maitland City Council, the Magistrate, in effect, held that whilst the dog involved might have been preparing to attack (and may have been dissuaded from actually attacking only because of the intervention of another person) that did not constitute an 'attack' under the Act.

He did agree the dog had probably 'assaulted' the person but that was not an offence under the Act. I notice that this same definition of 'attack' appears in the Dog Amendment Act 1993, so this ludicrous situation remains. These are the areas where the community cannot understand why councils 'don't do something'.

In his second reading speech in April 1993, the Minister for Local Government cited injuries requiring hospitalisation which were caused by dogs. One hundred and seventy eight (178) people were hospitalised from dog bites in 1989-90 and this figure increased to 387 in 1990-91. Half of these victims were children, and it is reasonable to expect that a much larger number of less serious attacks would have taken place but not been reported.

The situation is not clear, and we have suggested to our member councils they not use this provision (whereby the council may declare a dog dangerous) until it has been clarified. Personally, I think that once a dog has attacked it should be destroyed.

I am also concerned that at a meeting in March this year, 14 out of 17 groups associated with animal control, resolved to inform the Minister:

1. *That the Minister's initiatives are welcomed but the proposed legislation is reactive rather than proactive and it unlikely to be capable of effective enforcement and will not prevent the majority of [dog] attacks:*
2. *The existing problem requires an effective educational program both to the public and to Local Government, and a review of all fees and penalties which are clearly inadequate and ineffective.*

However, the provisions which the group thought were unsatisfactory still remain within legislation.

The Association has expressed concerns regarding parts of the 1993 Dog Act. Under the legislation a council may declare a dog dangerous. Once such a declaration is in force the owner is then subject to restriction on how the dog is kept on the property and it must be leashed when outside the property. Our legal advice is that if a council declares a dog dangerous then it may attract down-stream liability if it does not monitor the situation to ensure the restrictions are observed. What would be the position of a council which declared a dog dangerous, did not monitor that the owner was observing the declaration and the dog attacked someone? Or even if the owner was observing the declaration and the dog attacked?

One of the other problems that councils have is the identification of dogs. It seems ludicrous to me that in this day and age we depend upon a disc attached by a collar. I know that electronic identification/registration processes have been around for some time and I am concerned that a single central system which would encompass the needs of all sections of the community has not yet emerged. It is this type of fragmented approach which exacerbates our problems. If we register cars on a state-wide centralised system should we also register dogs this way?

Another issue is that police dogs are not registered, and are apparently outside the ambit of the Dog Act. This came to light in the Ombudsman's investigation of an alleged incident where a police dog kept on private property attacked a child. Why should government not be bound by its own legislation?

My own council has a huge problem with barking dogs. People go to work and leave the dog in the yard. The dog gets bored or excited and barks and creates problems for neighbours and we get a complaint.

Council is addressing the problem on two fronts. We have served notices under the Noise Control Act to abate the nuisance and, in one case, have imposed a \$150 on-the-spot fine for non-compliance. We are also providing videos in our libraries on how to train your dog. Other councils operate programs covering:

- Monthly dog care awards, which highlight responsible dog ownership;
- Promotional material to residents;
- Sample and sale of Poop-a-Scoop bags;
- Hire of dog silencer collars; and
- Dog desexing incentives -10% discount on de sexing charges during National Pet Week.

I am aware that I have dwelt on dogs, rather than an animal management, but this is the basic legislation councils use. In the past, councils have attempted to use the impounding provisions of the Act to regulate cats but that was not possible. This is permissible by Regulation and would provide some control. However, we are looking at whether it is logical to have the definition of animal under the new 1993 Impounding Act extended to apply to cats. We would prefer more specific legislation.

I suppose our major concern is that councils and the community spend a lot of money and resources regulating dogs, and yet achieve only a limited result. What we want to do -and what we hope forums such as this conference achieve - is to turn that around and seek to deal with the source of the problem - not the result.

## **LOCAL GOVERNMENT OBJECTIVES**

Local Government would like to work with all interested groups in addressing the issue in a positive manner. We endorse the concept of responsible animal ownership. We have to convince owners of animals that they not only have rights but that they also have responsibilities to ensure that the animals they have in their control do not create a problem for the community.

There are initiatives along these lines but they seem to be very slow in coming to fruition. My Association has been working for some time on the concept of Companion Animals Control. The Department of Agriculture has carriage of this proposed legislation. and the Discussion Paper released by it in November 1992 noted that Companion Animals have a significant social value in the community. I could not find a definition of 'Companion Animals' but specific mention is made of horses, dogs, cats, rodent, birds, ferrets, guinea pigs kept as pets for companionship. I really shudder at the thought of councils having to register birds, rodents, ferrets or guinea pigs.

I note that the Discussion Paper also refers to the need for a fund to promote the proper care and welfare of animals in the community, particularly to promote responsible animal ownership. The objective is to provide public education about animal care, responsible animal ownership and animal welfare standards. It was proposed that funds be raised by a levy on animal owners or animal registration fees. It is the very strong policy of both the NSW Local Government and Shires Associations that we will not collect fees for other spheres of government, and I say now quite categorically, that we would not be prepared to pass on part of a registration fee levied for this purpose.

An education program has to cover all aspects of animal management. We have to make people think about why they need a pet. We have to avoid the impulse purchase of the pretty little kitten or puppy from a road-side stall to satisfy the perceived need of a child when no thought has been given to the care and management of the animal; whether it is a suitable companion for the child; or even what size the animal will be when fully grown. There is a lot of difference between the cost of feeding a Great Dane and a Pekinese; in the care necessary for a rabbit or a tortoise.

We have to educate people to care for their dog and provide adequate facilities for its comfort. We have to make sure that owners accept responsibility for the dog when in public places and if it defecates that they clean it up and take it with them. It amazes me that people seem to think that they have a God-given right to take their dog for a walk and exercise it and make sure that it creates problems for someone else. After all, there are numerous products on the markets which allow an owner to remove the problem without soiling his or her hands. We have to educate people that if they buy a dog it should not be abandoned when they go on holidays or when it no longer fits in with the family circle. I am appalled at the low reclamation rate of impounded dogs.

The same consideration for the community should govern the ownership of all pets. Cats should be restrained to prevent them becoming a nuisance to adjoining residents, or killing wildlife or becoming feral.

I sometimes think we should register the owner instead of the animal.

## **SUMMARY**

Local Government is fully aware of the major role it has to play in Urban Animal Management. However, in order to play that role we need reasonable legislation which provides for reasonable costs to cover the works involved. We need to work together on an education program to achieve a situation where an animal owner who does not meet his or her social responsibilities is made to feel uncomfortable by the community .

We possibly need more responsible vendors of animals who are aware of their ultimate responsibility to the community rather than merely seeking a quick profit. We need to look at charges for animal care, how these can be made more affordable and therefore more accessible to community members. We need to adopt a consolidated approach for all of us involved in this area.

I find it strange that the Department of Local Government administers the Dog Act, and that the Companion Animals Bill is being developed by the Department of Agriculture.

I would hope that one of the results of this seminar is a proposal to work together for the ultimate good of our community , and in that I include the animals who give us so much pleasure.

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## **ABOUT THE AUTHOR**

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Cr Woods is an Industrial Advocate in professional life. Cr Woods regards Local Government as the first sphere of government - the sphere at which people can become involved in decisions affecting their lives. His particular interests are environmental planning, participatory democracy and provision for ethnic minorities in our communities.

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