

## **Problems : a council perspective**

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### **ABSTRACT**

Animal control is a fundamental need of a community. Why then is it so difficult for animal management programs to achieve the desired levels of success?

This paper reviews the dog control strategies used in a former Victorian municipality. It looks briefly at the legislative controls which are available to local government officers and identifies the weaknesses in both the current Dog Act and the new Domestic (Feral and Nuisance) Animals Act.

Possible solutions to the legislative deficiencies are identified which, if adopted, will result in a new direction for local government Animal Control Officers.

### **INTRODUCTION**

This paper explores numerical relationships between registered and unregistered dogs passing through a municipal pound. No attempt has been made to establish reasons for the differences. While some conclusions have been drawn, they are based on perceptions rather than on a statistically proven model.

Can you imagine buying a new car and being told before you leave the yard, 'don't forget to register it before it's six months old'. While a new motor car has a significantly different value than does a dog, isn't the purpose of registering each the same? I wonder how many cars would be registered at six months? Probably the same as the proportion of dogs which are registered at that age. I wonder which motor registration authority or which police force would accept the ineffective registration processes which apply to animals? I suspect, none.

If local government Animal Control Officers (ACO) were tennis players, the commentators would say they spend the entire game playing 'catch up' tennis with little real chance of winning.

### **COUNCIL'S DUTY**

Local Government has a responsibility to reduce the opportunity for conflict between people and the dogs which we have chosen to bring into our community. It also has a responsibility to facilitate the reuniting of dogs and their owners when separations occur.

To help the ACOs in Victoria to achieve these aims we have the Dog Act 1970, which will be replaced next year by the Domestic (Feral and Nuisance) Animals Act 1994. While the new legislation contains some additional controls and facilities, it does not provide the tools necessary to address many of the causes of the difficulties experienced by ACOs.

Intensive animal control programs within the former Shire of Mornington have achieved successes, however deficiencies in the legislation prevent the attainment of lasting solutions.

### **THE MUNICIPALITY**

The former Shire of Mornington, now part of the Mornington Peninsula Shire, covered an area of approximately 96 square kilometres. The population was in the vicinity of 35,000 persons living in approximately 13,000 dwellings located predominantly in three urban centres along the shores of Port Philip Bay. Registered dogs were located in approximately 4,600 households.

The small area of the municipality, with its relatively compact population centres, created an ideal environment for animal management strategies, based on the legislative tools to be developed, implemented and assessed.

## **THE PROCESS**

In 1988 the Shire of Mornington recognised that there was a growing number of dog bites occurring in the community, some were serious, but most were not. The incidence of dog bite tended to increase with school holidays, but apart from this there was no other discernible pattern. Most dogs involved in biting were owned by 'responsible people' but there appeared to be little awareness of the need to keep dogs under supervision, let alone confined to the premises. A cursory examination of the pound statistics showed that most dogs entering the pound were not sterilised and were not registered, although most were reclaimed by their owners.

The penalty for an unregistered dog was related to the cost of registration and it was not seen as sufficient to induce dog owners to register their animals. When the State Government saw fit to increase the 'on-the-spot' penalty for an unregistered dog to \$200 and for a dog at large to \$100 (\$200 by night) it seemed that a solution to all the problems was at hand.

## **DOG REGISTRATION CAMPAIGN**

At about the same time, the council decided to introduce a campaign to increase the number of sterilised dogs in the community. The differential between the registration fees for a sterilised dog and an entire dog was gradually increased. By 1994 the registration fee for a sterilised dog was \$16.00 while for an entire dog it was \$90.00. For pensioners the fees were \$8.00 and \$75.00 respectively. Thus the savings in registration fees in two years were more than the cost of desexing.

Council was not disposed to participate in a dog desexing voucher scheme. It took the view that dog ownership was a personal choice and while there are clear benefits derived from pet ownership, these benefits are no greater than those derived from the pursuit of other hobbies. At the start of the program the municipality was divided into manageable precincts, each of approximately 500 households. Following a publicity campaign in the local press, ACOs knocked on every door in a given precinct. The owner of every unregistered dog was issued with an infringement notice. During the door knock campaign all residents were advised of the expectations regarding control of dogs. This was a major task and involved considerable resources. Progress was slow, but results were encouraging.

Once it was established that all dogs in the precinct were registered, patrols were undertaken to ensure that all dogs not under control were impounded. Initially ACOs conducted patrols during 'normal hours'. This had the effect of reducing the roaming dog problem by day but not reducing it by night. Night time patrols were introduced. The registration campaign, together with intensive patrolling produced a dramatic reduction in the number of dogs being destroyed at the pound, as well as reducing the number of dog problems in the precinct. Dog bites became the exception. There was considerable debate in the local press which was interpreted by many as a reason to ease the pressure. This perception was resisted and the campaign continued with increasing success.

The ACOs did not move into the next precinct until they were satisfied that there was adequate compliance in the previous precinct. The task of moving on to the next precinct became more and more difficult as it was found that control was only maintained in the earlier precincts by frequent dog patrols, particularly after hours. Eventually each precinct in the municipality had, we believed, achieved the minimum desirable level of compliance.

## **ASSESSMENT OF THE RESULTS**

The number of registered dogs had increased during the program and was continuing to grow. The volume of dogs passing through the pound had peaked at about 700 and was falling. Approximately 85% of impounded dogs were returned to their owner. Dog bites remained at a low level. We were satisfied. It was time to consider the next step.

Concerns were still held over the number of unregistered dogs passing through the pound. Although most dogs were returned to their owners, the majority continued to be unregistered. Owners of registered dogs received a renewal notice prior to the beginning of the next registration year. A further reminder was sent one month into the year.

Following the issue of this reminder, officers followed up on each of the registrations which had not been renewed. It was expected that they would detect a significant level of avoidance. This was not the case. In almost all cases the dog owners had moved out of the municipality or the dog had died or had been disposed of in some way. Clearly this follow up process was a waste of time.

Random door knocks were conducted with diminishing results. Very few unregistered dogs were detected. Areas known to contain a large proportion of rental accommodation were targeted, again with similar results. Areas from which a greater number of complaints by residents emanated were selected for door knocks, however the results remained the same. Most dogs detected during these checks were registered. Clearly resources were being wasted.

The Shire of Mornington was no different from any other municipality. There was a continuing demand to do more with less. The community was growing, residents required additional services and it was not possible to maintain the former compliance programs. Although we were satisfied with our results until October 1994, we were unable to maintain the former presence and the impetus was lost.

The pound register shows that in the period 1 October, 1994 to 1 July, 1995 380 dogs had been impounded. In the same period the year before, 217 were impounded, with the yearly total being 288. The number of dogs on the register had decreased for the first time since 1988. We were losing!

## **WHO'S WHO AT THE POUND**

In the year 1993/94, there were 5135 dogs on the register with an average of less than 1 dog per day impounded. Although the number of impounded dogs had fallen, the proportion of unregistered dogs remained high. It was decided to conduct a detailed analysis of the dogs impounded and compare it with a profile of the register. It should be noted at this point that all dogs impounded during the survey period appeared to be well cared for and in this regard owners did not neglect their pets.

Of the dogs impounded during the period 1st October, 1993 to 30th September, 1994, almost 75% overall were returned to their owners. Closer examination of the data however reveals that almost 99% of registered dogs were returned while only 53% of unregistered dogs were reunited with their owners.

This significant difference in return rates was not due to the officers making contact with owners, because few dogs were wearing identification tags when impounded. In most cases contact with the pound was initiated by dog owners. This seems to show and reinforce the fact that if someone has spent substantial sums of money to get a dog registered, albeit at the lower rate, it has had a value added effect from the point of view of urban animal management.

During the survey period 136 registered dogs were impounded. This represents just over two and a half percent of the registered dog population. If this ratio is applied to the unregistered population it would mean that there are over 5800 unregistered dogs in the municipality.

As registered dogs are located in approximately 4600 homes out of about 13000, it should be a relatively simple exercise to locate another 4000 plus homes each harbouring an unregistered dog. But this was not the case. Our earlier results demonstrated a detection rate of around one unregistered dog for each 100 homes visited, therefore there are fewer than 5000 unregistered dogs in the municipality.

If this conclusion is sound, then unregistered dogs are over represented in the pound population. The questions now are: why and what can be done to address this situation?

## **DIFFERENTIAL REGISTRATION FEES**

It will be recalled that in 1993/94 over 87% of registered dogs were sterilised, yet less than 70% of registered dogs entering the pound were sterilised. Unsterilised dogs are heavily over represented at the pound. This disparity becomes even more significant when reviewing the ratio of unregistered dogs which are sterilised to those which are unsterilised. In this case we find that less than 10% of the unregistered dogs are sterilised.

Why is this so and why is there such a large difference in the impound rates between sterilised and unsterilised dogs? No doubt this is a question which could (but probably won't) exercise the minds of statisticians and animal welfare lobbies for a rather long time. In my view the reason for such a large disparity is relatively simple. At one end of the scale a dog is a relatively cheap purchase. It has been said that it is the cheapest and most durable toy one can purchase. Is it any wonder then, that in some families the level of care given to the secure confinement of the dog is less than desirable? The dog has little or no monetary value.

The large differential in registration fees has significantly reduced the number of unsterilised dogs in the municipality. It has given dog owners a choice. Pay a once off (and easily remembered) cost to have the dog sterilised, and subsequently pay a small annual registration fee. Alternatively the owner can choose not to sterilise the dog and pay a significantly larger (and easily remembered) annual registration fee.

It is my view that by giving the dog a substantial, tangible and easily remembered value, the owner is more inclined to ensure that the legislative requirements are complied with. Perhaps it is because the dog has reached its economic value and no further major outgoings will be tolerated.

In effect, sterilising the dog may have had no effect on the behaviour of the dog (as some maintain) but it appears to have substantially changed the behaviour of the owners.

If only 13% of registered dogs are entire, why then are 91% of impounded unregistered dogs entire? Are owners of unregistered dogs less responsible? Are entire dogs more difficult to manage? The answers to these questions remain a mystery. It is sufficient to recognise that these differences do exist and are quantifiable.

## **LEGISLATIVE DEFICIENCIES**

The Dog Act gives ACOs ample power to deal with problems once there is a connection between dog and owner. The penalty for owning an unregistered dog is \$200. This is a significant deterrent, but only if the likelihood of being detected is so great that the traditional attitude of 'take a chance' is overcome.

If the chance of being detected with an unregistered dog is low then the investment return on an unregistered dog becomes more attractive. At Mornington, most unregistered dogs were over 3 years old when detected. The usual reason given for not registering the dog is 'I just haven't gotten around to it, yet'. Given a registration fee of \$90.00 per year, one only has to avoid detection for three years to be well in front. Unless each house in the municipality is checked more frequently than once in every two years the risk is justified by the return. Lower differential fees produce a different break-even cycle.

The Domestic (Feral and Nuisance Animals) Act contains the same registration provisions. Heavy penalties are prescribed for owning an unregistered dog, but there are very few opportunities for ACOs to get back into the game. They continue to rely on expensive and unreliable doorknock techniques to improve registration rates.

Older delegates will remember the days of the radio and television licence system. Owners of radios, and later televisions, were required to purchase a licence at the local post office. Even though almost every home had a radio, the requirement existed until well into the TV era. Inspectors could call at a home at any time to check licences. The risk of detection was low and compliance levels fell. The cost of licence checking increased to the point that it was not cost effective to raise revenue in this way. TV and radio licences went by the way and revenue was maintained through taxes imposed at point of sale.

The Domestic (Feral and Nuisance) Animals Act contains provisions which will be seen by some as providing a solution to locating the source of new animals coming into the community. It contains provisions requiring a 'Domestic Animal Business' to register with the local council. Only businesses which come within the definition in the Act require registration. It is difficult to see how this definition can be applied to 'back yard breeders' or to someone who is not operating an enterprise for profit. The onus of proving that a business is run for profit rests with the council. Unless it can be proved that the business is run for profit it cannot be held that it must be registered under the Act. To this extent the legislation is of little or no help.

For example, we know that in the Shire of Mornington approximately 700 dogs are removed from the register for legitimate reasons each year, while approximately 900 new dogs are added. We also know that there are only 3 pet shops in the municipality which require registration under the Act. In total these pet shops sell about 150 pups per year.

We also know that there are only two other establishments which meet the Domestic Animal Business registration requirements. One breeds Schnauzers and the other Chihuahuas, but there are only 52 and 135 of each breed respectively on the register. Clearly neither of these sources is a major contributor to the incoming dog population.

As so few of the new animals entering the community come from Domestic Animal Businesses, it can be seen that the business registration requirement does little to help the ACO track the sources of new dogs. This registration concept, however, does provide the spring board from which to develop legislation which will be more effective.

## **PROPOSED LEGISLATION**

In my view the new legislation is defective because it does not provide Animal Control Officers with a real opportunity to encourage the registration of dogs before or at the time they are entering the community. We must wait for voluntary registration at or around the time the dog is six months old, or the chance discovery during a door knock.

Although the new legislation sets out that a council may create local laws regarding domestic animals within its area, I believe that any attempt to resolve the issues I have raised must be state wide. Ad hoc solutions by individual councils will not achieve the aims and may well cost more to introduce and maintain than they save.

## **SO WHAT ARE MY PROPOSALS AND WHO WILL THEY WORK**

- The owner of every pregnant dog *must* register with the local council. This registration should be *free* and serve only as a point of contact between the council and future dog owners. Registration should include details of the breeds of pups and the dates they could become available to the public. The council would make these details available to the public as a means of assisting pups into new homes.
- The owner of each newly registered young dog must disclose the source from which he or she obtained the pup so that ACOs can follow up with the breeder and locate the remaining pups from the litter (much more effective than random door knocks).
- The council is to provide the breeder with an owner's kit for each pup born, which is to be passed on to the purchaser. This kit should contain information to assist new owners to understand and meet their obligations.
- All dogs under the age of twelve months which are *permanently identified* should be registered for the first time *free of charge*.
- These four measures should significantly reduce the need for officers to conduct door knocks as a primary means of locating unregistered dogs. At the time the first registration application is received for each dog an ACO can establish the source. Where the source is not a registered breeder, the ACO can take the appropriate action, including tracing other pups in the litter. In any event, that particular breeder has been identified and can be brought into the scheme. If cooperation is not forthcoming, sanctions may be appropriate and should be provided for in the Act. These initiatives also provide a strong inducement to owners to have their dogs permanently identified and registered in the first year. It is clearly shown that once on the register, registration is usually maintained.
- Registered breeders should act as registration agents, and for each dog registered by the breeder, a commission is paid. The quantum of this commission should be negotiated between the council and the breeder.<sup>1</sup>
- Council should set the registration fee for sterilised animals at a level which supports the cost of administration plus a surcharge for operating the pound. The fee for entire dogs must be significantly higher.

The proposal is to register dogs before they leave the breeder. This will mean that the majority will not be sterilised at the time of first registration. A large fee differential is a compelling inducement for owners to sterilise their dogs at an early age.

## OTHER COUNCIL INITIATIVES

The legislative reforms I have proposed will contribute to the ability of ACOs to work more effectively in the field. However, councils have a continuing role to play in creating a relationship between them and dog owners. As examples of initiatives which councils could consider I put forward the following:

- Councils should provide recognition for responsible dog ownership. For owners of dogs which are permanently identified, and which have not come to the attention of ACOs for a period of 3 years, one 'get out of jail free' card should be issued. This card should facilitate the release of the dog from the pound but not necessarily prevent the issue of penalties under the Act which should be determined by the circumstances.

This recognises that even for the most responsible dog owners, accidents can happen. My studies show that there are very few return visits of dogs to the pound. One free release, which, once used, is not replaced for a further three years, recognises in a most tangible way the inherent risks in dog ownership.

- For permanently identified dogs which have not been impounded in the previous twelve months, a no claim discount should apply to the registration fee.

The minimum fee for dog registration should contain an element which recognises the cost of operating the pound as a refuge for lost dogs. Where a dog has not used the pound facility in the previous twelve months it can be argued that the owner has a right to some recognition. This system reflects generally the principles used in the insurance industry.

- Create a competition which would encourage dog owners to act responsibly. Each ACO would submit the names of a set number of dog owners each week who were observed complying with leash laws and who had with them the facilities necessary to clean up after their animals, eg pooper scooper. Each month one name would be drawn and this person receive a dog related prize, eg \$100 of dog food, or vet fees to a particular value.

Again the task is to reward responsible dog ownership. Punitive measures alone may be an effective motivation for some people, however publicising penalties has only a short term interest value. Local papers are always looking for human interest 'fillers'. Such an approach presents an opportunity for a council to publicise the need for responsible dog ownership in a non adversarial way.

This proposal also presents an opportunity for ACOs to be in contact with the public in a non threatening manner. In fact, well handled contacts such as these should result in a positive response from dog owners. Even when a dog owner is detected not complying with the laws which are the target of the competition, sanctions should not normally be issued. The aim is to educate and persuade dog owners to accept and comply with community standards.

## CONCLUSIONS

Unregistered dogs are over represented in the pound population. They are also the least likely to be re-claimed, thus adding greatly to the cost of animal control programs. Unsterilised dogs are also over represented in the pound population, both among registered and unregistered dogs.

Neither the current nor the proposed legislation provide the mechanisms necessary for Animal Control Officers to ensure that all dogs within a community are registered. As a result, the impact of differential fees as a control mechanism is reduced.

Individual councils cannot remedy the deficiencies in legislation. While an individual council could pass local laws covering all of the proposals I have put forward, they would not be effective because dogs can be purchased outside of the municipality which would compromise the integrity of any locally developed system.

The government has sought to control the entry of pets into society through the registration of domestic animal businesses. The definition of a domestic animal business is flawed to such an extent that it is unlikely to apply to any concern which is not operating under a business name. The responsibility for proving that an enterprise is operating for profit rests with the prosecution. This registration requirement is a feeble attempt to give the legislation bite at the correct point in the acquisition cycle. It fails due to lack of courage on the part of the legislators.

The old style door knock has been shown to be an ineffective long term technique for detecting unregistered dogs. Not only is the process ineffective, it is also costly in human resources.

If adopted state wide, the initiatives I have proposed present an opportunity to substantially reduce the cost of animal management programs, while at the same time increasing their effectiveness. For the first time the suppliers of dogs will be required to take a responsible role in the management of dogs as pets in society.

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Fred Pallas has been involved in Local Government since 1986 when he left his military career of almost 25 years to accept the appointment of Superintendent of Traffic and Bye-laws with the Shire of Mornington Council.

Fred introduced effective animal management programs to the municipality and persuaded the Council to adopt widely differing registration fees for sterilised and entire dogs which has impacted favourably on the number of dogs impounded.

He has been a strong advocate of effective legislation and has presented his views to Parliamentary Working Parties on animal welfare. While he supports the direction various governments are taking with legislation, he believes that the tendency is to address the symptoms and not the problems. Problem solving is 'still being left to those in the field'.

Fred is now with the newly created Mornington Peninsula Shire Council and intends to continue to work towards more useful legislation.

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[UAM 95 Index page](#)