

# **A review of current Australian companion animal legislation**

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## **BACKGROUND**

Legislation has been a key plank in the control of companion animals, primarily dogs, for decades. Changing community attitudes and the continual pressure for urbanisation has maintained the pressure to amend and review legislation to keep pace with these changing attitudes and the community's needs. More recently cats have been included in such legislation.

Underlying the introduction, or amendment, of legislation is the perception that it will effect the desired community outcome. In addition, because of the federated nature of Australian Government, different states and local governments take alternative approaches to solving the same or similar problems. This diversity of approach provides an opportunity to compare, against appropriate key performance indicators, which legislative approach is working best. The success of respective legislation is seldom quantified and there has been no attempt at a national comparison.

This review seeks to address the first part of this issue - how does each state's respective legislation compare in their method of addressing the problems?

## **METHOD**

In June 1997 the government printer in each state was approached for copies of the relevant legislation. These were then perused at length and the details entered on a 'large database'. The key performance indicators were then chosen to enable a manageable format for presentation and comparison.

In June 1998 a council in the capital city of each state was contacted to confirm the accuracy of the presented information. Some states have over-arching legislation, for example South Australia, New South Wales and Victoria, while others do not. Where such legislation exists local councils have scope to adapt the legislation by the application of council specific regulation. For simplicity's sake individual council regions have been selected in key areas, for example Darwin in the Northern Territory, Brisbane in Queensland.

The proposed NSW Companion Animal Act passed through parliament on 3rd July 1998, but the regulations will be delayed by a two month parliamentary recess. Hopefully more reliable details will be available at the conference in October.

Dangerous dog penalties were not included for simplicity. They are anywhere from twice the stated penalty in Victoria, up to ten times the stated penalty in South Australia.

## **RESULTS**

Table 1 (refer below) shows the legislation in each state that concerns companion animals. The main legislation reviewed for each state is in bold-type.

Table 2 (refer below) shows the outcomes for key performance indicators for each state's dog legislation.

Table 3 (refer below) shows the outcomes for key performance indicators for each state's cat legislation. Tasmania, Australian Capital Territory and Western Australia are all investigating cat legislation at this time.

## CONCLUSIONS

The Tables are mostly self-explanatory, so only a brief comment about each state will be made.

Each state's companion animal legislation has a distinctly different approach and language style

Each is dependent on its legal and historical tradition; parliamentary processes and, no doubt, its most adept lobby group!

Following the legislative progress of the NSW law has been an education in itself. A large volume of correspondence was received by members of parliament during the debate - unfortunately, most with diametrically opposing views. This is a very emotive issue! There are no easy paths, any new legislation faces a rocky road, perseverance is mandatory (sorry, advisable!).

While the proposed NSW legislation has embraced microchipping, making it an offence to sell a non-microchipped animal over the age of three months, they have unfortunately confused the issue for the public by maintaining a registration age of six months.

The main current initiative in the Australian Capital Territory relates to the ACT Cat Management Discussion Paper. After a long period of development and preliminary drafts, the public Discussion Paper was made available for comment early in 1998. The ACT Government now has to consider its policy position and its legislative response.

Darwin City Council has encouraged accountable responsible pet ownership by, among other things, declining registration for dogs with more than two offences under the Act in any 12 month period.

Brisbane City Council has designed up to nine different permit categories for animal businesses to help curb irresponsible breeding, but one cannot help feeling a little overwhelmed by the large number of choices.

The South Australian Dog and Cat Management Board has facilitated a state-wide community education that has certainly achieved measurable success and is a worthy example to follow.

Tasmania has ensured that any money obtained by councils under the Act is used solely for dog control. If, in 1987 when the Act was passed, they had added 'for community education', they would have been one step ahead of the rest of the pack!

Victoria has facilitated the registration process by appointing agencies at the 'coal-face', such as domestic animal businesses and veterinary clinics. Accreditation of obedience instructors is also a worthwhile strategy.

Western Australia has led the way in helping to successfully resolve barking complaints with step by step protocols to avoid dispute escalation.

At the conference, feedback will be invited on a number of issues:

- What other indicators should be included in the table?
- Should a contact person in each state update their state information annually?
- Can we ascertain the effectiveness of individual components of legislation without taking the 'big picture' into account?
- How does this link with the National Benchmarking proposal?
- How do you summarise 100 pages of legal jargon into five pages?

Workable and effective companion animal legislation is finally achievable. We must bite hard on the dry old bone between our teeth and not let go until they give us a more palatable and savoury reward.

## ACKNOWLEDGEMENTS

We wish to thank all those councils and government agencies who provided and reviewed material for this review.

## DISCLAIMER

Every effort was made to ensure the accuracy of the data presented but no liability can be accepted for any errors or omissions.

**Table 1. Australian Companion Legislation Reviewed and Included**

<b>Australian Capital Territory</b>	Australian Capital Territory, <b><i>Dog Control Act 1975</i></b> <b><i>Animal Nuisance Control Act 1975</i></b> Australian Capital Territory, Dog Control Regulations Australian Capital Territory, Interpretation Act 1967
<b>New South Wales</b>	Companion Animal Act (passed 3/7/98, regulations not yet complete) Animals Act 1977, No. 25 Animal Research Act 1985, No. 123 <b>Dog Act 1966 No. 2, including amendments up to Act 1993 No. 22</b> Dog Regulations 1981 Prevention of Cruelty to animals Act 1979, No. 200
<b>Northern Territory</b>	Darwin City Council By-Laws 1994 Northern Territory of Australia, Alice Springs (Animal Control) By-Laws Northern Territory of Australia, Regulations 1996, No. 56, 11/12/96 Northern Territory of Australia, Regulations 1996, No. 8, 5/2/96 Northern Territory of Australia, Regulations 1993, No. 9, 19/6/93 Northern Territory of Australia, Regulations 1993, No. 31, 1/10/93
<b>Queensland</b>	Brisbane City Council, Local Law (Keeping and Control of Animals) 5/7/96
<b>South Australia</b>	<b>Dog and Cat Management Act 1995, No. 15</b> <b>Regulations 1995, No. 118</b> Dog Fence Act 1946
<b>Tasmania</b>	Animal Welfare Act 1993, No. 63 Animal Welfare Regulations 1993, No. 255 Animal Health Act 1995, No. 85 Animal Health Regulations 1996, Statutory Rules No.117 <b>Dog Control Act 1987, No. 112</b> <b>Dog Control Regulations 1988, Statutory Rules No. 81</b>
<b>Victoria</b>	<b>Domestic (Feral and Nuisance) Animals Act 1994, No. 81</b> <b>Domestic (Feral and Nuisance) Animals Regulations 1996, Statutory Rules No. 25</b> Prevention of Cruelty to Animals Act 1986, No. 46 Prevention of Cruelty to Animals Regulations 1986, Statutory Rules No. 360 Subordinate Legislation (Prevention of Cruelty to Animals Regulations 1986 - Extension of Operation) Regulations 1996, Statutory Rules No.131
<b>Western Australia</b>	<b>Dog Act 1976</b> <b>Dog Act Regulations 1976, including. amendments 1987 No. 91, 1988 No. 95, 1995 No. 132, 1996 No. 132</b> Prevention of Cruelty to Animals Act 1920-1976 Prevention of Cruelty to Animals Amendment Act 1987, No. 36 Relevant Local Government (Consequential Amendments) Act 1996

**Table 2. A Comparison of Australia's Current DOG Legislation as at June 1998**

	ACT	NSW <i>proposed</i>	NT <sup>1</sup>	QLD <sup>2</sup>	SA	TAS	VIC	WA
<b>2.1.1 REGISTRATION</b>								
Registration fee	\$33	\$100	\$45	\$65	\$20	\$40	\$80	\$30
Registration age	3 months	6 months	3 months	3 months	3 months	4 months	6 months	3 months
Registration period	annual	lifetime	annual	annual	annual	annual	annual	1-3 years
Penalty for unregistered	\$75	\$250	\$50	\$330	\$200	\$80	\$200	\$100
Owner to update register	-	\$250	\$50	\$330	\$200	\$40	\$200	\$100
Owner minimum age	-	18 years	17 years	16 years	18 years	18 years	18 years	18 years
Fence required for registration	no	yes	yes	yes	no	no	no	yes
<b>2.1.2 Concessions</b>								
Desexed	\$12	\$35	\$5	\$30	\$10	\$10	\$25	\$10
Obedience trained	\$6	no	\$30	no	no	no	\$25	no
Club Member (CCC)	\$6	no	no	\$30	no	\$10	\$25	no
Pensioner - entire dog	\$6	\$15	\$30	\$30	\$10	\$10	\$25	\$15
Pensioner - desexed dog	\$3	\$15	\$5	\$15	\$5	\$10	\$12.50	\$10
<b>Dog Type</b>								
Tending stock	\$6	?	no	no	\$5	20	\$25	\$7.50
Guide dogs	0	0	0	0	0	0	0	0
Greyhounds	no	\$15	no	\$30	\$10	\$20	no	no
Breeder of pure-breed	no	\$25	no	\$30	no	no	\$25	no
<b>2.2 IDENTIFICATION</b>								
External	yes	3 months	yes	yes	yes	yes	yes	yes
Either internal or external	-	both	yes	yes	-	-	yes	-
Penalty no identification	\$50	\$250	\$25	\$330	\$200	\$40	\$100	\$50
<b>2.3 STATE LEVY %</b>								
	no	15%/R	no	no	10-20%/R	no	\$1/R+\$10/dab	no
<b>2.4 CODES OF PRACTICE</b>								
	-	yes	-	yes	yes	yes	yes 12/98	yes
Guide Dog free passage	yes	yes	yes	yes	yes	yes	yes	yes
Penalty false statement	-	\$250	-	\$1000	\$2000	\$200	\$500	\$1000
<b>2.5 DOG NUMBER LIMIT</b>								
(/ house without licence)	3	no	yes	2	no	2	2	2-3
<b>2.6 DOMESTIC ANIMAL BUSINESS Licence e.g. Boarding, Petshop, Breeder</b>								
Requirement	yes	yes	yes	yes	yes	yes	yes	yes
Licence fee	-	-	-	\$180	\$5-20xNo.	\$40-60	\$100	\$100
No./Type housed	-	yes	yes	yes	yes	yes	yes	yes
Penalty non-compliance	-	\$250	\$50	\$330	\$200	\$400	\$300	\$200
<b>2.7 SEIZURE &amp; POUNDS</b>								
Detention time (minimum)	5 days	7 days	4 days	5 days	3 days	5 days	8 days	3 days

Release fee (Day 1 + )	\$50+\$25/d	?	\$80+20/d	\$24+24/d	\$30+10/d	\$10+10/d	\$30+10/d	\$20+7/d
AO. seize & destroy	yes	yes	yes	yes	yes	yes	yes	yes
Destroy in sensitive	-	yes	no	no	yes	no	yes	yes
Environmental areas								
Property owner seize	-	yes	yes	yes	yes	yes	no	yes
Hinder AO.	-	\$1000	-	\$1000	\$4000	\$400	\$500	\$2000

### 2.8 DANGEROUS / PRESCRIBED DOG

Licence required	yes	yes	yes	yes	yes	yes	yes	yes
Licence cost	\$108	-	-	-	-	-	\$100	-
Review annually	yes	yes	-	yes	-	/ 3 yrs	yes	-
Prescribed breeds = DD	yes	yes	-	yes	yes	-	yes	-
Fence required	yes	enclosure	yes	yes	yes	enclosure	enclosure	enclosure
Warning signs	no	yes	-	yes	yes	yes	yes	yes
Muzzle in public	yes	yes	yes	yes	yes	yes	yes	yes
Distinctive collar	no	-	-	yes	yes	-	yes	yes
Desexed	no	yes	-	yes	yes	-	-	-
Permanent identification	no	yes	no	yes	no	no	yes	no
Penalty for non-compliance	-	\$550	-	\$660	\$2000	\$500	\$500	\$250
Penalty for attack	\$5000	\$2200	\$200	\$1320	\$2000	\$500	\$500	\$4000
Second offence	-	Life Ban	-	Seized	-	Seized	\$2000	\$400/d

### 2.9 NUISANCE DOG

Abandon	-	-	\$100	\$1320	\$200	\$500	\$1000	\$1000
Attack	-	\$2000	\$150	\$1320	\$2000	\$500	\$250	\$10000
Attack encouraged	-	5-7yrs jail	\$150	\$3300	\$8000	\$750	\$500	\$10000
Barking	\$5000	\$250	\$100	\$330	\$100	\$400	\$300	\$100
Chase vehicle	-	-	\$100	\$330	\$500	\$150	-	-
Faeces to be removed	yes	\$250	\$100	\$330	\$100	\$50	\$100	\$100
Wandering - at large	\$50	\$100	\$80	\$330	\$200	\$100	\$250	\$100
- private property	\$50	-	\$80	\$330	-	-	\$300	\$200
Leash free areas	yes	yes	yes	yes	yes	yes	yes	yes
Ban public places	-	\$250	\$80	\$330	\$200	\$100	\$100	\$100

Abbreviations include: AO = authorised officer; CCC = Canine Control Council; dab = domestic animal business; DD = dangerous dog; /day = per day No. = number; yr = year; R = registration. Penalties are usually maximum allowable. <sup>1</sup>Darwin <sup>2</sup>Brisbane

**Table 3. A Comparison of Australia's Current CAT Legislation as at June 1998**

	ACT	NSW proposed	NT <sup>1</sup>	QLD <sup>2</sup>	SA	TAS	VIC	WA
<b>3.1 REGISTRATION</b>								
Required	no	yes	no	no	no	no	yes	no
Registration fee	-	\$100	-	-	-	-	\$50	-
Registration age	-	6 mths	-	-	-	-	6 mths	-
- desexed	-	\$35	-	-	-	-	\$15	-

- pensioner	-	\$15	-	-	-	-	\$15	-
- breeder pure bred	-	\$25	-	-	-	-	no	-
Penalty for unregistered	-	\$250	-	-	-	-	\$200	-
<b>3.2 IDENTIFICATION</b>								
Required	no	3 mths	no	no	advised	no	yes	no
External	-	yes	-	-	-	-	yes	-
Either Int. or Ext.	-	yes	-	-	yes	-	yes	-
Penalty for no identification	-	\$250	-	-	Seized	-	\$100	-
<b>3.3 SEIZURE &amp; POUNDS</b>								
Detention time (min.)	5 days	7 days	-	3 days	0 days	0 days	8 days	-
Release fee (Day1 + )	\$50+25/d	?	-	\$24+24/d	-	-	\$30+10/d	
AO. seize & destroy	yes	yes	-	yes	yes	yes	yes	yes
Destroy in sensitive	yes	yes	-	yes	yes	no	yes	yes
Environmental areas								
Property owner may seize	no	yes	-	no	yes	no	yes	no
For a key to abbreviations see Table 2 (page 76). <sup>1</sup> Darwin <sup>2</sup> Brisbane City Council								

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Michael has been involved in UAM closely since 1992. He has been National Convener of the UAM-Advisory Group since that date and has been convener or co-convener of two National Conferences, the Canberra UAM Conference(1994) and the Perth Conference(1998). Michael is a practicing veterinarian with a strong interest in 'responsible animal ownership' and education for responsible animal ownership. He has been National Convener of the AVA's Pet PEP program.