

# Companion Animals Act - implementation

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## INTRODUCTION

### The Companion Animals Act 1998

*"An Act to provide for the identification and registration of companion animals and for the duties and responsibilities of their owners; and for other purposes. [Assented to 14 July 1998]"*

*Section 4 Companion Animals Act 1998 "It is declared that the protection of native birds and animals is an objective of animal welfare policy in the State".*

The Companion Animals Act was enacted to commence on the 1<sup>st</sup> October 1998 and was to be implemented in 3 stages. The aim was to promote the responsible ownership and penalise the irresponsible owners.

The aim of the legislation is admirable as it is in the interests of the community as a whole to promote responsible ownership of animals and to ensure the prompt reuniting of animals and their owners. It has been proven over the years that the ownership of a companion animal brings great joy and comfort to members of the community. The ownership of an animal brings companionship to the lonely and teaches the young responsibility.

The first stage was to introduce the Act, with the exclusion of unleashed dog exercise areas and the compulsory registration and identification of companion animals. The second stage was to introduce the unleashed exercise areas to be allocated by Councils in December 1998 and the identification and registration of dogs and cats from the 1<sup>st</sup> July 1999.

The initial introduction of the legislation progressed after approximately 200 changes passed through Parliament in about 6 hours. This appeared to be the start of the downfall in relation to the initial idea of the legislation. With the number of amendments being passed there appeared to be a lack of procedure in which the amendments could be processed to examine the extent of the changes and resultant impact on the legislation.

Although there was extensive community consultation with the release of the green and white papers the final result bears no resemblance to the green or white papers. The Council and other parties (veterinarians etc) were gearing up for the Companion Animals Act to be introduced in a different form than the final legislation. This caused much confusion.

## AIMS

1. In the beginning the Government proposed major changes to the Dog Act 1966 with the idea of incorporating cats due to the number of concerns that wandering cats were killing native animals.
2. The aim was to identify all dogs and cats and promote responsible companion animal ownership.
3. Another aim of the legislation was to attempt to reunite lost and/or impounded animals with their owners quickly through permanent (lifetime) identification and registration.
4. Permanent identification and lifetime registration was seen to reduce problems faced by Council in identifying impounded animals. External tags were seen as an unsuitable form of identification due to collars and or tags coming off the animal.
5. Dogs were required to have identification (external) on them whilst in a public place, registered by Council annually under the Dog Act, 1966 as amended. Cats were not required to be registered, as there was no legislation specifically covering cats.
6. The registration process was to be taken away from Council and placed in the hands of a third party namely the Companion Animal Register leaving the Councils to concentrate on community education and enforcement.

## PROBLEMS

There have been a number of problems facing Councils, veterinarians and animal welfare groups since the introduction of the legislation. The problems consist of:

1. **Enforceability** - a number of changes passed through Parliament in a short period of time. Some of the changes had an effect on the interpretation of various sections of the Act. Many changes appeared to be minor but in some instances the insertion of a comma changed the meaning of a clause.
2. **Cats** - there appears to be dissension in relation to the original intention and the legislation. As there is no true agreement in what the government wants to do. The current legislation does not address any particular problem with cats.
3. **Registration** -
  - **Dogs** - the tiered system is too cumbersome and confusing for Councils, veterinarians, animal welfare groups, breeders, pet shops and the most important of all the customer.
  - **Cats** - the registration in relation to cats does not address any of the problems. Only the change of ownership from the 1<sup>st</sup> July 1999 has been addressed and the identification of cats is too cumbersome due to the non-compliance from owners. How do you catch a cat to check identification if it has no collar and tag? To check the microchip the cat has to be caught being a nuisance.
  - **Registration and identification** - There has been confusion relating to the two steps involving identification and registration. Council and the Department of Local Government spent hours receiving numerous enquiries in relation to the new system. Vast advertising campaigns explaining the new system of registration were undertaken, detailing the exemptions, who is required to have their dog/cat registered, methodology and the differentiation between identification and registration and who is responsible for identification and who is the responsible for registration. Councils conducted extensive staff training to prepare for the numerous questions brought about by the new Legislation. Councils conducted microchipping and registration days that involved animal organisations and veterinarians to no avail as confusion has continued with the customer.
4. **Companion Animal Register** -
  - The Register was not up and running on 1<sup>st</sup> July 1999.
  - Access to the register with the inputting of relevant data was too slow to be effective as the promise was that the customer could go to Council and register their animal and walk out with a certificate in a matter of less than 5 minutes. The average time in the beginning was in excess of 20 minutes. In some instances Council could only process five per day due to the constant breakdown in the system.
  - Lack of telephone access to the register by Council officers after hours (including weekends) to enable the quick return of the animals to the registered owners. Very few rangers have access to computers in vehicles and/or Internet access at Council or animal shelters. In many instances the rangers have to travel considerable distances to animal shelters to access the register and the animal may have been picked up near the owners residence. Many Councils have a policy to return the stray animals to the owners immediately.
  - The Register was designed to work on Explorer 5 with some Councils using much earlier versions of Internet Explorer. Some Councils do not have access to Internet Explorer as they are using Netscape. Hence they are unable to access the register unless they upgraded their computer systems accordingly.
  - Many Councils only had limited access to the Internet and this was mainly due to the internal systems of Council limiting the number of staff accessibility to the Internet. This meant some Councils having to upgrade their computer systems at a cost to Council.
  - The veterinarians were expected to 'identify' and place identification information on the register directly. Many veterinarians did not have a computer system or did not have the Internet. Therefore the identification information was then placed in the hands of Council with no consultation.

There appeared to be a lack of consultation with the vets in the beginning to enable the system to be introduced effectively. By the time that it was ascertained that many vets were unable to fulfil their obligations, there was a backlog of identification information waiting to be placed onto the system.

- Until recently veterinarians did not have access to the Register to find the owners of injured or stray animals handed into them. They had to rely on contacting Council and Council contacting the owner. The access to a 'Call centre' has been recently delivered. Some Councils are refusing to supply the information referring the veterinarian to the Department of Local Government to contact the owner.
- The database is too slow and cumbersome with no checkpoints to ensure the accuracy of the important information being placed on the register. The data bank has too many screen changes and to change information is extremely time consuming requiring, in many cases, the removal of the animal from the system and then re-entering the information onto the register.
- Information placed onto the system by other parties than Council has not been accurate Councils has been left to fix mistakes. Many Councils send letters with the registration requesting all details to be checked to ensure the accuracy of information being placed onto the system. In many instances the animal must be removed and details re-entered as many of the changes are unable to be made simply. This is another burden on the Councils. Many Councils sent data processing onto the register due to backlogs incurred due to the inefficiencies of the database and the quality of data processing returned to Council was not to the same standard that Council was processing.
- Lack of consultation with interested parties to ensure that the database is user friendly.
- Lack of training on how to use the system. When training was originally offered the system was being changed during the training sessions when some of the faults were detected.
- Lack of reporting facility to assist Council in identification of the animals and to check if animals are placed on the system.
- Lack of financial reporting facility until March 2000. Even then the system was unable to cope with Councils wishing to download their reports.
- Constant breakdown in the system. Originally blamed on the Councils computer facility. In some instances the computer facilities had to be upgraded and again no consultation in relation to the configuration required to maintain the Companion Animal Register.
- Certificates not designed to display relevant details in relation to the postal address and placement of address to enable the easy posting of the certificates.
- The Register did not have all breeds of dogs and cats available for selection to ensure that the correct breed/crossbreed is identified on the certificate and on the register. This continues to be a problem.
- The microchip number is open to interpretation as a mixture of alpha/numeric numbers are used and there should be a checking system to ensure that Alpha are not confused with numeric as the scanning of the animal and the checking the register takes time to work out the combination if not found on the system. There was no information given out in the beginning to advise Council of the configuration. This has now been rectified and Council is checking all possible configurations to ensure that the animal may be returned to the owner promptly.
- There is no cross-reference between registers (private and government). Councils cross check between all registers to reunite the animal and the owners promptly.
- Entries made on the system have disappeared soon after certificate printed.
- Processing of the identification information by Council is being hampered as some identifiers are sending the Companion Animal Registration forms to private registers for placement on the private registers before the forms are being made available to the Companion Animal Register. This is a breach of the privacy legislation as the information placed on the Companion Animal Registration form is subject to the privacy laws and some identifiers are placing themselves in jeopardy of prosecution by following this method of using the same form to allow information to be placed on the both registers.
- The registration forms rely on the legible writing of all parties concerned and in many instances the writing has been open for interpretation this itself has caused many changes to the registration details.
- The incomplete forms including authorised identifier numbers have caused additional work for Council.
- Training/User manual. To date there has been no manual produced although there were promises of a manual soon after the introduction of the database.

5. **Tags supplied** as required by the regulations, are not suitable and the owners have to purchase additional tag to place name and other identification on. The current tags supplied by the Register are too small and impossible to engrave with the microchip number on them unless you use a magnifying glass. Many engravers refuse to engrave anything on the supplied tags.
6. **Education** was promised and to date the education has been sparse relying on Councils to establish education programs without assistance from promised funding from registrations. The Government promised electronic media the electronic media campaign was aborted.
7. **Lack of funding to the Councils.** The Councils did not receive any payments in relation to registration until after 30<sup>th</sup> June 2000 although the Councils were expected to fund the implementation from the proceeds of the registration. The promised percentage of 85% has not been achieved and in fact Council have had to fund the processing of backlog of registration forms due to the non-performance of the register.
8. **Legislation.** There are a number of changes to the legislation that are required and although there has been no commitment in relation to the changes in the legislation, it is widely accepted that there are a number of problems. The problems mainly relate to the lack of qualification to manage the register, to changes to the legislation and the ambiguity resultant in the legislation after the many changes as it passed through both houses of Parliament.
9. **Councils were required to take over the registration process.** As stated previously Councils were expecting not to have to continue with the registration process that they had carried out under the Dog Act, 1966 as amended. Councils were not consulted and were forced to modify their computer systems and register animals for the Companion Animal Register while continuing to register dogs previously registered under the Dog Act. This has put an additional burden on the Council with no additional funding while having to fund the employment of additional staff in an attempt to have all animals placed on the register in a timely fashion.

Combined with the running of 2 (two) registration systems Councils have also been made to place all identified animals onto the system from completed forms sent to them by authorised implanters. There currently appears to be an increase in the identification and a reduction in the registration of animals. Councils now have the ability to follow-up identified animals that are not registered this function was expected to be carried out by the Register, yet another task that Council have to resource.

10. **Companion Animal Management Plan.** Councils were expecting to have to complete a Companion Animal Management Plan for their local area which included strategies for the management of dogs, cats and the provision for unleashed dog exercise areas, wildlife areas and redefining areas where dogs and/or cats were prohibited. These plans also included educational programs Council was expecting to undertake. Many Councils spent a considerable amount of resources including money in starting to develop these plans as Councils were under the impression that they would not receive any funding unless they were submitted to the Department of Local Government. This was included in the white paper and the Department of Local Government had commissioned a company to assist in the drafting of a generic plan. This plan although included in the Companion Animal Act was not made a condition of funding. The management plan has assisted Councils in setting goals, few Councils have been in a position to realise the possible advantages the management plan may have to the community. This has been due to the lack of funding, increases in expenses, problems experienced with the Companion Animal Register and the confusion in the community with having to maintain two registers.

## THE FUTURE

### Register changes

A number of changes have been made to the Register and its operation over that past few months and there are a number of changes proposed to be implemented prior to Christmas this year. Some of the changes include:

- fewer screens for data entry;
- increase reporting facility for Councils;
- 24 access to veterinarians through a phone in line where the 'call centre' contacts the owner of the animal and advises the owner the location of their companion animal. This is available not only for injured animals but

also for animals handed into the veterinarians.

- replacement of the name and address to enable the fitting in to a window envelope for easier posting;
- postal address to be displayed;
- an introduction page containing information of the purpose of the Register has been included;
- authorised users access a login screen from the Introduction Page;
- multiple entry menu has been removed. All Register transactions can be performed repeatedly from within a single session;
- Animal Identification and Registration report has been included. This report provides a list of animals over 6 months of age, identified but not registered. This report will allow Councils to follow up animals, which are on the register as identified but are due or overdue for registration. For some Councils this will mean significant revenue. In addition, the Animal Identification and Registration Report allows Councils to extract totals of registrations, by registration type, species and breed for all NSW Councils; and
- changes have been made to many data entry fields and menu items to assist with data entry.

There have been a number of problems and most people have been concentrating on the problems associated with the Companion Animal Register. All parties involved in the implementation of the Legislation must work together to ensure that the legislation and its requirements can be met and most importantly the increase in the responsible ownership of companion animals is promoted. There have been a number of obstacles placed in the way of a smooth implementation by many organisations and the lack of consultation has been evident in many decisions made to have the expectation/decision changed due to the inability of certain parties to fulfil their expectation. It is widely mentioned that Council has a moral obligation to fulfil the requirements of the legislation. Other parties too have a moral obligation to ensure that the tools are supplied to all parties involved in the legislation (the Register, the Department of Local Government, veterinarians, animal welfare groups, breeders, pet shops and Councils).

It has become apparent that many organisations/individuals have been talking the registration system down as being inefficient and the legislation as being designed as a 'killing bill'. Information supplied indicate that there has in actual fact not been a marked increase in the number of animals destroyed since the introduction of the legislation.

This continual 'talking down' of the Companion Animal Register is having a detrimental effect on the effectiveness of the permanent identification and lifetime registration concept, which I am sure all people agree is a positive step to ensure that the identified animal is returned to the owner promptly.

I ask that all responsible parties support the concept of the system and assist the implementation of the legislation and its requirements. After all the system is here to stay so we should support it and supply **positive criticism and solutions** to any problems that are encountered when asked for comments. We are all stakeholders and positive comments may assist in making all our tasks, as set out in the legislation, easier.

#### **ABOUT THE AUTHOR**

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Steve is employed as Chief Ranger at Pittwater Council and Hon Secretary of The Australian Institute of Local Government Law Enforcement officers (inc) which are a body of Local Council 'Ranger'/Law Enforcement Officers' responsible for the enforcing of various State Government Acts including the Local Government Act, Impounding Act, Roads Act, Protection of the Environment Operations Act and the Companion Animals Act. Steve has been involved in recommendations in relation to the Companion Animals Act and advising the Department of Local Government and in more recent times meeting with various members of Parliament to address the problems associated with the Companion Animals Act and Regulations. He is also currently involved in developing and delivering ranger courses with the Local Government and Shires Association.

