

# Dog management in South Australia

**Ken McCann**

## **ABSTRACT**

There is an urgent need in our society for superior dog management to allow much more emphasis on welfare aspects and to highlight the fact that dogs and humans can live compatibly. All authorities must accept the fact that there is no known single factor such as legislation which, when implemented within a community, will result in all dog owners readily accepting their responsibilities to that community for the actions of their animals or indeed their responsibilities to the animal itself. There are many other factors which, when standing alone, certainly will not achieve the ultimate result. However if we combine all the factors into a workable, acceptable and well developed Dog Management Program we are indeed aiming towards acceptable levels of owner responsibility and satisfactory solutions to the numerous problems that currently exist. Local government in South Australia is now moving in this precise direction and the paper will give an insight into the changes being made, the intent and objectives that may be achieved in the future. The direct objective is an acceptable level of dog management to address all existing and future problems concerning both dogs and dog owners in individual communities.

## **INTRODUCTION**

In 1992 I was commissioned by the Minister for Environment and Planning who is responsible for dog control and animal welfare to effect a state wide review into dog control. The aim of the review was to initiate a proactive climate for the future management of the Dog Control Act and to provide a sound information source on which to base future decisions for dog control.

In March 1994 I was appointed to the position of Executive Officer to the Dog Advisory Committee, being given the opportunity of implementing many of the recommendations made in the 1992 review. There are some major changes occurring in South Australia relative to the future operation of dog control and those changes are aimed directly towards dog management. I am pleased to have the opportunity of making known some of these changes, commencing with the general content of a negotiated agreement between state and local government.

## **NEGOTIATED AGREEMENT**

In February 1994 the negotiated agreement was signed by state and local government and will effectively transfer responsibility of administration of the Dog Control Act to local government.

To date the responsibility for administration of the Dog Control Act has been managed through the Office of Animal Welfare, Department of Environment and Natural Resources. The Office has also provided executive support to the Dog Advisory Committee (a statutory committee), facilitated legislative change and provided advice to local government and the public.

Local government, through councils, has the day to day responsibility for dog registration and for policing provisions of the Act.

Functions relating to dog control that shall be transferred from state to local government are:

- executive support to the Dog Advisory Committee or its replacement (already transferred to the Local Government Association and in operation);
- advice to local government and the public (already transferred to the Local Government Association and in operation);
- the responsibility of setting registration fees (requires legislative change);
- determining the level of council contribution to the Dog Control Statutory Fund (requires legislative change);
- financial management of the Dog Control Statutory Fund (requires legislative change)

Given that legislative change is necessary in any case, the opportunity has been taken to open up the entire Dog Control Act with a view to increasing the quality of legislation which must be enforced and administered by local government in the best interests of all dog owners and the public. To this end a set of draft discussion papers outlining guidelines and proposals for amended legislation has been forwarded to all councils and associated organisations for comment and submission.

We have gone a little further in so much as I have just completed a series of discussions for a statewide as part of the consultation process in seeking the preferred options relative to amended legislation. The process has all gone rather smoothly and well, and we could not be happier with the final result. There has been positive general support received from local government, state government, and a wide range of persons and other organisations.

There is an air of enthusiasm and great expectations. The next step of course is to travel through the process to enacted legislation which should occur in November 1994.

I would like to get back to the negotiated agreement because there are some important break throughs contained therein.

## **DOG MANAGEMENT PROGRAM**

Both parties have agreed that there shall be a Dog Management Program. The Dog Advisory Committee and its replacement Board shall be responsible for the development, monitoring and evaluation of a Dog Management Program. The Program is to be a strategy for implementing provisions of the new Dog Management Act and will obviously require an enormous amount of work and co-operation from start to finish. This concept is an exciting challenge and must be made to happen.

## **DOG ADVISORY COMMITTEE AND BOARD**

The Dog Advisory Committee shall continue for the time being under its current membership and terms of reference until legislative changes are enacted. The Committee will be replaced with a new Local Government Dog Management Board with at least six members, and hopefully no more than this number.

## **DOG REGISTRATION FEE**

Dog registration fees shall be set on a uniform basis for all councils in South Australia.

## **BOARD ROLE AND FUNCTIONS**

The role and function of the new Board shall be to:

- develop and administer the Dog Management Program;
- allocate grants to facilitate extension and education programs; allocate funds to prescribed pounds;
- provide advice to the Local Government Association and the Minister in relation to the administration of the Dog Management Act;
- set fees under the Dog Management Act;
- determine the level of council contribution to the Dog Management Fund;
- approve the use of Dog Control Management Fund monies;
- handle enquiries from the public;
- provide advice to councils in relation to the administration of the Act;
- promote activities for community education and information and support to councils in administering the Dog Management Act;
- encourage compliance by councils with minimum standards laid down for dog pound facilities;
- invest monies from the Dog Management Fund in the Local Government Finance Authority;

- determine essential information required to perform its functions including determination of fee levels appropriate for adequate dog control standards to be achieved, and co-operate where possible with the Local Government Grants Commission in obtaining that information;
- prepare annual budgets and business plans which include
  - estimates of recurrent expenditure;
  - estimates of grant and funding allocations;
  - the Dog Management Program and proposed activities.

Evaluation criteria shall include:

- cost and effectiveness of operating the Dog Management Program;
- participation by councils;
- efficiency of dog pound operations and adherence to standards;
- comparisons with other similar programs in other states;
- public opinion of dog management;
- efficiency and effectiveness of the Committee ( or its replacement) in achieving its agreed role and function;
- opportunities for improving dog management. The term of this agreement is for a period of five years with a right of renewal. The agreement will be reviewed during year five. It is anticipated that full cost recovery on a user pay basis will be achieved within two years of commencement of the overall program.

There it all is, at least the formula and the framework for achieving all of the goals in the area of dog management.

In the negotiated agreement there is some very important content and it is well indicated that we are not going to go the way of individual councils setting registration fees and creating diverse byelaws to control dogs and dog owners. The key will be uniformity throughout the state with a central controlling body which will be the Local Government Dog Management Board.

The Board will be the focal centre and will disseminate information and knowledge to all councils, and be responsive to their needs and requirements at all times. The Board as indicated will have wide ranging responsibilities and simply must perform and achieve positive results or otherwise cease to exist.

## **LEGISLATION**

Legislation is obviously an important factor in any Dog Management Program when used correctly. This means do not use it incorrectly or become reliant on it as a 'quick fix' answer to dog problems in any community.

Legislation provides us with the mechanism to ensure that all dog owners follow a set of rules as far as the law is concerned. It is largely directed towards irresponsible or unthinking dog owners who do not always come to terms with their responsibilities to their dog or the community .

As part of the new direction envisaged in South Australia, we are proposing heavily amended legislation with a view to allowing a variety of matters to be negotiated and resolved at a local level, rather than councils being committed to rely on court action in an endeavour to find resolution of the many dog problems.

In the first instance the title of the Dog Control Act needs to be changed. It will be known as the Dog Management Act with emphasis on management of the problems rather than on control of these same problems. There is no dispute that control is an important facet of dog management: that fact will not be lost or forgotten.

I would like to present some of the other proposed changes for your consideration:

## **DOG REGISTRATION AGE**

In 1989 the state government amended the registration age for dogs from 3 months to 6 months in seeking uniformity with other states. We have found that this move has been counter productive to dog owner responsibility in that too many dog owners have seemingly postponed accepting their responsibilities both to dogs and the community until their dog reaches 6 months of age. In some cases it never happens.

For instance, complete lack of identification, and permitting free roaming commonly occur and there is a very convincing argument that at least some dog owners need to assume these responsibilities at a much earlier stage of dog ownership rather than some months after they have purchased the animal.

Although these matters can be pointed towards dog owner education, supporting legislation is obviously necessary. We therefore propose that dog registration should be effected at 3 months not 6 months and have recommended accordingly.

## **DOG IDENTIFICATION PROCESS**

The existing legislation requires that 'all dogs must wear a collar or an attachment thereto bearing the name and address of the owner and a registration disc at all times'. Of dogs that are impounded, the identification rate (that is, with a collar and disc) is about 50 percent. The number of unidentified dogs destroyed is in excess of 10,000 dogs each year.

For some 15 years we have been trying to get dog owners to apply their name and address to a dog's collar without success although I am certain that a good number of responsible owners do comply with this requirement.

We believe that the best legislative approach is to require that all dogs must wear a collar and disc at all times. This would mean that name and address, telephone number etc become optional but not mandatory. This recommendation has been made with the majority support of local government.

## **DOG NUISANCE**

It is proposed that the definition of 'nuisance' be changed to provide three degrees of nuisance:

- where a dog has attacked a person or animal without reason;
- where a dog chases vehicles, animals or people regardless of whether or not the victim is injured;
- excessive barking.

It is proposed that the following procedure can be used to deal with nuisance dogs:

- a person can complain to their council about a nuisance dog;
- an authorised person may investigate the complaint and if the complaint is substantiated, may issue a warning notice imposing orders indicating specific controls on the dog;
- the owner may fix the problem or object to the council within 7 days;
- if that is not done then the council by resolution may declare the dog to be a nuisance and impose orders as forewarned, or vary those orders;
- the dog owner may appeal to the court against a council declaration;
- a court may confirm, revoke or vary the council order.

The rationale is to expand the options available to allow councils to negotiate satisfactory solutions to problems without having to prosecute through a court to achieve resolution of some matters.

## **KENNEL LICENCES**

We are proposing that where a council issues a kennel licence that the licensee pays to the council a total yearly registration fee equivalent to the number of dogs held at that kennel at anyone time. In other words, the proposal is that where a council issues a licence to keep say 20 dogs, at anyone time, then that licensee must pay to the council 20 registration fees per year irrespective of dog turnover.

Without going into too much detail, the idea behind this move is to minimise administrative difficulties in the collection of registration fees where dogs are being turned over frequently at kennel and greyhound breaking in establishments. At a kennel establishment a dog will be exempt technically from individual registration. However, prior to entering or on leaving such establishments, the normal registration requirements will apply.

It is not believed that kennel owners (who after all are operating a business) should receive concessions or special privileges but should contribute towards a user pay system of dog management just as does any other dog owner.

The recommendation is made in the belief that this action will contribute to total dog registration and management.

## **TRAINING OF PERSONNEL**

A Dog Control Officers' course has been established as a joint initiative by the Dog Advisory Committee and the Veterinary & Applied Science Centre of the Torrens Valley Institute of Technical and Further Education. The course is designed to give personnel a good grounding in both practical and theoretical aspects of their work. This is the first time that a course of this nature has been offered in the state. The course is divided into eight modules. They are: Ethics and Legislation; Communication; Dog Husbandry; Dog Handling; Basics of Disease and First Aid; Dog Behaviour and Training; Kennel Design; and Occupational Health and Safety .

The course commenced on 5th September 1994. Participants will attend about 180 hours over a full year to complete the requirements. The course is being delivered externally and is largely self pacing. Also included are two three day study and skills blocks incorporated into the course. The indications are there! The officers of local government in the immediate future will require skills and knowledge beyond those required to impound dogs and issue penalties for relevant offences. To those who imagine that they 'know it all' resist change and possible interference to their established comfort zone, then please consider the possibility that you may be left 'marching at the rear'. No longer should it be acceptable for any local government authority to appoint an officer, provide an Act and Regulations and do nothing more. This approach to dog management is unfortunately all too common and of course does nothing for the image of the particular authority and certainly does not benefit the individual officer.

I believe it is time that the personnel involved in dog management are recognised for what they are, the 'front line troops' who largely carry out a job that is as important as any other function of local government. It should also be recognised by the officers themselves that education and knowledge is as important to them as it is to their council.

Do not wait for opportunity to knock on your door: take the opportunity and make things happen. Education is the way to go, the future belongs to those who plan for it, particularly in the area of dog management.

## **DOG REGISTRATION FEES**

When speaking at the Urban Animal Management Conference in 1993 I remember making a specific point relative to dog registration fee structures and their complex composition. I still firmly believe this to be the case and we have made a good start in getting back to a more practical and workable structure.

The first step taken has been to eliminate renewal fees in favour of a yearly registration fee, and the limitation of concessions to two dogs only. Beyond that, full fees must be paid.

It must be realised that to some degree dog registration fees are politically motivated because the final decision is made by a state government, or alternatively by councils under varying structures encompassing an extensive range of registration fees. It is really very confusing to dog owners and both tiers of government when it could be so simple.

From a practical and administrative viewpoint there does not appear to be any substitute for statewide uniformity in fees and mode of operation.

It is also dependant on whether an authority adopts a proper user pay system whereby only dog owners pay, or implements a system whereby an entire community pays. Under a user pay system I believe that there are too many unnecessary concessions granted, too many minority lobby groups are taken notice of, and generally fee structures seem to have become too convoluted and unwieldy. In many cases fees are considerably higher than they would be if majority dog registration was effected in all areas. Dog registration provides the fundamental revenue base of a genuine user pay system and should be pursued as part of normal operational procedure.

There is little more that I can say at this time except to suggest that, when it comes to implementation of all the things that need to be achieved, then it all has to be **made** happen. I am extremely confident looking towards the future and with a mountain of help and support there is no doubt in my mind that a superior standard of dog management can be set up and maintained. The South Australian program may well be an example and model for other states to follow. I certainly hope so.

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## ADDENDUM

### **Cat management in South Australia**

The cat debate is clearly an issue for discussion throughout the entire country and South Australia is no exception. In August 1994 the Adelaide print media somehow obtained a copy of a confidential draft report 'South Australian Cat Management Strategy' commissioned by the state government. The resultant press coverage with a degree of disproportionate reporting and sensationalism has generated a continuous flow of opinions from large numbers of people in the community . Unfortunately there has been a good deal of emotive and misleading information provided to cat owners and the public as a result of this form of unauthorized publicity. There is however another side to the story.

I would like to provide details of a proposed cat management strategy that in general terms is supported by local government in South Australia and which I believe will be legislated accordingly by the end of 1994. In that event I am pleased to provide an outline of the aims and objectives of this proposed legislation.

### **OBJECTIVES**

The objectives of the strategy are:

- to make a commitment to an ongoing strategy which will enable legislation to be modified to reflect community interest in encouraging responsible cat management;
- to combine state, local and community resources to ensure a willing, co-ordinated and consistent approach to cat management;
- to differentiate owned from unowned cats;
- to provide owned cats with the protection of the law;
- to permit the removal of unowned cats without fear of civil liability;
- to ensure that all cats, owned and unowned, are treated in a humane manner;
- to promote responsible cat ownership through education with minimal legislative requirements;
- to provide a framework in which cat management legislation can be reviewed, if required, in response to the effectiveness of this strategy.

The strategy is not designed to:

- prevent trespass;
- require registration;
- limit cat numbers per household; demand compulsory desexing;
- impose curfews;
- initiate an 'open season' on cats in any way.

## **BACKGROUND**

The 'cat debate' has continued in South Australia over four years. The major areas of concern have been identified as:

- the importance of cats as pets;
- public nuisance caused by unowned and irresponsibly owned cats;
- the welfare of all cats;
- human and animal diseases transmitted by cats;
- predation on wildlife.

It was clear from the outset that no proposal would win universal acceptance. Some sectors of the community wanted no restrictions on cats, others wanted all domestic cats declared vermin. To find a strategy which is acceptable within both these extremes is difficult, if not impossible.

The proposal outlined below is generally supported by local government and is well supported by associated organisations. It clearly appears to have the support of the general community and obviously the state government.

It is suggested that the strategy is an educational package with a 'middle of the road' approach to existing cat problems and one that is most likely to be accepted by the community. Its long term success will depend on management and an accurate assessment of the need for variable legislation in the future.

## **THE STRATEGY**

Essentially, the proposal differentiates owned from unowned cats by identification. The central features of this strategy are:

- Any cat in a designated area may be euthanased. A designated area is a National Park, a designated sanctuary, Crown lands or one which is more than a kilometre from a human dwelling.
- In other than designated areas, an identified cat, that is, one wearing a collar giving the owner's address or telephone number, is protected.
- No person may trap any cat without the consent of the landowner. If an identified cat is trapped, it must be released.
- If an unidentified cat is trapped, it may be released, or it may be delivered to an authorised person within twelve hours. Trapping must be done in accordance with the Prevention of Cruelty to Animals Act.
- If there is reasonable cause to believe a cat is abandoned, but it is identified, it may be delivered to an authorised person or it may be released.
- An authorised person is any registered veterinarian, any person authorised under the Prevention of Cruelty to Animals Act, the National Parks and Wildlife Act, the Animal Plant Control Act, the Crown Lands Act or nominated by a Councillor the Local Government Dog and Cat Management Board. Before authorisation by a Councillor the Board, a person must demonstrate the ability to determine whether or not a cat is identified, and must prove they can humanely euthanase a cat. If they plan to hold cats, they must demonstrate that they have access to adequate facilities.
- When an unidentified cat is delivered to an authorised person, that person may release it, impound it, give it away or sell it or euthanase it, depending on the cat and facilities available.
- It would be an offence for anyone, other than an authorised person, to kill a cat, except in designated areas. Similarly it would be an offence for an authorised person to kill a cat without either the consent of the owner or making a reasonable effort to locate the owner. It would also be an offence to remove the identification from a cat without the consent of the owner.
- If an identified cat is delivered to an authorised person because it is thought to be abandoned, it must be held for three days and all reasonable attempts made to contact the owner. If these attempts fail, the cat is considered unowned.

## **INFRASTRUCTURE**

In February, 1994, a state/local government negotiated agreement previously referred to, effectively transfers the administrative function of dog control from state to local government. This agreement stated that a Dog Management Board would be established to perform this function. Under this proposal, the agreement would be revised and cat management would become a function of the Board.

I am now talking about a Local Government Dog and Cat Management Board being established and a Dog and Cat Management Act comprised of two distinct sections:

- A Cat Liaison Group of eight people has been established. This comprises representatives of state and local government, the Australian Veterinary Association (A V A), Animal Welfare League, RSPCA, a zoologist with fauna interests, cat breeding organisations and a pet public relations expert. This group acts in a voluntary capacity to provide advice and a link between both levels of government and the community. If the Board desires, this group could be retained if and when legislation is passed.
- There has been \$50,000 allocated in the first year by the state government towards education, and this will be used at the discretion of the Office of Animal Welfare on the advice of state and local government and the liaison group.
- In subsequent years, an appropriate level of funding will be sought from state and local government. Also private sponsorship will be sought to supplement the initial government funding provided.

A private company has agreed to supply information kits to councils which would answer the questions that residents are likely to ask.

## **SUMMARY**

There is no compulsory involvement of persons, organisations or even councils in the proposal. A person may choose not to identify their cat, but to confine it to their own property. Alternatively, they may choose not to identify their cat and allow it to roam. In either case it will be protected by law.

An authorised person does not have to euthanase a cat. It can be released, impounded, returned to an owner (if located) or euthanased.

Councils do not have to participate at all or indeed have any more involvement than currently occurs. They may prohibit or encourage trapping of cats on council land, they may authorise persons, or choose not to, and such decisions no doubt will be determined by the wishes of their communities.

Individuals may choose to allow unowned or unidentified cats on their land. However, if they wish to, they may identify and keep the cat, or take it to an authorised person.

## **CONCLUSION**

This proposed Bill is about accepting responsibility for a cat and admitting ownership. It is based on freedom of choice. A person is free to identify, or not identify; free to permit an unowned cat on their land, or to remove it. Consequently, the strategy will largely be funded on a user pays basis. If a land holder wishes to implement the legislation, either to protect their cat or to remove an unwanted one, it would be at their own expense. If councils choose to undertake a cat management program, they will pay for it.

This proposal is designed to be moderate, cost effective, flexible, and can be regarded as a positive educational program. It also represents what I consider to be the best option available initially. An important feature is the moderation of the proposal and for this very reason public support is likely to be at an acceptable level.

From a local government perspective, it means that ongoing assessment can be made relative to the success or otherwise of the proposal and there is sufficient flexibility in the proposal to allow modification in the future.



It will no doubt be an interesting and challenging involvement with both dog and cat management in the future; there is a great deal to be done and achieved and with a lot of help and support I am confident that all sought after objectives will be attained.

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## **ABOUT THE AUTHOR**

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I have been involved in the local government enforcement area and particularly dog control for 23 years. In 1988, I was appointed adviser to the South Australian Dog Advisory Committee and in 1992 I was commissioned by the Minister responsible for animal welfare to effect a Dog Control Review for the state. In March 1994 I was appointed Executive Officer to the Dog Advisory Committee. In addition to my local government experience, I have extensive knowledge in all aspects of the greyhound industry, including management, rearing, breeding and stud work. I have genuine concern for the welfare of all animals, and will continue my work with the aim of ensuring that humans and animals can live together in harmony.

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