

# **Dog control in the ACT- current legislative initiatives**

**Phillip Revill**

## **INTRODUCTION**

The residential area within the ACT covers an estimated 300-350 square kilometres and contains a population of approximately 300,000 which is estimated to reach 350,000 by the turn of the century. Current estimates of dog numbers in Canberra vary considerably. A survey conducted in 1993 by the ACT Government indicated a dog population of 36,000, while other sources indicate a population of nearly 50,000 dogs. With the expected increase in human population, it is assumed there will also be an increase in the population of dogs.

The ACT Government recognises there is a continuing problem with dogs. The Government has committed itself to the control of dogs in Canberra and to providing a high standard of welfare for the community allowing the whole community to utilise Canberra's open space without the fear of attack from stray dogs. To provide a high standard of dog control services in the ACT, the Government has provided funding for 13 staff members who are responsible for administering the Dog Control Act 1975 and the Animal Nuisance Control Act 1975. The ACT Dog Control Unit consists of myself the Registrar, an investigations officer, an animal nuisance control officer and three general duties office staff. In addition there are six inspectors and one pound keeper. The efforts of these individuals have lead to an excellent team effort in the controlling of animals in Canberra, particularly dogs.

I consider the dog control service in the ACT is unique in comparison with other animal control authorities throughout Australia. We are fortunate to have the people who write the legislation working closely with the inspectors who actually enforce the law. This has allowed the dog control service in Canberra to respond to needs of the community, including dog owners, with minimal disruptions. These arrangements have allowed the Dog Control Unit to work directly with the Minister responsible, Mr Bill Wood MLA, and we are fortunate to have the Minister supportive of the work undertaken by the Dog Control Unit.

## **DISCUSSION**

I would now like to provide you with a broad picture of how the ACT Dog Control Unit is involved within the community. Dog control is part of the responsibilities of the Department of Environment, Land and Planning. Within the Department, Environment and Conservation is responsible for all nature reserves, parklands, wildlife, rural lands, and for environmental issues. I have found that the Dog Control Unit is fortunate to work closely with all of the managers to determine the best way that land can be utilised in Canberra to achieve a balance for dog owners and the remainder of the community.

Local governments throughout Australia have some form of legislation which provides a tool for the control of dogs. Unfortunately most legislation is reactive and is like water off a duck's back to irresponsible owners.

We have all said at some time that it is the owner who should be registered and not the dog, as a dog will only do what the owner permits. This would be wonderful, but who's going to find the time to interview all of these people, and most likely the irresponsible owners would not comply as at the moment they won't carry out the basic requirement of having their dog registered.

The Dog Control Unit has a significant role within the community to provide a service to dog owners and those who do not own dogs. It is seen as a very difficult task to achieve a balance in which the entire community can live in harmony with dogs and their owners.

I have found in my time as Registrar that no matter what legislation or policies are introduced, some or many of the community will object to the introduction of new control measures.

At the conference in 1993 held in Penrith, I chaired the workshop "Can legislation prevent dog attacks". The simple answer arising from the workshop was "no". In the workshop participants considered that legislation was required in order to have measures of control against the irresponsible dog owners, but that the development of education and awareness programs on dog owners responsibilities would be more effective than the imposition of legislation.

## **NEW DIRECTIONS**

The Dog Control Unit in the ACT is taking that direction towards public relations programs. It is proposed to educate the dog owner rather than enforce harsh penalties for minor breaches of the Dog Control Act. The ACT Government provided funding recently for the development and publication of an education booklet for dog owners. With the assistance of Australian Veterinary Association (AVA), obedience training schools, the RSPCA and the Canberra Kennel Association, the booklet covers items such as the rules and regulations, proper pet care, and basic obedience for dogs. It is hoped the booklet will provide dog owners with the basic requirements of owning and enjoying a dog.

The Dog Control Unit in the ACT has proven that education and awareness programs can be highly beneficial. The program was given consideration and it was found that it is best to keep it as simple as possible (A big KISS). Posters which you may have seen hanging today I feel fulfil this criteria. Posters "Has your dog been through Rego?", were placed on local buses for a 12 month period, the same message was placed on over 200,000 milk cartons and the final stage for the past financial year was a booklet 'Doggie Do's and Don'ts'.

The results from such simple messages and educational materials was an increase in dog registration from 18,000 in May 1993 to over 24,000 in August 1994. Approximately 45 percent of dog owners do not comply with the basic requirements of the law by registering their dogs. The ACT Government has considered that harsher penalties and tighter measures of control with adequate resources may induce the irresponsible dog owner to comply with the law. You have probably just realised that the number of dogs registered in Canberra is well below that of the estimated dog population. Well, we had to start somewhere and I feel the number of dogs registered will gradually increase. However, I think I would be fooling myself to think that every dog in the ACT will be registered.

The increase in the number of dogs being registered assisted in offsetting the cost of the education and awareness program. In addition dog attacks have decreased from 305 in 1992/93 to 258 in 1993/94. Whilst this figure is still high I consider this to be a good result considering the population increase in this period. The Dog Control Unit feels that this figure can be reduced further each year by simple and cost effective advertising of dog owner's responsibilities and by providing educational materials on a regular basis as more information on dogs becomes available.

In addition to printed educational material, I have consulted with all of my staff and concluded that public relations exercises may have more effect than imposing penalties. Staff have found dog owners are more receptive of helpful advice and are more likely to comply with the requirements of legislation in an atmosphere of good public relations. This type of approach has also improved relationships between dog owners and the Dog Control Unit. Less criticism from the public is beneficial and allows my staff to concentrate their efforts on irresponsible dog owners and spend less time in heated discussions over minor breaches of the Act.

Further education programs are currently on the drawing board, including the development of a package for all dog owners when registering their dog. The package will hopefully include additional educational materials and items to help them comply with the legislation.

Other future developments will hopefully include a lost and found register for all dogs registered with the ACT Government. This I hope will have a double benefit since by encouraging the registration of dogs, the costs associated with the continuing educational program will be offset. Most recently, testing of computers within the inspectors vehicles linked to the Dog Control Unit database, with access 24 hours a day to information, will assist the inspectors in their daily duties to control stray and or aggressive dogs.

The Dog Control Unit in the ACT has recently expanded to trial weekend patrols, and will continue if this has proven benefits to dog owners and the community. A drawback is the cost of officers working over this period, but a simple alteration to their working arrangements may eliminate this problem.

Unfortunately there are dog owners who believe they are above the law and often the only education these people seem to understand is through the use of financial penalties.

The reality is that you will always have irresponsible dog owners who breed dogs to be aggressive and people who consider their dog should have free range to whatever is available. In an attempt to address this way of thinking by dog owners, harsh legislation must be in place and enforced wherever necessary.

On occasions the Dog Control Unit has taken a person to court for owning a dog which attacks, applied for and been granted a destruction order for the dog and the Magistrate has fined the owner, but what do they do? Go out and get another dog, and the story starts all over again.

This type of dog owner should not be permitted to own a dog for quite some time. I consider the introduction is warranted of a penalty which prohibits this type of dog owner from being permitted to own a dog for a time of not less than three months. Consideration would also need to be given to a severe financial penalty if the dog owner subject to this restriction is found to own a dog. The penalty for the breach of the court order would need to be substantial if it is to act as a deterrent.

The ACT Government introduced significant amendments to the Dog Control Act in 1992, which included the introduction of Declared Exercise Areas, a licence to keep more than three dogs, and the introduction of on-the-spot infringement notices. In 1993 following severe attacks on people by dogs two further amendments to the Act were introduced as private members bills in the ACT Legislative Assembly. These provided the Dog Control Unit with increased authority to handle matters concerning dog attacks, including mandatory destruction of all dogs which attack. The amendments also provided for the declaration of dangerous dogs and increased penalties available to the court for owners of attacking dogs.

I have found the more recent amendments to be beneficial after the dog attack has occurred. I am sure you all will appreciate that with the best legislation in place, and with an inspector on each corner of every street, you can guarantee an attack or some other incident will occur in the middle of the street. I consider that dog control authorities cannot guarantee that dog attacks will not occur, but can assure the community that the number of incidents in their area can be reduced.

In Canberra a problem exists because of a no front fences policy. If dogs are permitted in the front yard without any form of restraint, the temptation for the dog to leave the premises is high. I have found after speaking with inspectors a problem occurs when a straying dog is seen and it returns to a private property, the dog cannot be removed from the property without the owner's consent. Unfortunately this leaves the inspector no option but to leave the area to carry out other duties, and all too regularly the particular dog again leaves the property and continues to cause a nuisance to other members of the community and at times has attacked a person or other animal.

I feel one simple measure to prevent the dog leaving the property again and possibly attacking, is that inspectors should be permitted to remove and impound a dog from any location if pursued to that location. This minor amendment I consider would remove the possibility of attack and at least prevent the dog from causing a further nuisance. Once a problem dog is impounded the opportunity arises for the Dog Control Unit to conduct some good public relations and speak with the owners, with the possibility of providing assistance to ensure the dog is unable to again escape.

I am currently undertaking a review of the Dog Control Act with the possibility of further amendments to the Act that would discourage irresponsible dog ownership. I consider the amendments would assist with the control of dogs and the compliance with legislation.

Some thoughts I have at the moment are:

- **Increase penalties for unregistered dogs:** the penalty at present is \$75 on-the-spot and \$500 maximum. I hope the doubling of these penalties to \$150 and \$1,000 respectively may deter people from keeping unregistered dogs.

- **Reduce the age of compulsory dog registration from three months to six weeks:** a problem exists when breeders sell or give dogs to others and no registration details exist on the dog. Unless the new owner ensures the dog becomes registered it is possible the dog will never be registered with the Dog Control Unit. I consider breeders of dogs should be held responsible for registration prior to sale, with penalties for not conducting this procedure.
- **Provide for the dog owner to be responsible for providing escape proof facilities, not the landlord or the government:** a common explanation given to the Dog Control Unit as to why a dog was out, is that the landlord or the Housing Authority has not provided adequate fencing for the restraint of the dog. I feel that it should be the owner's responsibility to have adequate facilities to prevent their dog's escape.
- **Provide dog inspectors with more authority:** inspectors need to be able to enter properties to remove a problem animal. Of course, close control of this will be required to avoid abuse.
- **Fines for dog attacks:** under current legislation in the ACT, it is an offence to keep a dog which attacks people, wildlife, other urban animals or which places a person in genuine fear of being attacked. All attacks are investigated in Canberra with the view to the matter being heard in the Magistrates Court.
- At times incidents are black and white and the owner has admitted to their dog attacking another animal. In these cases I consider resources of the Dog Control Unit and the courts could be saved by the issue of an infringement notice if an authorised officer has investigated the matter and considers this type of action appropriate. Of course there would still be the ability to have the matter heard by the court.
- **Destruction of an uncontrollable dog:** inspectors at times can risk serious injury when attempting to impound a dog which is extremely difficult to control. In the ACT inspectors are not permitted to use tranquilliser guns and therefore must take all other necessary action to impound the dog.
- I consider that an inspector should be permitted to destroy the dog if at risk of personal injury or if the community safety is at risk. Inspectors are permitted to destroy dogs immediately if they have attacked or if the inspector has been witness to an attack. I strongly feel that whilst an inspector should exhaust all other measures to impound a dog, impounding is not always possible and destruction is the only alternative.
- **Additional penalties:** in some cases irresponsible owners, particularly those who have bred dogs to attack and who have had a dog destroyed after an incident, should be banned from owning a dog until they can show they are capable of being responsible owners.
- **Your name please:** how many times have inspectors been called to an incident or have seen severe breaches of the law, approached the dog owner and asked for the person's name and been told in a not so polite manner the particular direction the inspector should take? The introduction of an offence for the failure to supply this basic information, backed up by severe penalties, may assist an officer with the investigation.

I feel that the amendments I have just mentioned to the Dog Control Act in Canberra will provide the staff of the Dog Control Unit with additional measures to remove or restrain the irresponsible dog owners.

## WHAT A NUISANCE

One big problem that I understand all animal control officers experience is the nuisance animal and in particular the barking dog. The ACT Dog Control Unit administers the Animal Nuisance Control Act, and has recently been subject to increased public criticism for the inability of the Act to provide community assistance to those who have been annoyed by animals. Most complaints received (95 percent) concern the barking dog. Under the current legislation the matter of complaint can only be resolved through a Magistrates Court with no provisions for immediate assistance to the complainant.

Prior to reviewing the Act I had my staff contact numerous states and the Northern Territory to ascertain what difficulties were experienced when handling owners of nuisance animals. Most reported that there were severe limitations to Acts and officials would be happy to look at what the ACT developed and to consider if it worked.

I have completed a review which is currently under consideration in the Minister's Office. Some proposed amendments to the Act have included the introduction of abatement orders with time limitations, the introduction of on-the-spot infringement notices, increasing the penalties available to the Magistrates Court and overall upgrading of the Act to make it more user-friendly and to provide greater assistance to the community.

## CONCLUSION

Although the Dog Control Unit is still assessing new methods to try to find a balance between the needs of dog owners and the community I consider there is a long way to go. Canberra is very fortunate to have vast areas of open space, but to make this space available for dog owners and non owners in an agreeable balance is yet to be achieved.

Similar to the conclusions reached at the Penrith workshop, I have concluded that no matter what legislation you have in place to control dogs or nuisance animals, there will always be the irresponsible owners. Education is probably the best way to persuade owners to your method of thinking. I consider that vast amounts of money could be spent on education and mostly recouped through increases in numbers of dogs registered. I find that local government will always support you financially if there are reductions in complaints, reductions in attacks and obvious signs of going forward in the control of dogs and nuisance animals.

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