

New Companion Animal Laws: Brisbane City Council

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ABSTRACT

Local Authorities have had legislation covering the keeping and control of animals for decades. Why then has the number of dog attacks continually increased and the numbers of dogs being impounded not decreased?

This paper gives an overview of why Brisbane City Council has elected to introduce new legislation and change the focus of its animal management programs.

BACKGROUND

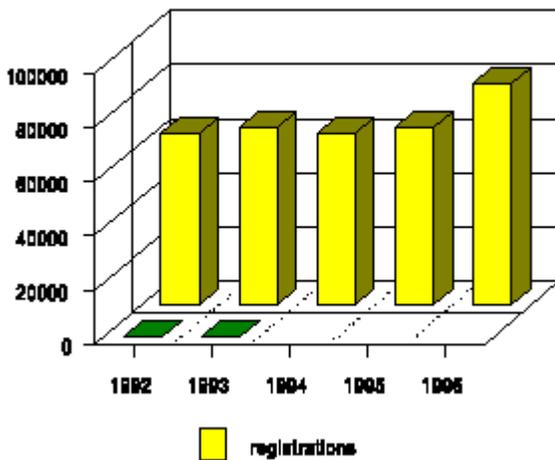
The issue of responsible pet ownership is a major concern not only to the Brisbane City Council but to all local authorities throughout Australia.

Councils have an important economic and social role in the development of responsible pet ownership.

In 1992 there were 63,200 dogs registered with the Brisbane City Council.

In 1996 there are 82,000 dogs registered with the Brisbane City Council, with estimates of the numbers of dogs still unregistered somewhere around 20,000.

DOG REGISTRATION



The large increase in registrations between 1995 and 1996 was due to an extensive advertising campaign and house to house inspection program carried out by CES job skill recruits.

This campaign was aimed at making people aware of their obligations towards registrations. It also identified areas of high unregistered dogs which coincidentally coincided with areas of high numbers of complaints regarding uncontrolled dogs.

Many of the 80,000 plus registered dogs provide companionship and security to residents. This is particularly important to aged and single parent households.

Dogs owned by irresponsible or ill informed owners cause considerable nuisance to the community. These nuisances include:

- Dog Attacks
- Indiscriminate Backyard Breeding of Companion Animals
- Wandering Dogs
- Fouling Footpaths, Parks etc
- Noise Nuisance

DOG ATTACKS

In 1992 292 dog attacks were reported to Council resulting in 226 dogs being declared dangerous. This represented a 10% increase over the previous year.

Each year the number of reported attacks has continued to increase with 450 reported in 1993, 536 reported in 1994 and 1045 reported in 1995.

In 1996 there were 1,750 complaints made regarding dog attacks resulting in 412 dogs being declared dangerous. Many of the complaints referred to the same dog or a dog that had previously been declared dangerous. Seizures of dogs as a result of dog attacks were up 20% in 1996 compared with 1995.

During 1996 complaints regarding wandering dogs were 2012 compared to 1734 in 1995. Complaints regarding dogs fouling footpaths and parks increased from 233 in 1995 to 264 in 1996 and barking dog complaints increase from 1903 in 1995 to 2307 in 1996.

The upward spiral of complaints and dog attacks has continued over the years with only minor periods of plateau before rising again.

BRISBANE CITY COUNCIL RESPONSE

In 1996 the Animal Management Section of the Brisbane City Council was given the green light by the Council to develop new initiatives and legislation aimed at not only halting the upward spiral of complaints but also at implementing reforms which would reduce the problems.

The Council realised that the success factor of any animal management program depended upon the willingness of domestic animal owners to accept responsibility for their actions.

The major thrust of the Council's new animal program was directed at reducing indiscriminate backyard breeding of animals and control of dangerous and potentially dangerous dogs.

The only way for the program to be successful was for effective legislation to be drafted and implemented in conjunction with a campaign aimed at encouraging industry groups to unite and develop joint initiatives aimed at encouraging responsible animal ownership.

In 1995 the Queensland State Government brought down a ruling that all Queensland local authorities had to review their legislation and rewrite it as local laws.

The basic definition of a local law is any law made by a local government. The local law could be considered as umbrella legislation with local law policies providing the detail. For example the local law will provide Council with the power to prohibit certain animals. A local law policy will specify the animals which will be prohibited.

The relationship between a local law and a local law policy is similar to that of the relationship between an Act of Parliament and Regulations made under that Act.

The new local laws drafted by Brisbane City Council will enable the Council to implement proactive controls for the keeping and control of animals.

Council recognises the benefits derived from owning animals. Brisbane City Council is committed to encouraging responsible animal ownership and by the introduction of these local laws it is hoped that the areas which cause most concern to the community will be addressed.

Copies of the Local Law and the associated Local Law Policies are available upon request to any local authority or industry group represented at the conference.

The Local Laws released by the Council will deal with a wide range of animal management issues such as :-

1. Dangerous Dogs :- Declared Dangerous Dogs

- Restricted Dogs
- Guard Dogs
- Prohibition of Dogs
- Fencing Provisions

2. Indiscriminate Backyard Breeding:- Breeding

- Sale
- Pet Shop Controls
- Controls on Entire Dogs

3. Nuisance Dogs:- Wandering dogs

- Barking
- Defecating / Urinating
- Errant animal owners

4. Off-Leash areas:-

- Rewards Responsible Owners

The following is a summary of the issues that will be addressed under the new Local Laws and Local Law Policies.

DANGEROUS AND AGGRESSIVE DOGS

Declared Dangerous Dogs and Restricted Dogs

The sections of the Local Law regarding dangerous dogs provides mechanisms to place controls on not only dogs that have attacked but also dogs that have a potential to cause harm.

Under the Policy provisions relating to these Sections dogs will be deemed to be declared dangerous in the following situations:

- Dogs that have been declared dangerous in Brisbane or some other Local Authority.
- Restricted dogs such as American Pit Bull Terriers.
- Guard Dogs (dogs that have been attack trained).

Owners of these types of dogs will need to comply with specific permit conditions detailed in the Local Law Policies referring to dangerous dogs such as:

- Compulsory Micro chipping
- Compulsory Desexing
- Stricter Fencing Requirements

Guard Dogs

Under the Local Law power is given to the Council to deal with Guard Dogs. Previously there were no controls on guard dogs although many complaints have been received about these dogs not being effectively controlled.

Under specific conditions detailed in the Local Law Policy document the owners of all guard dogs will have to comply with permit conditions including:

- Emergency after hours contact numbers
- Signage on all entrances
- Permanent identification.

Prohibition of Animals

The Local Law provides the power for Council to prohibit the keeping of specific animals within Brisbane. Details of circumstances where dogs may be prohibited from being kept are located in the Local Law Policy document.

Some of the situations where Council could prohibit certain animals include:

- Animals banned from importation into Australia
- Keeping of exotic animals
- Keeping of an animal banned in another local authority because it has attacked.
- Keeping of an animal without a permit where a permit to keep that animal is required.

Fencing Provisions

The Local Law empowers the Council to require mandatory fencing. For Council to properly address the problem of dog attacks in public places there is a need for owners to confine their dogs to their properties unless under effective control.

Mandatory Fencing means the provision of a suitable fence or enclosure adequate for the containment of the dog to the property. In circumstances where owners can demonstrate that the existing arrangements are sufficient no further requirements will be necessary.

Discussions with many community groups and Australia Post have revealed a decrease in dog attacks and other associated problems with wandering dogs where fencing is compulsory. For example in Logan City, where fencing is mandatory, during a 12 month period between 1 July 1995 and 30 June 1996 no dog attacks on Australia Post employees were recorded. However in Brisbane for the same period 36 confirmed attacks occurred.

Mandatory fencing will apply under the following situations:

- In situations where a permit to keep dogs is required
- After 1 January 1997 the keepers of all newly registered dogs will be required to provide either fencing or a suitable enclosure adequate to confine their dog to their property. This will not apply to situations where a dog owner is renewing registration.
- Keeping an entire dog which is over the age of 3 months.

INDISCRIMINATE BACKYARD BREEDING

Breeding of Dogs

One of the major animal management problems facing local authorities is indiscriminate backyard breeding. Approximately 20,000 dogs from Brisbane are euthanased each year by the RSPCA and the number of unclaimed dogs passing through Council pounds is not reducing.

Controls on breeding will allow Council to reduce the unwanted dog population by placing controls on dog owners who allow their dogs to breed indiscriminately.

In addition controls on breeding will ultimately lead to Council being able to prohibit the breeding of dangerous breeds of dogs.

The Local Law Policy document details the permit provisions for breeding and ensures that in the future Council will be able to identify not only the numbers of domestic animals being bred in the city but the types and sex of those animals.

Some of these permit conditions will be as follows:

- Limits on the numbers of litters
- Vaccination of all dogs on premises
- Keeping of details of all dogs sold or given away from the property.

Sale of Dogs

For controls on breeding to be successful there must be similar controls on the sale of animals. The sale of dogs and the health of dogs offered for sale is a major community concern. The Local Law gives Council the power to place controls on the sale of animals.

This will allow Council to stop the sale of dogs from flea markets and the back of vehicles. As with breeding this is a further control measure aimed at reducing the unwanted dog population.

Permit requirements will make it mandatory for all dogs to be fully vaccinated prior to sale and this is a proactive approach in helping to reduce the spread of canine diseases such as **parvo virus, distemper and kennel cough**.

These Local Laws and associated Local Law Policies aim to change community awareness of the problems associated with animals being treated as a throw away commodity. Hopefully they will lead to a situation where all companion animals are recognised for their value.

Pet Shop Controls

In line with controls on breeding and sale Pet Shops will be required to have a permit and comply with set permit conditions.

This will further ensure that all dogs sold will be inoculated and that requirements on housing of animals, disposal of waste products and storage of food will be in accordance with accepted guidelines.

PIJAC (Pet Shop Industry Joint Advisory Council) has strict codes of ethics for all of the shops in its association. However many pet shops aren't members of this association and therefore don't, in many cases, comply with any standard.

The council receives numerous complaints each year about the purchase of sick or diseased animals from pet shops. Until the introduction of these new local laws there had been nothing that council could do in these situations. PIJAC has supported council's stance in this area and has offered their support to, hopefully, establish a situation where the industry is basically self regulating.

Controls on Entire Dogs

Permits will be required where a person wishes to keep an entire dog. This will help control indiscriminate breeding and the incidence of accidental litters. Industry groups have generally supported Council's approach as they believe that entire dogs are more prone to wandering and therefore causing nuisance.

Although there is not an additional cost for an Entire Dog Permit keepers of these dogs will be obliged to provide a suitable fence or enclosure to contain their dog to the property. Where continued breaches of the permit conditions occur the permit may be revoked and the keeper would be required to have the dog desexed if they wished to continue to keep it in Brisbane.

NUISANCE DOGS

Wandering Dogs

The Local Law covers situations where a dog is deemed to be under effective control. Unless in an area designated as an off-leash area all dogs must be on a leash or some other similar form of control. A dog is deemed to be wandering at large if not under effective control.

Barking Dogs

Under these Local Laws Council has the power to seize a dog where the owner fails to comply with a notice to abate the nuisance. This is only to be used in extreme circumstances where all other mediation attempts have failed.

Defecating and Urinating

Under the Local Law there are requirements for a keeper of an animal to correctly remove and dispose of excrement. Under Local Law Policy keepers of dogs must not allow their dogs within 10 metres of playground equipment or areas where food is being prepared.

These Local Laws will have particular importance in areas where there is a high incidence of stables and will cover situations in residential areas and public areas such as parks and beaches.

Errant Animal Owners

A keeper of an animal that commits more than one offence against the Local law in any 12 month period will be required to obtain a permit for the keeping of that animal. This allows Council the opportunity to deal with irresponsible animal owners.

Where animal owners continue to breach the Local Laws and refuse to adopt a responsible approach to the keeping of companion animals Council can deem them errant animal owners and prohibit them from keeping that animal.

OFF LEASH AREAS

Rewards for Responsible Owners

Under these Local Laws Council has the power to implement off leash areas. Owners must still be able to exercise effective control within these areas such as voice or signal control. Council feels that the provision of off leash areas, in response to many requests from the community, is a reward to the great majority of responsible dog owners within the community.

Brisbane City Council will be trialing off leash areas in late 1996 in conjunction with the implementation of programs aimed at reducing dog droppings in public areas.

COMMUNITY RESPONSE TO NEW LOCAL LAWS

In line with the requirements of the State Government the new Local Laws were displayed for public consultation for a period of 6 weeks during which time 5 submissions were received from the following industry groups:-

1. Royal Society Prevention of Cruelty to Animals (R.S.P.C.A.)
2. Veterinarian Science Faculty Queensland University
3. Canine Control Council
4. Pet Industry Joint Advisory Council (PIJAC)
5. Australian Veterinarian Association (AVA)

RSPCA SUBMISSION

The submission from the RSPCA totally supported the Local Law and the Local Law Policy without any objections.

VETERINARIAN SCIENCE FACULTY SUBMISSION

The submission from the Veterinarian Science Faculty totally supported the Local Law and the Local Law Policy without any objections.

CANINE CONTROL COUNCIL SUBMISSION

The submission from the Canine Control Council totally supported the Local Law after the section on entire dogs was clarified.

PET INDUSTRY JOINT ADVISORY COMMITTEE

The submission by PIJAC was supportive of Council's stand in implementing controls on indiscriminate backyard breeding and also supported controls aimed at regulating the pet industry.

AUSTRALIAN VETERINARIAN ASSOCIATION

The submission of the AVA supported the initiatives of the Council especially in the areas of vaccination and controls on indiscriminate backyard breeding. There were concerns raised regarding restrictions on specific breeds however these restrictions had been implemented prior to the Local Law and were not part of any new areas.

ANIMAL MANAGEMENT - THE PACKAGE

Although the new Local Laws represent a radical change in the direction that Brisbane City Council intends taking in addressing animal management issues in the future, these laws are only part of the package.

In the past Brisbane, like many other local authorities, has been reactive in its approach to solving the many animal management issues that confront the community on a daily basis. All of the Council's resources were involved in complaint resolution which meant that the Council was continually dealing with the end product of the problems not the source.

The old saying that the 'times are a changing' is now indicative of the approach that, hopefully, will allow the Brisbane City Council to resolve animal management issues in the future.

No local authority can resolve the wide range of animal issues without support and the past year has seen officers from the animal management section strive to develop close links with industry groups.

The 5 submissions received from industry groups demonstrated to the Council the benefits of open communication. Apart from some minor cosmetic changes that were recommended all of the industry groups supported the Council's stance. This was due to the fact that each group was approached individually and was fully briefed on the reasoning behind the new thrusts that the law was taking.

Previously when Brisbane developed laws relating to the keeping of animals, they would be tossed out into the market place in a "fait accompli" type situation. The result was that everyone became agitated and even if the laws were good they were overshadowed by the arguments about their implementation.

Brisbane City Council now attempts to work in harmony with the many industry groups and in some cases acts as an intermediary to link other groups together.

Some examples of these new links are as follows:

- The RSPCA now manages the Council's 2 pounds and works closely in developing procedures for cat trapping and staff training.
- The AVA and the Council are working closely on the issue of micro chipping so that uniform standards can be achieved. Council staff form part of the Brisbane Area Vets Pet Week committee.
- Council is working closely with the Vet Science Faculty at the University and staff from this faculty will be assisting in developing legislation on the keeping of birds in the near future. In addition staff from the animal management section will be providing students at the Vet Science Faculty with information about Council Local Laws during their studies.
- PIJAC has offered the Council assistance in ensuring high standards for pet shops.
- The Canine Control Council fully supports the Council's stance in controlling indiscriminate backyard breeding and is currently working with the Council on issues such as breed descriptions and characteristics of different types of dogs.

To support the introduction of the new Local Laws Brisbane City Council will be initiating a series of education programs through advertising by brochures and newsletters and maintaining a high profile at all festivals and displays. Supporting the AVA's Pet Pep program will also be a priority. Marketing strategies will be continually refocussed to ensure maximum success. The use of electronic ticketing, setons court procedures and the development of new IT programs will be other essential components of the strategy.

CONCLUSION

To say 'no man is an island' could also be attributed to local authorities. Successful development of animal management packages aimed at encouraging responsible companion animal ownership depend on industry and community support.

Rather than be over protective of their own patch Councils should foster ties with industry and community groups so that the community develops a sense of ownership of what Council is doing. In this way legislation is more likely to achieve the desired aims.

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Steve has worked as an Environmental Health Officer for 20 years. During that time he has been heavily involved in all aspects of Animal Management. Steve is currently managing the operations of the Animal Management Section and is responsible for the drafting of all new Local Laws and Policies relating to the keeping and control of animals. Some of the other issues Steve is currently working on include microchipping, Life Cycle issues including the provision of pet cemeteries and other projects aimed at rewarding responsible animal owners.

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