

ACT Strategic Companion Animal Management Package

Lee-Anne Wahren

Towards the end of December 1999, the ACT Government released for public comment a package of reforms covering the *Dog Control Act 1975*, the *Animal Nuisance Act 1975* and the *Animal Welfare Act 1992*.

THE NEED FOR CHANGE

Until 21 June 2001 dogs were covered by the *Dog Control Act 1975* and animal nuisances were handled under the *Animal Nuisance Control Act 1975*. A number of areas within these pieces of legislation had been identified as being inadequate in their effectiveness.

Complaints regarding the effectiveness of the legislation were received on a daily basis. Complaints were coming from members of the public, elected Members of the ACT Legislative Assembly as well as from the staff tasked with administering the legislation.

A decision was taken to review both Acts and this was undertaken by the Law Reform Unit of what was then known as the Attorney-General's Department. The aims of the review were to simplify the current law by removing technical information to subordinate legislation, to consolidate relevant laws in one Act, and to recommend changes to improve the efficiency of administration of the law.

In the intervening time, advice had also been received by the Minister for Urban Services, from the ACT Animal Welfare Advisory Committee, concerning possible amendments required to the *Animal Welfare Act 1992*. Environment ACT, through its Wildlife Research and Monitoring section had released a discussion paper concerning the management issues relating to cats. Separately from these ACT Government initiatives, the Australian Veterinary Association had also commenced a national campaign for a ban on the docking of tails of puppies.

Amendments to legislation can come from a number of avenues. Members of the public can initiate issues with the Department responsible for administering the legislation. Issues that are unable to be satisfactorily resolved are notified to the policy arm of the Department. Prosecuting divisions and investigators within Departments can also identify weaknesses in existing provisions when trying to establish a case under the existing legislation. Members of the public can support letter campaigns to the Minister responsible for the legislation. This can evoke a need to rethink existing approaches and sometimes the responsible Minister will form a particular view on a matter and will request that consideration to his or her views be inserted into the future direction of the legislation.

Eventually, the package released for public comment contained:

- the Domestic Animals Bill;
- the Animal Welfare Amendment Bill;
- the ACT Urban Cat Management Strategy;
- the Charter for Responsible Dog Ownership;
- the Charter for Responsible Cat Ownership; and
- the Code of Practice for the Sale of Animals.

The package was released for a 10 week period to allow members of the public and peak interest bodies to submit comments on the proposed legislative directions. On 21 December 2000 the amendments to the *Animal Welfare Act 1992* were implemented and on 21 June 2001 the *Domestic Animals Act 2000* was enacted.

CAT REQUIREMENTS

In December 1997, the Government released the ACT Cat Management: Discussion Paper for Community Comment. The discussion paper took account of national developments in urban cat management, increased knowledge of their environmental impact and the views of representatives of key interest groups. The paper sought community views on eight widely recognised management options for addressing urban cat issues.

The majority of respondents to the discussion paper considered responsible cat ownership the most important issue. Desexing and identification, with supporting legislation and community education were regarded by many as important supporting strategies. Other issues of concern to respondents included perceived community nuisance and wildlife predation by cats at large.

From this discussion paper a working group was established with representatives from peak animal and conservation bodies. This working group produced the ACT Urban Cat Management Strategy (the Cat Strategy).

The Cat Strategy recommended that three specific legislative controls should be introduced concerning cats. These have been incorporated within the Domestic Animals Act 2000 and relate to:

- compulsory identification of cats (but not registration);
- compulsory desexing of cats unless the owner has applied for and attained a permit to keep their cat sexually entire; and
- the Ministerial ability to declare an urban area where, or times when, cats must be confined to their owners' premises where they pose a threat to wildlife.

Identification — not registration

It was decided in the Cat Strategy paper to not recommend a cat registration regime within legislation at this point in time. Registration of cats was not considered necessary, as they do not pose the same threats to human health and safety as dogs. It was agreed however to recommend for compulsory identification of cats to ensure that owned cats could be expediently returned to their owners. Identification of a cat can be achieved either by a collar and tag or a microchip implant.

This provision is being closely monitored and may be the first area that is reconsidered when the *Domestic Animals Act 2000* is reviewed.

Compulsory Desexing

Compulsory desexing of owned cats is required for all cats born after 21 June 2001. An owner may keep their cat sexually entire if they applied for a 'Permit to Keep an Animal Sexually Entire'. This provision is also mirrored in the requirements for keeping dogs sexually entire.

Cat Curfews

Under the *Domestic Animals Act 2000* the Minister can declare a cat curfew in a suburb, or area of a suburb, if there is a serious nature conservation threat as a result of cat activities. During a cat curfew, cat owners must confine their animals to their premises. The curfew can also specify the times during which cats must be confined.

The only time a person is required to confine their cat is when the Government declares a cat curfew. This will only happen if there is a particular and serious nature conservation threat that has been caused by cats in that area. However, it is recommended within the *Charter for Responsible Cat Ownership* and the *Code of Practice for the Welfare of Cats* that owners take steps to confine their cat to their property whenever possible. Neighbours are entitled to lodge a complaint if your cat causes an animal nuisance that affects them or their property.

DOG REQUIREMENTS

Specific elements of the *Domestic Animals Act 2000* that affect dog owners in the ACT are:

- dogs to be registered by 8 weeks of age;
- compulsory identification of dogs (this may eventually be by way of microchip should an agreed ISO Standard has been reached by Standards Australia);
- compulsory desexing of dogs unless the owner has applied for and attained a permit to keep their dog sexually entire;
- improvements in current licensing procedures for keeping four or more dogs or a dangerous dog;
- handling dog attacks and greater ability to consider further action other than destruction should the circumstance warrant it; and
- issuing nuisance notices for a nuisance caused by an animal and possible on-the-spot fines for ignoring a nuisance notice.

Dog Registration

In the ACT it is compulsory to register your dog. This registration must be renewed annually. This has been the case since 1975 at the introduction of the original dog control legislation. However compliance to the requirement to register owned dogs was a problem area for the ACT. From an estimated population of over 67,000 dogs in the ACT less than 25% were registered.

The lower registration figures for dogs was identified within the review of legislation to be connected with the existing regime of requiring the dog to be registered prior to desexing and then charging the owner at a higher rate for having a sexually entire dog. There was no fee determination in place to charge at a lesser rate if the owner had every intention of having their pet desexed within the following 3 months.

Owners became complacent on registering their animals and were willing to risk the chance of their dog being picked up by the Government and dealing with any fines should they occurred.

A percentage of dog owners would initially register their dog, but never follow up with any renewal. As the existing registration tag scheme issued a tag for only the initial registration. DAS officers were unable to sight spot a dog that had expired registration when it was in the company of its owner unless they approached and questioned the owner.

As the legislation was progressing, NSW introduced its *Companion Animals Act 1998*. The NSW Act required lifetime registration together with microchip identification.

The ACT investigated the possibility of implementing a whole-of-life registration scheme for dogs along the lines of the scheme applying in NSW. The investigation revealed inherent differences between the way NSW Councils levy general rates per annum to cover activities carried out by urban animal rangers and the way these functions are administered by the ACT Government. The difference enabled NSW Councils to charge a relatively low fee for whole-of-life registration.

The ACT Government does not take the same approach to imposing the costs of specific municipal services on to general ratepayers. To incorporate the full cost of a whole-of-life registration scheme would have been extremely costly for ACT dog owners and would have discouraged, rather than encouraged, registration. In order to recuperate the revenue for administering the registration scheme over the lifetime of the dog, the 'whole-of-life' registration fee would have to be set at a rate of approximately \$400.00. It was realised that such a fee would have seen dog registrations plummet dramatically.

It was decided to reduce the registration age to 8 weeks. This would allow a record to be kept of the ownership of a dog throughout its life in the ACT. From breeder or pet shop to subsequent owners, the provisions were drafted to ensure that either party would be able to inform the Registrar of a change of ownership of a dog.

As anticipated, many comments were submitted on this proposal. Breeders and pet shop owners were concerned about paying for registration of a puppy that was not going to be kept. The peak dog breeding body in the ACT advised that their Association's breeding guidelines required that the puppies were kept with their mother until they had reached 8 weeks of age. The ACT Government agreed to set the initial registration fee to zero dollars. This move has allowed breeders and pet shops to commence the paper trail required to track ownership of the animal at no monetary expense.

In addition to the age reduction in registration, a scheme similar to that for renewing car registration was implemented. Upon renewal of a dog registration a secondary coloured tag is issued to the owner of the dog to be worn in conjunction with the original dog registration. This coloured tag allows Domestic Animal officers to sight spot a correctly registered dog and eliminates the need to approach the dog and its owner unless a breach of the provisions of the Domestic Animals Act is occurring.

Since this regime was implemented in the ACT two months ago, the compliance rate with dog registration has increased from under 25% to just over 48%.

Identification

As required for cats it is now mandatory that dogs be identified. This can be achieved by collar and tag, microchip implant or by the registration tag.

Compulsory desexing

The *Domestic Animals Act 2000* requires 'compulsory de-sexing' for owned dogs and cats. It is anticipated that this measure will result in a reduction in the number of unwanted dogs and cats. At present Domestic Animal Services (DAS) and the RSPCA have to destroy hundreds of unwanted dogs and cats each year. Cat de-sexing will also reduce the number of stray cats in the ACT suffering from hunger and disease, and causing a nuisance to neighbourhoods.

Dogs and cats that are born after 21 June 2001 must be de-sexed, unless a permit is obtained to keep them sexually entire.

Dogs and cats that were born before 21 June 2001 will not have to be de-sexed and will not require a permit.

There are exceptions to this requirement. People who wish to keep their dog or cat sexually entire for breeding, show purposes, or because it is a racing greyhound, can apply for a 'Permit to Keep a Sexually Entire Animal'. A permit is required for each dog or cat you own and each permit will last the lifetime of your animal. There are no annual fees associated with this permit.

Licensing requirements for multiple dogs or dangerous dogs

Amendments to the regulatory requirements have eliminated the need for annual inspections and have reduced the fees payable for keeping four or more dogs in an urban environment or for keeping a declared 'dangerous dog'.

Handling dog attacks and the final outcome for the dog

Improvements have been made to the legislation that allows for a greater range of options to be available to the Magistrate should a dog be found responsible for a dog attack.

Under the previous legislation, destruction of a dog was the only and final outcome available for a Magistrate should a case be proven. The Domestic Animals Act 2000 allows for Magistrates discretion to require the owner of the dog and the dog itself to successfully complete a behavioural course should the circumstances of the attack warrant such consideration. Also, a dog can be considered for rehousing at a different property, such as a rural lease, if sufficient evidence is obtained to justify that a further attack would be unlikely in such circumstances.

Nuisance animals

Complaints are received on a daily basis regarding nuisance issues. The ineffectiveness of the existing provisions under the *Animal Nuisance Control Act 1975* has been a concern to the Department and the Minister for a considerable time.

Once a 'nuisance animal' had been identified under the previously administered scheme briefs were prepared for the Director of Prosecutions to recommend that the complaint be placed before a Magistrate. As 'nuisance' is such a subjective area, only 4 cases in 6 years had proceeded to the Magistrates Court. This was due to as sufficient doubt existing that a successful prosecution could be obtained. This left the complainants with no legal relief for their complaints and the 'nuisance' behaviour still greatly affecting their lives.

The ACT decided to implement a scheme similar to that initiated by NSW under their *Companion Animals Act 1998*.

Now when a 'nuisance' animal has been identified and investigated to ensure that the complaint is not vexatious in nature, a Nuisance Notice can be issued. The notice identifies the 'nuisance' behaviour and can suggest steps that the owner of the 'nuisance' animal can consider to rectify the problem. Should an owner decide to ignore the notice, on-the-spot fines can be issued for failing to comply with the notice.

It is anticipated that this procedure will greatly reduce the aggravation that is encountered by people who are living next to an identified 'nuisance' animal.

Other measures within the SCAMP reforms

To enhance the requirements of the *Domestic Animals Act 2000* and the Strategy, a *Charter for Responsible Dog Ownership* and the *Charter for Responsible Cat Ownership* was developed by the ACT Animal Welfare Advisory Committee.

Adherence to these Charters is purely voluntary. The Charters will increase community appreciation of issues surrounding the ownership of dogs and cats. The Charters outline requirements of the implemented legislation and also incorporate aspects of the Codes of Practice relating to these breeds.

To bring together issues contained in the new dog and cat laws is the draft *Code of Practice for the Sale of Animals in the ACT*. This Code replaces the gazetted *Code of Practice for the Care and Management of Animals in Pet Shops* and will be the Code of Practice that governs the sale of all animals from all avenues (excluding those covered by the *Code of Practice for Saleyards*).

Amendments to the Animal Welfare Act 1992

Amendments to the existing Animal Welfare Act 1992 relate to the banning of tail docking of puppies by other than a veterinarian for other than a therapeutic purpose and the carriage of unsecured dogs on the backs of trucks and utes.

Tail docking

The Minister responsible for Animal Welfare legislation in the ACT is the recipient of many pamphlet campaigns by activists. The AVA campaign to encourage the banning of tail docking was one such campaign.

The Minister became increasingly interested in the reasons given for both the continuation and the banning of this practice. At that time, amendments were already being drafted to the Animal Welfare Act to reduce the timeframe for a lay person to dock tails of puppies. At this point in time, a person could legally cut the tail off a dog up until the puppy had reached ten days of age.

The proposed change was that this time frame be reduced to five days of age, which would bring the ACT in line with the requirements administered in NSW.

The Minister felt that a reduction in the allowable time frame was not sufficient. He requested that the legislation be drafted to ban the practice all together. This was duly done and members of the public were able to comment upon the proposal.

Public comments received on this measure supported the Minister's decision. As from 21 December 2000 it has been illegal for a person, other than a veterinarian for a therapeutic reason, to remove the tail of a puppy.

This provision is the first of its type in Australia. Reports from members of the Pet shop industry in the ACT, indicate that members of the public are supportive of the requirements and are questioning docked puppies that are placed for sale that have been sourced from NSW.

The carriage of dogs

Each year many dogs receive severe and horrific injuries, or are killed outright, from being thrown or falling from the back of moving vehicles.

Under the *Animal Welfare Act 1992*, owners must secure their dogs if they are being transported on the back of a utility, truck or motor bike. While in a car, they must be contained in a way to prevent them from falling or jumping out.

FURTHER INFORMATION

Further information concerning the measures implemented within the Strategic Companion Animals Management Package can be viewed on the ACT Government web-site at www.act.gov.au/enviro/pets/index, by contacting Lee-Anne Wahren on (02) 6207 2249 (email Lee-Anne.Wahren@act.gov.au), or contacting Domestic Animal Services on (02) 6207 2424.

ABOUT THE AUTHOR

Lee-Anne Wahren
PO Box 144
Lyneham ACT 2602
Ph. 02 6207 2249
Fx 02 6207 2335
Email. lee_anne.wahren@act.gov.au

Lee-Anne Wahren is the Animal Welfare Officer for the ACT. Lee-Anne has a strong concern for the welfare of animals. She is the secretary to the Animal Welfare Advisory Committee, and writes policy for the ACT Government in animal related areas. She also acts as the ACT representative to the National Consultative and the Layer Hen Housing Working Group of the Standing Committee of Agriculture and Resource Management (SCARM) reporting to the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ).