



Warringah  
Council™

**COMPANION  
ANIMALS  
MANAGEMENT  
PLAN  
2005 – 2008  
(As Amended)**

## **EXECUTIVE SUMMARY**

Warringah Council has developed a Companion Animals Management Plan to improve outcomes in the area of companion animal management in Warringah. Changes in legislation and community expectations have meant that new approaches are now required. There is also increasing recognition that enforcement approaches on their own will not result in lasting changes in human behaviour. Enforcement practices need to be supplemented by a range of other tools that focus on passive and voluntary approaches to achieving responsible pet ownership.

The Companion Animal Management Plan examines the issues associated with companion animal ownership and details Council's legislative requirements under the NSW Companion Animals Act 1998. This Plan also details Council's initiatives and actions that are being undertaken to meet these legislative requirements.

The legislative requirements and Warringah's actions have been grouped into eleven key issue areas.

1. Identification and registration
2. Dogs in public places
3. Faeces management
4. Wandering dogs
5. Dangerous dogs and restricted breeds
6. Excessive barking
7. Cat management
8. Animal welfare & safety
9. Recognising the benefits of pet ownership
10. Enforcement
11. Funding allocation

The Management Plan actions that Warringah Council will undertake through 2005 to 2008 are outlined in Section Four of this Management Plan.

Further information on companion animal management can be obtained by contacting Warringah's Animal Advisory Officer on 9942 2715.

## **CONTENTS**

<b>EXECUTIVE SUMMARY</b>	<b>2</b>
<b>SECTION 1: STRATEGIC FRAMEWORK</b>	<b>5</b>
1.1 Introduction	5
1.2 Aims and Objectives	5
<b>SECTION 2: NSW COMPANION ANIMALS ACT 1998</b>	<b>7</b>
2.1 Companion Animals Management in NSW	7
2.2 Identification and Registration of Companion Animals	8
2.3 Dogs	8
2.4 Cats	11
2.5 Enforcement or Education?	11
2.6 Recognising the Benefits of Pet Ownership	12
2.7 Funding	12
<b>SECTION 3: LOCAL CONTEXT</b>	<b>13</b>
3.1 Warringah Council	13
3.2 Animal Management in Warringah	13
3.3 Relevant Policies	14
<b>SECTION 4: IMPLEMENTATION PLAN</b>	<b>15</b>
4.1 Identification and Registration	15
4.2 Dogs in Public Places	16
4.3 Faeces Management	18
4.4 Wandering dogs	19
4.5 Attacking Dogs	20
4.6 Dangerous Dogs and Restricted Breeds	22
4.7 Excessive barking	24

## **Companion Animals Management Plan 2005-2008**

---

<b>4.8</b>	<b>Cat Management</b>	<b>25</b>
<b>4.9</b>	<b>Animal welfare and safety</b>	<b>28</b>
<b>5.0</b>	<b>Recognising the benefits of pet ownership</b>	<b>30</b>
<b>5.10</b>	<b>Enforcement</b>	<b>31</b>
<b>5.11</b>	<b>Funding Allocation</b>	<b>33</b>

## SECTION I: STRATEGIC FRAMEWORK

### I.1 Introduction

#### *i. What is a Local Animal Management Plan?*

The Companion Animals Act 1998 is in operation throughout New South Wales. Under this Act, a companion animal is defined as a dog or cat. The introduction of the Act has changed the way dogs are managed by local authorities and for the first time has introduced controls over domestic cats.

Warringah's Companion Animals Management Plan (CAMP) outlines how Warringah Council will fulfil its responsibilities under the NSW Companion Animals Act 1998. This document has been produced in line with the Warringah Plan 2005-2008. It outlines the relevant objectives, establishes priorities and sets out a clear program for implementation. The Plan is confined to an examination of domestic dogs and cats.

#### *ii. Scope of the Plan*

This Plan integrates the developing expertise in companion animal management around Australia to produce a program of action to be undertaken by Council over the next three years.

Relevant issues include those prescribed under legislation as well as the generally understood notion of socially responsible pet ownership.

#### *iii. Outline of this Plan*

The Companion Animals Management Plan is divided into four parts:

- **Section One Strategic Framework:** Outlines the framework for the Companion Animals Management Plan.
- **Section Two NSW Companion Animals Act 1998:** Examines relevant issues in relation to companion animal management and outlines Council's legislative requirements.
- **Section Three Local Context:** Details companion animal management specific to the Warringah Local Government Area.
- **Section Four Implementation Plan:** This section details Council's actions in relation to each of the eleven key areas identified.

### I.2 Aims and Objectives

The **aim** for the Companion Animal Management Plan is:

To promote and facilitate responsible pet ownership of dogs and cats, animal welfare and the benefits of owning a companion animal.

The **objectives** of the Plan are:

- To ensure Council meets its obligations under the Companion Animals Act 1998;
- To investigate the best mix of regulatory and non-regulatory approaches to achieving responsible pet ownership through education in Warringah;
- To consider ways Council could harness the benefits of owning pets; and
- To establish priorities for companion animals management for the next three years.

## SECTION 2: NSW COMPANION ANIMALS ACT 1998

### 2.1 Companion Animals Management in NSW

The NSW Companion Animals Act 1998 heralded a new era for Council's management of domestic cats and dogs. The days when animal control consisted largely of dog registrations and pound management are rapidly receding. Today's management of both dogs and cats involves a wider range of issues including,

- Environmental protection including dog faeces management
- Provision of public facilities such as off leash exercise areas
- Management of barking dog complaints and
- Protection of native wildlife.

What was once a relatively straightforward part of Council activity is now highly emotive, attracting interest from both pet owners and non-pet owners alike.

Reliance on laws will always be the backbone of companion animal management. However, there is now a greater emphasis on the development of non-regulatory approaches such as public education. Warringah Council's success in securing funding provided by the State Government through the NSW Companion Animals Community Education Grants Fund Program has meant the initiating of several programs, however, ongoing funding will be required to sustain some of these programs.

There is also a role for use of design of both domestic dwellings and public open space to assist residents and visitors to be responsible pet owners and to reduce the incidence of conflict. This implies a role for Council in disseminating appropriate design guidelines but also to modifications in the planning and design of public parks.

The following section examines some of these issues in greater depth and advises the relevant sections of the NSW Companion Animals Act 1998 to which they pertain.

## 2.2 Identification and Registration of Companion Animals

*Sections 8 & 9 of the NSW Companion Animals Act 1998*

Identification and registration are crucial components of animal management. The register is used as a database for returning lost pets, identifying offending animals and as a way of communicating with pet owners. It also provides a source of funding for Council to undertake a range of education and enforcement activities.

Under the Act a companion animal must be microchipped by twelve weeks of age (or earlier if changing ownership). A companion animal must then be registered for life at six months of age. Cats owned prior to the commencement of the legislation are exempt from the new provisions for registration but must be identified either by an identity tag attached to a collar, or a microchip.

## 2.3 Dogs

### *i. Off-leash Dog Areas*

*Section 13 of the NSW Companion Animals Act 1998*

Council can declare a public place to be an off-leash area. Such a declaration can be limited so as to apply during a particular period or periods of the day or to different periods of different days. However, there must at all times be at least one public place in any municipality that is an off-leash area.

Why does Council need to designate off leash areas?

- The popularity of dog ownership - in Australia 42% of households own one or more dogs
- Dogs need to be socialised around other dogs and humans
- Exercise and outings play a part in alleviating unwanted behaviours in the home such as excessive barking and some forms of aggression
- There are benefits for humans - exercise, socialising with other dog owners (this is well documented) and the fact that for some people a dog is their main form of recreation
- To avoid concentration of off-leash activity in one or a small number of areas and
- As a compliance tool - by providing reasonable off-leash opportunities, Council can expect and appeal for compliance with leash requirements in other areas.

## **ii. Risk Management**

Concerns have been expressed about risks from dog attacks. It is important to understand the reason why dogs won't necessarily behave in the same way in the neutral territory of a public park. Attacks on private property frequently occur when a dominant, protective or injured dog is not adequately supervised with children and visitors. These triggers are usually not present in the neutral territory of a public park when a dog is with its owner. Most data collected on this issue suggests that dog attacks are more likely to occur in and around the family home or another home. The Child Protection Agency statistics show that the family dog or a dog known to the family causes 70% of all dog attacks on children.

Advice from the Local Government and Shires Association suggests that:

- Providing proper consideration is paid to siting issues (including signage), a Council which complies with a statutory requirement to provide a facility is less likely to be exposed to liability risk than a Council which provides such facilities of its own initiative;
- The Act places liability for such claims with the offending dog owner; and
- Section 731 of the Local Government Act gives protection to Councils and their officers for acts done in good faith for the purpose of executing that or any other Act.

## **iii. Public places where dogs would be excluded.**

*Section 14 of the NSW Companion Animals Act 1998*

Under the Act dogs are prohibited in the following public places:

- Within ten metres of any children's playing apparatus;
- Food preparation or consumption areas (unless it is a public thoroughfare such as a road, footpath or pathway);
- Recreation areas where dogs are declared prohibited;
- Public bathing areas (including beaches) in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited. (At this time Warringah Council prohibits dogs from all its beaches);
- School grounds (unless with the permission of the person controlling the grounds);
- Childcare centres (unless with the permission of the person controlling the centre);
- Shopping areas where dogs are prohibited (unless secured in a vehicle, with the permission of the person controlling the place or going to or from a vet or pet shop) and;

- Wildlife protection areas (where signposted in Warringah).

#### **iv. Dog faeces**

*Section 20 of the NSW Companion Animals Act 1998*

Uncollected dog faeces are a problem for health, the environment and for amenity reasons. Under the NSW Companion Animals Act 1998, owners are required to remove their dogs' faeces and properly dispose of them. In practice, this is extremely difficult to enforce. Some irresponsible dog owners allow their pets to roam off their property early in the morning and late at night to avoid ranger patrols. The animals then defecate and the owner does not take responsibility for the collection of the faeces.

#### **v. Nuisance dogs**

*Section 21 of the NSW Companion Animals Act 1998*

Under the Act a dog is a nuisance if it:

- is habitually at large
- makes a noise by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises
- repeatedly defecates on another person's property
- repeatedly chases any person, animal or vehicle
- endangers the health of any person or animal or
- repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

The rise in barking complaints over recent years appears to be consistent with the experience in other areas. However, such complaints are often not easy to resolve and can consume large amounts of Council Officers' time. On the face of it they seem straightforward, however in practice they could be difficult to enforce given nuisance problems are often difficult to define and measure. The words 'repeatedly' and 'habitually' are important in determining if a nuisance exists.

#### **vi. Dangerous dogs**

*Section 34 of the NSW Companion Animals Act 1998*

Council can declare a dog kept in its area to be dangerous. Once a dog is declared dangerous, the owner must comply with specified conditions including keeping the dog in an enclosure that is sufficient to restrain the dog and will prevent a child from having access to the dog.

It is reasonable to require the area to be 'face and hand' and 'nose and paw' proof.

**vii. Restricted dogs**

*Section 55 of the NSW Companion Animals Act 1998*

The owner of a restricted dog must also comply with specified conditions including keeping the dog in a childproof enclosure. Restricted breeds do not have to be desexed.

## **2.4 Cats**

The issues of cat management relate predominantly to the impact of cats on wildlife. Cats can also be considered a nuisance to surrounding neighbours. A distinction needs to be made between feral cats and owned domestic cats.

**i. Areas where cats are prohibited**

*Section 30 of the NSW Companion Animals Act 1998*

Under the Act, owned domestic cats are prohibited in the following public places:

- Food preparation or consumption areas and
- Wildlife protection areas

**ii. Nuisance cats**

*Section 31 of the NSW Companion Animals Act 1998*

A cat is a nuisance if it:

- Makes a persistent noise or
- Repeatedly damages anything outside the property on which it is ordinarily kept
- Predates on native wildlife.

Under the current provisions of the Act, Council has no obligation to impound stray or roaming cats.

## **2.5 Enforcement or Education?**

An on-going debate in animal management is the relative merits of enforcement versus education. Laws will always be the backbone of the management task. Warringah Council believes, however, that compliance does not end with a fine. There is also a remedy to control situations and the Act is extremely efficient in regulating irresponsible

dog owners in certain situations i.e., where a dog is declared dangerous.

It should be recognised that education alone will not achieve the behavioural change in dog owners in these type of situations. People that allow their dogs to contravene the NSW Companion Animals Act 1998 are demonstrating their non-compliance and education alone will not bring about a change in behaviour. However, voluntary compliance, if it can be achieved will just about always provide more meaningful, lasting changes in behaviour. It depends more on overcoming ignorance, indifference and incompetence than in prescribing concrete forms of acceptable behaviour. Education changes behaviour slowly, it can be expensive and is hard to evaluate.

Neither approach should be regarded as a panacea. A combination of enforcement and education is considered most appropriate. The secret is to understand the strengths and weaknesses of each and how they operate in different policy contexts.

Warringah's Rangers enforce the provisions of the NSW Companion Animals Act 1998. The Act provides for a number of 'on-the-spot' fines for breaches. In keeping with the education and enforcement ethos, Rangers also disseminate educational information in relation to allegations of nuisance dogs before any enforcement action or remedies are taken.

## **2.6 Recognising the Benefits of Pet Ownership**

The health and social benefits of owning pets are now well understood and have been documented in numerous scientific studies. At one level this means a balanced approach to managing domestic pets. At another more implicit level, there is an emerging understanding that pets contribute to quality of life. Warringah Council has recognised the important role pets play in daily lives and has reflected this in its initiatives. Further initiatives will be developed as funding allows.

## **2.7 Funding**

The Department of Local Government holds the Companion Animals Register under statutory control. Local Councils act as agents for the State Government. All monies relating to lifetime registration fees collected by Warringah Council on behalf of the Government must be reconciled and forwarded monthly. The State then refunds a proportion of the fees to Council. Warringah allocates this money for the administrative functions relating to the Register and companion animals education. Funds for the enforcement of the legislation are allocated to General Revenue.

## **SECTION 3: LOCAL CONTEXT**

### **3.1 Warringah Council**

With more than 6,000 hectares of bushland, 75 hectares of shoreline, nine beaches and four lagoons, Warringah's environment is a sensitive one and can be greatly impacted upon by companion animal issues.

Warringah is a 'pet friendly' Council. Council recognises the important role pets play in the wider community and encourages responsible pet ownership. Council also recognises its responsibility to preserve our environment and the balance between companion animal ownership and our commitment to the environment is delicately poised.

Australia is one of the largest companion animal owning countries in the world with approximately 60% of households owning a companion animal. Warringah, according to the 2001 Government Census, has 128,839 residents and 50,000 rateable properties including industrial areas and unit blocks. It is estimated that Warringah has approximately 25,000 dogs and cats.

### **3.2 Animal Management in Warringah**

Prior to the introduction of the lifetime registration requirement under the Companion Animals Act 1998, Warringah Council had 13,000 registered dogs on the council register. About 14,900 dogs and 5,200 cats are now registered with the NSW Companion Animals Register.

For the first time cats have been included in legislation. From 1 July 1999, all cats born, or older cats that change ownership, must be microchipped and registered for life on the NSW Companion Animals Register.

Within Warringah Council, Compliance Services is responsible for administration of the Act. The NSW Companion Animals Act 1998 provides for on-the-spot fines for breaches of the legislation. There are special requirements for owners of dogs that have been declared dangerous. These animals must be desexed, kept in a suitable enclosure, must be muzzled in public and always on a lead when away from their property. The owner must erect a sign clearly visible from the boundary of the property that says "Warning, Dangerous Dog" and appropriate signage must be displayed at vets and boarding kennels when the dog is on the property. These animals may not be sold to or left in the care of anyone under the age of eighteen years.

Dogs and cats may be the subject of Nuisance Orders. Nuisance Orders may apply when companion animal owners allow either their cat or dog to continually breach the Act. Nuisance Orders are in force for six months.

Animals that are seized under the Act must be returned home if they can be identified, i.e. an identity tag on the collar or a microchip but only if the owner or a responsible person is at the property. (An exception to this is for a dangerous dog seized where the owner failed to comply with a dangerous dog declaration). If there is no identification, then the animal is impounded and held for the statutory period of fourteen days. Dogs and cats that are identified but cannot be returned home are impounded and held for the statutory period of seven days. Every effort is made to contact owners, however, when the relevant statutory periods have expired, the animals may be disposed of either by sale or euthanasia.

To assist dog owners, Warringah Council has provided seven unleashed dog exercise areas, dog litterbins, Pooch Patches, educational days, inexpensive microchipping services for dogs and microchipping and desexing services for cats.

### **3.3 Relevant Policies**

Council allows 24hour access to its six unleashed dog exercise areas located throughout the Warringah area and limited access to Allambie Heights Oval between the hours of 12midnight and 7.00am.

Dogs are prohibited from surfing beaches, Jacka Park, Harbord and Dee Why Wildlife Refuge.

Cats are prohibited from all designated wildlife protection areas. Dogs must be on a lead at all times in wildlife protection areas where they have not been prohibited, i.e., Manly Warringah Memorial Park (Manly Dam). All wildlife protection areas are signposted.

Council has made a local policy in relation to the number of dogs that can be kept in a residential area. No more than three dogs over the age of six months may be kept. Should a resident wish to keep more dogs, an application must be made to Council. Applications are assessed on a case-by-case basis.

Animals that have been run over and killed on the road are scanned for a microchip (where possible) and the owner notified. By law, Council must remove the animal to a waste disposal facility.

## SECTION 4: IMPLEMENTATION PLAN

There are eleven key issue areas in which Council is undertaking actions under the Companion Animals Act 1998. These areas are:

1. Identification and registration
2. Dogs in public places
3. Faeces management
4. Wandering dogs
5. Dangerous dogs and restricted breeds
6. Excessive barking
7. Cat management
8. Animal welfare and safety
9. Recognising the benefits of pet ownership
10. Enforcement
11. Funding allocation.

### 4.1 Identification and Registration

The NSW Companion Animals Act 1998 requires all dogs and cats to be microchipped by the age of twelve weeks or sooner if changing ownership. The only exception is for cats that were owned prior to the commencement of the legislation on 01 July 1999. The owners of these cats are required to have their pet identified and can choose either a microchip or a collar and identity tag. Any older cat that changes ownership is required to be microchipped and registered.

The Act also requires a microchipped animal's details to be entered onto the Companion Animals Register (the Register) within seven days of implantation. A direction contained in the NSW Companion Animals Act 1998 Guidelines, states that an accredited implanter of microchips may forward the information to any council for data entry onto the Register. All dogs and cats are required to be registered for life by the age of six months.

The fees for lifetime registration are as follows:

Un-desexed dog/cat	\$150
Desexed dog/cat	\$40
Desexed dog/cat owned by pensioner	\$15
Registered breeder	\$40
Assistance Animal	Free

**Council's Actions** in relation to Identification and Registration are:

***i. Data Entry of Lifetime Registrations and Fee Reconciliation***

Warringah Council accepts payments for lifetime registrations on behalf of the State Government and enters the registration details onto the Register in accordance with the Regulations contained in the NSW Companion Animals Act 1998. A monthly reconciliation of fees is undertaken and payment forwarded to the Department of Local Government.

Every quarter, the State Government returns to Council a portion of the money collected. Fees for the management of the Register and other administration costs are withheld. Legislation does not stipulate the amount councils will receive from the Government; however, it is usually about 80%.

Warringah Council allocates all funds returned by the State Government to the administration of data entry and companion animal education.

## **4.2 Dogs in Public Places**

The NSW Companion Animals Act 1998 requires all dog owners to have their animal on a lead and under effective control in a public place. When dogs are being exercised in one of Warringah's unleashed dog exercise areas, the owner must have the dog under effective control at all times. A dog is not considered to be under control of a person if the person has more than four dogs under his or her control.

A dog must have a collar around its neck to which is attached a nametag that shows the name of the dog and the address or telephone number of the dog's owner.

Under the Act, dogs are prohibited in some public places:

- Within ten metres of children's play areas
- Within ten metres of food preparation areas (a dog is not prohibited from a place that is a food preparation/consumption area if the place is a public thoroughfare such as a road, footpath or pathway)
- Recreation areas, such as sporting fields
- Public bathing areas, including beaches in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the

effect that dogs are prohibited. (At this time Warringah Council prohibits dogs from all its beaches)

- School grounds and child care centres, (unless with permission of the person controlling the school)
- Shopping areas (does not apply to any shop or part of a shop or a dog being taken to and from a veterinary surgeon or similar establishment)
- Wildlife Protection Areas (where signposted in Warringah)
- Any area designated by a local authority where dogs are prohibited. (Warringah Council prohibits dogs from Jacka Park, Harbord, Dee Why Wildlife Refuge all surfing beaches and Long Reef Aquatic Reserve).

Greyhounds must be muzzled at all times when away from their property except when in their owner's vehicle or being exhibited for show purposes.

An owner is liable under the law if their dog rushes at, bites, harasses or chases any person or animal (other than vermin), whether or not injury is caused to the person or animal. It is not an offence if the dog is being teased, mistreated, attacked or otherwise provoked.

Any person (including an authorised officer) can seize a dog that the person finds in a public place in contravention of the Act. If the owner is present the dog cannot be seized except by an authorised officer and only then if the contravention continues.

**Council's Actions** in relation to dogs in public places are:

### ***i. Provision of Unleashed Dog Exercise areas***

Warringah Council provides seven unleashed dog exercise areas where residents and visitors may exercise their dogs and engage in social activity with their pets.

- Griffith Park, Collaroy
- Hinkler Park, Queenscliff
- John Fisher Park, Curl Curl (east of Park Street)
- Beverley Job Park, Narraweena (adjacent to Oceana St and The Circle)
- Flora & Ritchie Roberts Reserve, Curl Curl
- Frenchs Forest Showground, Frenchs Forest
- Allambie Oval (between 12midnight and 7.00am).
- Terrey Hills Oval (between 12midnight and 8.30am).
- Melwood Avenue Playing Fields, Forestville (between 10.00pm and 8.00am).

Owners are encouraged to use these areas in a responsible manner. Owners must, at all times, have their dogs under effective control and must remove their dog's faeces and dispose of them in a responsible

manner. Council Rangers enforce the provisions of the Act and render penalty notices for any breaches.

Warringah's Rangers patrol seven days a week on a rostered basis between the hours of 7.00am and 7.00pm and enforce all provisions of the NSW Companion Animals Act. Out of hours patrols are undertaken on a random basis or in response to a specific request.

### **4.3 Faeces Management**

Warringah is fortunate to have a diverse natural environment. It is Council's aim to protect and enhance our environment. Uncollected dog faeces are one of the most complained about issues dealt with by Council on a daily basis.

Dog faeces contain many pollutants such as phosphorus that cause the spread of toxic blue/green algae, so harmful to marine life. It also has toxins that are contained in some zoonotic diseases one of which can lead to blindness in children.

Warringah Council has undertaken a number of initiatives and concerted education campaigns to help reduce the amount of uncollected faeces. These educational initiatives are at all times coupled with enforcement of the legislation.

**Council's Actions** in relation to faeces management are:

#### ***i. Provision of Litterbins and Pooch Patches***

Warringah was the first council in NSW to introduce special dog litterbins and these have been placed in all unleashed dog exercise and popular walking areas. There are presently more than 35 dog litterbins in Warringah. More bins will be installed where demand dictates. Council also provides Pooch Patches in sporting ovals. A Pooch Patch is made up of a dog litterbin and a post standing about a metre out of the ground that is located nearby. Dog owners can take their dog to the Pooch Patch, have it use the area and place any dog litter in the bin provided, keeping our sporting fields cleaner.

#### ***ii. Dung Beetle Program***

Dung beetles bury dog scats in a tunnel system up to 20cm below the surface where they lay their eggs. It takes less than a day to bury an average scat. The three species of beetles introduced into Warringah bury during spring, summer and autumn and are dormant in winter. This initiative earned Warringah Council an award from Keep Australia Beautiful NSW. Current testing indicates the beetles are active in the Warringah area.

**iii. Community Watch-Dog Program**

The Community Watch-Dog Program was conceived and coordinated by Warringah on behalf of six other Councils covering the Northern Beaches and Middle Harbour catchments. The aim of the project is to reduce the amount of uncollected dog faeces entering stormwater drains and to educate the public about the adverse effects of dog faeces on waterways.

A steering committee was formed from officers of each of the participating Councils, resources developed and community volunteers recruited. All volunteers have been trained and given a training package. Resources consist of a POOch Pouch, a biodegradable dog litterbag (photo-degradable bags are now used by Council) and an educational brochure. Volunteers distribute the resources to dog owners in Warringah's parks and popular walking areas. Vets and pet shops also act as volunteers.

The project won the inaugural NSW Companion Animals Management Award in the category of Best Innovation in Companion Animal Management presented by the Minister for Local Government. It has also won awards from Keep Australia Beautiful NSW and The Local Government and Shires Association's Excellence in the Environment Awards.

The Community Watch-Dog Project is an integral part of Warringah Council's companion animal management strategy.

Face-to-face teaching about the adverse impacts of uncollected dog faeces on stormwater has been delivered to over 5,500 K-6 students to date and is continuing.

**iv. Enforcement of the NSW Companion Animals Act**

Where dog owners fail to remove their pet's faeces, Rangers issue infringement notices in line with the provisions of the Act.

**4.4 Wandering dogs**

Warringah Council is committed to a safe and healthy environment for all residents and visitors. To this end Council employs two dedicated Companion Animal Management Officers as well as utilising all Rangers for dog and cat related issues.

Wandering and stray dogs have the potential to cause many problems such as uncollected faeces, be involved in traffic accidents, chase cats and other animals and harass and even attack people and other animals. The NSW Companion Animals Act 1998 prohibits dogs from being in public places unless they are on a lead and under the effective control of a competent person.

**Council's Actions** in relation to wandering dogs are:

**i. *Enforcement of the NSW Companion Animals Act 1998***

Rangers impound wandering dogs. Where possible they are returned home. Where Rangers are unable to take a dog back home it is transported to the Council's impounding facility. Owners are contacted from microchip information recorded on the NSW Companion Animals Register. All identified dogs are held for a period of fourteen days. Dogs without any identification are held for a period of seven days. Animals that cannot be reunited with their owners are taken to the NSW Animal Welfare League at Ingleside for re-homing.

**ii. *Dog owners rewarded***

Rangers also undertake the *Reward a Responsible Owner Program*. Rangers will, in the course of their daily functions, site owners who are walking their dogs on leads and 'doing the right thing'. Rangers stop the owner and reward them with a treat for their dog.

## **4.5 Attacking Dogs**

A person who sets on or urges a dog to attack, bite, harass or chase any person or animal (other than vermin) is guilty of an offence, whether or not actual injury is caused.

This does not apply however to something done by a person in the reasonable defence of a person or property, to a police officer in the proper performance of duties or to a dog used for working stock or in training for working stock.

It also does not apply where a dog is being teased, mistreated, attacked or otherwise provoked, or when a dog attacks a person trespassing on the property on which the dog is being kept or if the dog is acting in reasonable defence of its property.

The law provides very stiff penalties for people who provoke their dog to attack. A person found guilty by a court of provoking a dog to attack may face a fine of up to \$1,000. Where a dog has been declared dangerous or is a restricted breed (see Section 4.5) the dog owner may face a fine of up to \$10,000 or a gaol term of six months, or both.

Uncontrolled dogs may also attack. Some owners leave gates open allowing dogs to rush out and attack passers by. Uncontrolled or stray

dogs may attack other animals such as cats and other pets or attack other dogs.

**Council's Actions** in relation to attacking dogs are:

***i Securing a dog***

Council Rangers at all times follow the provisions of the legislation relating to attacking dogs. Rangers firstly make every attempt to return the dog to its owner and make sure the dog is secured on the premises on which it is ordinarily kept.

***ii Seizing a dog***

Council Rangers may, within four hours of a reported attack, seize a dog. This action is only taken when a dog cannot be secured on the property on which it is ordinarily kept. Rangers may enter any land (but not premises) for the purposes of exercising their powers under the law.

***iii Council must advise dog owner***

The Act requires council to notify owners in relation to a dog attack where the animal has been secured or impounded. Council Rangers set out the reasons why the animal has been secured or seized, the method by which the dog has been secured or the place to which the animal has been taken, as the case may be.

A notice is prepared and left by Council's Ranger in a conspicuous place, or with a person over the age of 16 who resides on the property where the dog is kept.

***iv Council may prosecute dog owner, declare the dog to be dangerous or seek destruction***

Council may prosecute a dog owner for an alleged dog attack and have the matter heard in the local court. Council may also declare the dog to be dangerous or it can be declared dangerous by the Court. In extreme cases, Council may seek a destruction order. It should be noted that Council does not have the power to destroy a dog. Destruction orders can only be made by the Court.

## 4.6 Dangerous Dogs and Restricted Breeds

The legislation provides a very strict framework for the declaration of a dog to be 'dangerous'. The dog must have, without provocation, attacked or killed a person or animal (other than vermin), or repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin.)

A council and the local court may declare a dog to be dangerous and the police can direct a council to declare a dog to be dangerous. Once declared dangerous, the declaration is in force for the whole of the State and not limited to the area in which the dog lives.

An owner of a dog declared dangerous must:

- Have the animal desexed (if it is not already desexed) within 28 days of the declaration;
- Not leave the dog in charge of anyone under eighteen years of age;
- Keep the dog in an enclosure that is sufficient to restrain the dog and will prevent a child from having access to the dog;
- Display a warning sign clearly visible from the boundaries of the property with the words "Warning Dangerous Dog";
- Have the dog on a lead, muzzled and under effective control of a competent person at all times when away from the property;
- Ensure when the dog is on any other premises temporarily such as a veterinary clinic or boarding kennel that a warning sign is clearly displayed;
- Not sell or give away the dog;
- Not acquire a dog declared dangerous;
- Not sell the dog to a person under the age of eighteen years;
- Notify the Local Council within 24 hours that the dog has:
  - ▶ Without provocation attacked or injured a person or another animal,
  - ▶ The dog is missing and cannot be found,
  - ▶ Ownership has changed;
- Give notice the dog has died as soon as practicable after the death;
- Advise the local council the dog is being kept in a different location within the council area and
- Advise any intention of keeping a dangerous dog in an area of a council that was not the area it was ordinarily kept at the time of the declaration.

Any person who intentionally provokes their dog to attack a person or another animal may be prosecuted under the Crimes Act and face a gaol term and fines.

**Council's Actions** in relation to dangerous dogs are:

**i. Declaring a dog to be dangerous**

Council can declare a dog to be dangerous if the Council is satisfied the dog has without provocation:

- (a) attacked or killed a person or animal (other than vermin), or
- (b) repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin).

A person reporting a dog attack is required to supply supporting documentation relating to the circumstances surrounding the incident. Council rangers then thoroughly investigate the matter.

Warringah Council follows the provisions of the legislation and if satisfied a dog fulfils the requirements of the Act, forwards a 'Notice of Intention to Declare a Dog to be Dangerous' to the dog's owner. The owner has seven days in which to respond. After consideration of all the facts, Council may determine there is no case to declare the dog dangerous or may then proceed to declare the dog dangerous. Upon receipt of a declaration, the owner of the dog has a period of 28 days to appeal the decision to the local court.

If an owner of a dangerous dog fails to comply with any of the control requirements of the legislation, Council Rangers may seize the dog and take it to the Council's impounding facility to be kept until the owner can demonstrate compliance with the provisions of Section 51 of the Act, eg. erect signage or provide a suitable enclosure. Council inspects the property of an owner of a dog that has been declared dangerous to ascertain that all provisions of the legislation have been complied with. On-the-spot fines are rendered for any breaches of the Act.

**ii. Restricted breeds**

The Act places restrictions upon certain breeds of dogs.

Restricted breeds are:

- Pit Bull Terriers
- American Pit Bull Terriers
- Japanese Tosas
- Dogo Argentino (Argentinian fighting dog)
- Fila Brasileiro (Brazilian fighting dog)
- Perro de Presa Canario or Presa Canario.

The owners of restricted dogs must comply with all the requirements of the dangerous dog section of the Act. In addition, new laws introduced by the State Government in 2006 give NSW councils the power to declare dogs that are cross-bred with the abovementioned

restricted breeds to also be restricted. The Act provides an appeal mechanism for owners of dogs that are cross-bred with restricted breeds.

Owners of these dogs will have to comply with all the provisions of the Companion Animals Act relating to restricted dogs including having their dog desexed.

Owners of restricted dogs are prohibited from selling or giving away their dog and persons are prohibited from acquiring a restricted dog.

Council will enforce all provisions of the Act in relation to dangerous and restricted breeds, as legislation dictates.

### 4.7 Excessive barking

Excessive barking by dogs is one of Warringah Council's most complained about issues. Barking dogs can cause neighbourhood disputes and even actions in the local court.

Dogs bark for many reasons:

- Boredom
- Separation anxiety
- Fleas/skin conditions
- Lack of exercise
- Lack of food and/or water
- Lack of shelter from the sun and inclement weather
- Lack of companionship
- Lack of proper veterinary care.

The Act states that a dog can be declared a 'Nuisance' if it barks excessively and owners may also be fined under the Protection of the Environment Operations Act.

Dogs are social creatures and, in the wild, they live in hierarchal or family groups. When a dog comes into a household, the people living there become the dog's 'human family.' Some dogs find it extremely distressing to be left alone when all the members of the family leave for the day. Others become very bored because they lack exercise or visual stimulation. If the animal is hot or wet and cannot get shelter away from the elements, or if it has no food or water or suffers from fleas or an irritating skin condition, it will express itself in the only way it can - by barking.

The community expectation is to live in peace and harmony and the constant noise of a barking dog may lead to frayed tempers and arguments with neighbours. However, it is preferable that neighbours try to solve the situation in a friendly manner.

**Council's Actions** in relation to excessive barking are:

**i. Enforcement of the NSW Companion Animals Act 1998**

Council Rangers, upon receipt of a complaint, will visit the dog owner and establish firstly why the dog is barking. The officers provide the dog owner with educational information and assistance in solving the problem. They may recommend a number of solutions including the advice of an animal behaviourist, veterinary surgeon or animal trainer. Advice is also given about exercise. It is most important in keeping a dog healthy and well adjusted.

Where a resident fails in their responsibilities under the law, Council may take action in the local court.

**ii. Provision of Anti-barking collars**

In 1995, following a community trial and the recommendation of the RSPCA, Warringah Council introduced the Aboistop Anti-barking Collar. This collar consists of a housing attached to a strap that is placed around the dog's neck. Inside the housing is a battery, a reservoir into which citronella is sprayed under pressure, and a microphone. When the dog barks the battery activates a microphone that picks up the sound triggering the release of citronella spray under the dog's nose.

Warringah Council provides Anti-barking collars to residents both for rental and sale and for general sale to the public.

## **4.8 Cat Management**

The introduction of the Companion Animals Act 1998, for the first time, places certain responsibilities upon the owners of cats. Cats must be microchipped by the age of twelve weeks and registered for life by the age of six months. The only exception is for cats born before the commencement of the legislation on 01 July 1999. These cats do not have to be registered. The owner is required however, to have their cat identified when away from its property. The owner may choose either a microchip or a collar to which is attached an identity tag. If an 'old' cat changes hands, then it must be microchipped and registered for life.

Unlike dogs, cats may move about freely. It is not an offence for a cat to be on private property other than the premises on which it is ordinarily kept. It is an offence, however, for a cat to be within ten metres of a food preparation/consumption area. Cats are also prohibited from wildlife protection areas.

The legislation makes provision for the issuing of 'Nuisance Orders' when the owners of cats are guilty of allowing their pets to:

- Make a noise that persistently occurs or continues to such a degree that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises
- Repeatedly damage anything outside the property on which it is ordinarily kept
- Predate on wildlife.

Nuisance Orders are in effect for six months and may require the owner to keep the cat on its own premises.

The provisions of the NSW Companion Animals Act 1998 are not well couched. It is unclear about the requirements imposed upon Councils in relation to the seizure of cats. It is not currently a requirement for Councils to capture and impound stray cats.

Warringah's Rangers deal with complaints where owners allow their cats to breach the Companion Animals Act 1998 in relation to a cat being declared a nuisance.

**Council's Actions** in relation to cat management are:

***i. Enforcement of NSW Companion Animals Act 1998***

Rangers positively identify an offending cat before taking any action. Where it is established a cat has breached the provisions of the legislation, a Nuisance Order is served on the owner of the cat.

Rangers also issue on-the-spot fines where breaches of the Act can be established.

***ii. Introduction of Wildlife Protection Areas***

Council has declared the following to be Wildlife Protection Areas:

- Jamieson Park, Narrabeen
- Manly Warringah War Memorial Park (Manly Dam)
- Lincoln Reserve, Collaroy Plateau
- Recreation Reserve behind Hendy Avenue, Collaroy Plateau
- Forestville Park, Forestville
- Dee Why Bicentennial Track
- Towradgi Reserve, Narrabeena
- Red Hill Reserve, Beacon Hill
- Golden Grove Reserve, Beacon Hill
- Stony Range Flora and Fauna Reserve, Dee Why
- Long Reef Headland, Collaroy
- Dee Why Wildlife Refuge, Dee Why
- Grace Avenue Reserve, Frenchs Forest and
- Anembo Reserve, Duffys Forest.

Council's Bushland Team undertake random trapping in the designated areas. Residents are letterbox dropped to warn that trapping will be undertaken. Any cats trapped are taken immediately to a veterinary surgeon that firstly scans the cat for a microchip. Where a chip can be located, the owners are contacted. If the cat has no identification the vet will assess if the animal is a feral or owned cat. Cats that are deemed to be 'owned' (respond to humans in a calm manner) are returned to an area near where they were found and encouraged to go home. Feral cats are euthanased.

Whilst the legislation does not prohibit cats from being outside, Council recommends that all cats are kept indoors, especially at night when they are three times more likely to predate on wildlife. In order to warn wildlife, cat owners are also encouraged to put a collar with two bells on their cat.

The Manly Warringah and Pittwater Branch of the NSW Animal Welfare League have a permanent "Outside Cat Enclosure Display" open to the public between 9-11 am daily. This display educates cat owners about keeping their cat safe whilst at the same time protecting native wildlife.

### **iii. *Protect Your Cat Protect Your Wildlife Project***

In an effort to protect cats and native wildlife, Warringah Council initiated the '*Protect Your Cat Protect Your Wildlife*' Project.

The aim of the project is to educate cat owners who live in close proximity to the designated wildlife protection areas about the harm their pets may cause to native wildlife. Project resources including a booklet and flyer were produced and all residents within a designated radius of a wildlife protection area a copy of the booklet and accompanying flyer. Upon application, residents may have a special expandable cat collar with two bells forwarded free of charge.

### **iv. *Cat population control program***

The problem of unwanted kittens from over-breeding is a perennial one. Animal shelters are full of abandoned kittens and many thousands are euthanased each year.

Warringah Council works in conjunction with the Cat Protection Society to run the '*Operation Cat*' Program. This program provides cat owners with low cost microchipping, desexing and vaccinations for their pets and is run three times per year. Advertisements are placed in the local newspapers and cat owners contact the Cat Protection Society directly. Residents wishing to take advantage of Operation Cat are offered a door-to-door service.

Council supports the work of the Manly Warringah & Pittwater Branch of the NSW Animal Welfare League by contributing to their program relating to the euthanasing of feral cats in Warringah.

The Manly Warringah & Pittwater Branch of the Animal Welfare League also provides a low cost “Spey Day” every Wednesday from July to November. This service is available for pensioners and those people experiencing financial difficulties in order they may have affordable desexing for their pets.

### **4.9 Animal welfare and safety**

Warringah Council has always valued companion animal ownership. Council recognises that community expectation is to have a safe and healthy environment for people and for their pets. Council undertakes a number of strategies to ensure that companion animal ownership is enhanced and that people are protected.

Where Council Rangers or anyone in the community are concerned about the welfare of an animal, they may report it to the RSPCA or the Animal Welfare League NSW to investigate. Council does not have authority to enter premises to seize animals that may be the subject of neglect or cruelty. The RSPCA or the Animal Welfare League NSW are the appropriate authorities to contact in those instances. They will ensure the welfare of the animal is checked and any necessary action taken.

**Council’s Actions** in relation to animal welfare and safety are:

#### ***i. Provision of Veterinary Care***

Rangers impound dogs found straying in public places. Where an animal can be identified by its microchip number, the owner is contacted. The animal is returned home where possible. If it cannot be returned home it is taken to Council’s impoundment facility.

Any dogs that appear to be injured are assessed and veterinary assistance rendered. Council Rangers will not administer medication to any animal. Medication will only be administered by a qualified Veterinarian.

#### ***ii. Animals held for statutory periods***

It is a requirement of the NSW Companion Animals Act that all dogs and cats that are *identified with a microchip/identity tag* are held for a minimum of fourteen days and unidentified animals for a minimum of seven days. At the end of the statutory period, an unclaimed animal may be disposed of by way of sale or euthanasia.

**iii. No Kill Policy**

Warringah Council has adopted a 'no kill' policy and any unclaimed animals are taken to the NSW Animal Welfare League for assessment and re-homing.

The only exceptions to this is where a dog is the subject of a destruction order by the Court or in a situation where a dog is the subject of a Dangerous Dog declaration or is a declared restricted breed and the owner has failed to demonstrate compliance. In this instance the dog may be seized and destroyed in accordance with the Act. Where the owner has specifically surrendered a dog for destruction, Council will carry out the owner's wishes. Where a dog has been destroyed, the owner is contacted and given the opportunity of picking up their animal.

When exceptions to "No Kill" apply, the time limits specified in the Act may be varied to less than fourteen days. This occurs where destruction is considered in the community interest, or for safety or compassionate grounds, (eg. if the animal is injured and requires human intervention). All other cases are dealt with in accordance with the fourteen-day holding period as prescribed in the NSW Companion Animals Act.

**iv. Companion Animals Advisory Committee**

Warringah Council was one of the first in NSW to initiate a *Companion Animals Advisory Committee*. The Committee is made up of a diverse range of community members representing pet and non-pet owners, youth, the aged, the disabled and animal welfare organisations.

The Committee discusses issues relating to pet ownership, welfare and the provision of facilities for pet owners in Warringah and makes recommendations to Council.

**v. Timely data entry of microchip information**

The NSW Companion Animals Act 1998 requires the information collected when an animal is microchipped to be entered onto the *Companion Animals Register* within seven days. Warringah Council has a commitment to having all microchip data entered onto the Register in line with the requirements of the Act. Council also has a commitment to data enter all changes in owners' personal details recorded in a timely fashion. This ensures that any lost pet in Warringah can be reunited with its owner.

**vi. *How to be Safe With Dogs Program***

The 'How to be Safe with Dogs' Project addresses the issues surrounding safety with dogs. This project is taught in schools for years K-6. It teaches children how to approach and interact with dogs and how to avoid being bitten. More than 5,500 children have received face-to-face lessons to date and the program is continuing.

**vii. *Pre-School Education***

The project has been further extended to include pre-school kindergarten education. It has been established that children of three understand the lessons and the principles involved in safety with dogs.

**viii. *My Dog Won't Bite Program***

The 'My Dog Won't Bite' Project focuses on the triggers that can lead to dog attacks especially in the home and the impacts of dog attacks on children. Resources consisting of an educational tea towel and a sport drink bottle are distributed to vets and pet shops, community volunteers and at the Dogs' Big Day Out.

**ix. *Council/Vet/Pet Shop Partnerships***

Warringah Council has developed close ties with local veterinarians and pet shops. Council supplies resources for educational programs and vets and pet shops act as program volunteers by distributing the resources to their clients.

**5.0 Recognising the benefits of pet ownership**

Warringah Council acknowledges the important role pets play in our daily lives. Australia has one of the highest pet owning populations in the world with about 64% of all households owning a pet - mostly dogs and cats.

The human/animal bond is well documented and pet ownership has been credited with playing an important role in the health and wellbeing of the elderly, assisting incapacitated and disabled persons and even locating sick and injured people and illicit substances.

**Council's Actions** in relation to recognising the benefits of pet ownership are:

**i. Annual Dogs' Big Day Out**

Council hosts the annual 'Dogs' Big Day Out'. This event is filled with activities for the whole family and provides a forum for dog owners to interact socially. The event is held annually on the third Sunday in October.

**ii. Annual Vacation Care Expos**

Warringah has initiated the 'Vacation Care Pet Expos'. Face-to-face lessons centre on the interaction of companion animals and native wildlife, general pet care and choosing the correct pet for individual lifestyles.

**iii. Annual World Environment Day Youth Expo**

Workshops are conducted at the 'World Environment Day Youth Expo' focusing on the impact of dogs on our environment, including wildlife and the keeping of dogs and cats.

## **5.10 Enforcement**

The NSW Companion Animals Act 1998 is the framework by which Council administers companion animal ownership in Warringah. Other Acts including the NSW Local Government Act are used in specific circumstances, ie. limiting the number of dogs that can be owned in a residential area.

**Council's Actions** in relation to enforcement are:

**i. On-the-Spot Fines**

Where there are clear breaches of the NSW Companion Animals Regulation Council may render the following on-the-spot fines. All offences may be viewed by visiting the Department of Local Government's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au). Listed below is a sample of the most common offences.

**Dogs - General**

- Animal not permanently identified \$165
- Sell animal not permanently identified \$165
- Interfere with permanent identification of animal \$165
- Animal not registered \$165
- Animal in public place not registered \$165/\$110
- Fail to comply with notice to register animal \$165/\$110
- Not notify change in registration/identification information \$165
- Give false/misleading information to Director-General \$165
- Deny assistance animal entry to public building/place/transport \$165

## Companion Animals Management Plan 2005-2008

---

- Charge for entry of assistance animal to public building/place/transport \$165
- Fail to take seized animal to owner or Council pound \$550
- Give false/misleading information in registration application \$165
- Fail to give name and address \$275
- Give false name/address \$275
- Obstruct authorised officer \$165
- Fail to remove dog faeces \$275
- Dog not under effective control \$165
- Dog in prohibited place \$165
  
- Dog without collar/name tag \$165
- Greyhound/prescribed dog not muzzled \$165
- Fail to comply with nuisance dog order \$275

### Dangerous Dogs

- Dangerous/restricted dog not permanently identified \$1320
- Sell dangerous/restricted dog not permanently identified \$1320
- Dangerous/restricted dog not registered \$1320
- Dangerous/restricted dog not registered (section 10) \$1320
- Dangerous/restricted dog in public place not registered \$550
- Fail to comply to register dangerous/restricted dog \$550
- Not notify change in registration/identification information for dangerous/restricted dog \$1320
- Dangerous/restricted dog without collar/name tag \$1320
- Dangerous/restricted dog not under effective control \$1320
- Dangerous/restricted dog in prohibited place \$1320
- Dangerous/restricted dog not permanently identified \$1320
- Sell dangerous/restricted dog not permanently identified \$1320
- Dog to be declared dangerous not on lead/muzzled \$1320
- Fail to comply with dangerous dog control requirements \$1320
- Fail to comply with restricted dog control requirements \$1320

### Cats

- Cat not wear identification \$110
- Cat in prohibited place \$110
- Fail to comply with nuisance cat order \$165
- Cat not registered \$165
- Cat in public place not registered \$165

In some cases, where pet owners repeatedly fail in their responsibilities under the law, Council may take action in the local court to ensure compliance.

## 5.11 Funding Allocation

Funds for companion animals management comes from a number of sources including:

- The Department of Local Government from money collected for lifetime registrations of dogs and cats;
- The Environmental Stormwater Special Rate for the Community Watch-Dog Project;
- Grant funding;
- Sponsorship for Dogs' Big Day Out;
- Compliance Services with funds derived from on-the-spot fines for breaches of the NSW Companion Animals Act 1998.

**Council's Actions** in relation to funding:

### *i. Funding of annual budget*

The Animal Management Budget is forecast annually in line with funds returned to Council from the Department of Local Government for lifetime registration fees. These funds do not fully support the Animal Management Budget and therefore sponsorship and grant funds are sought annually to supplement budget expenditure and to initiate new projects.

Income from on-the-spot penalties rendered under the NSW Companion Animals Act 1998 is taken up in general revenue and re-distributed to fund the operation of companion animal enforcement.

