Animal management policy

Policy No. 7230.100.E.R

1 Purpose

The purpose of the policy is to provide a proactive, responsive, evolving approach to animal management. This policy will provide direction in the application of The City of Darwin By-Laws 2023 (the By-Laws) relating to animal management.

This policy provides the framework to address:

- safety
- responsible pet ownership
- registration, licencing and de-sexing
- nuisance behaviours
- dog attacks
- animals in public places
- pound operations

2 Scope

This policy relates to animal management activities undertaken in accordance with legislation, relevant policies and procedures. The policy ensures that City of Darwin's approach to enforcement and education practices are lawful, safe, fair, practical and consistent with community expectations.

3 Policy statement

This policy relates to the activities undertaken in accordance with legislation or Council policy and relates to enforcement of animal management requirements. The policy ensures that Council's Animal Management approach to enforcement practices is lawful, safe, fair, practical, educational and consistent.

3.1 Safety

Community safety is a priority for City of Darwin and the By-Laws are designed to ensure a safe community for all members. City of Darwin provides regulation and management of dogs and cats and poultry to ensure public safety.

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Responsible Officer: General Manager Community

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3.2 Responsible pet ownership

Pet owners need to be aware of their responsibilities to ensure their pets are cared for appropriately, are controlled in public places and do not adversely impact on others.

Dog and cat owners are required to ensure:

- their animals have adequate food, shelter and water at all times
- they provide regular exercise and appropriate obedience training which will help meet their dog's social needs
- their animals are registered and microchipped
- their animals are not at large in the municipality
- they maintain effective control of their animals at all times, and
- they comply with the By-Laws and *Animal Protection Act 2018* (NT).

City of Darwin actively encourages responsible pet ownership through education around adequate pet care, nutrition, exercise and training. Where, through the course of attendance upon a premises, or collection or impoundment of an animal, officers suspect an animal has been neglected or abused, a referral will be made to the appropriate external agency.

3.3 Registration, licensing and de-sexing

Registration

Registration assists City of Darwin in identifying dogs and cats and their owners, returning lost pets and provides City of Darwin with statistics to inform future planning.

Dogs and cats over three months of age, or those that have been in Darwin for one month or longer, are required to be registered with City of Darwin and microchipped.

Electronic subcutaneous implant (microchip) registration conditions

City of Darwin may refuse to register dogs and cats over the age of three months if the animal is not fitted with an approved permanent electronic subcutaneous implant.

Fees

Registration fees are updated and charged on an annual basis in line with City of Darwin's fees and charges and the category of the animal to be registered.

Where a dog or cat is de-sexed in the first six months of registration the registration fee may be refunded on a pro-rata basis.

City of Darwin provides concessions and subsidies for dogs and cats in line with the annual fees and charges.

City of Darwin will refund registration fees and licence fees on a pro-rata basis, where a registered dog or cat dies or leaves the municipality in the first six months of registration for the financial year.

City of Darwin will allow reciprocal registration for animals registered in other municipalities belonging to Top End Regional Organisation of Councils. Upon relocating to the Darwin municipality these animals will be registered by City of Darwin at no further cost for the remainder of the registration period.

3.4 Number of poultry allowed

From 2 October 2024, no more than 20 chickens and no more than two roosters will be permitted to be kept on a single dwelling, on a lot greater than 600 m², or on land zoned as RL- rural living or land used or developed for a community garden or school, provided they are properly contained on the premises.

3.5 Licences to keep more than two dogs or cats on premises

A licence is required to keep more than two dogs or two cats on one premises in the Darwin Municipality.

The maximum allowable number of either dogs or cats kept on one premises is three.

The maximum allowable number of cats and dogs combined, on one premises is four.

Licence applications will be assessed against the following criteria:

An inspection of the property to consider:

- the size of the property (minimum lot size 400m^2)
- whether the fence is adequate to contain the animals
- an overall assessment of the premises as a suitable environment for the number of animals proposed to be kept at the premises
- consultation with adjoining neighbours and surrounding properties
- complaint history including consideration of any previous breach by or substantiated complaint against the owner under the Animal Management By-laws
- consideration of animals' species, breed and temperament.

In addition, Council will only consider new licence applications where:

- the number of dogs at the relevant residential premises does not exceed three
- the number of cats at the relevant residential premises does not exceed three, and
- the total number of animals (dogs and cats) at the relevant residential premises does not exceed four.

3.6 Desexing

In order to promote responsible pet ownership and assist the community in eliminating unwanted, unplanned, uncared for or stray animals, City of Darwin delivers subsidised desexing and registration events.

3.7 Nuisance behaviours

City of Darwin will investigate nuisance behaviours, and if an animal is found to be a nuisance, the owner may be issued with a notice to stop the nuisance behaviour, undertake specified training or an order requiring the owner to prevent the nuisance behaviour from recurring.

Nuisance behaviours include but are not limited to:

- barking
- crowing
- injurious or dangerous to the health of the community, or another person or animal
- fence rushing / fence fighting
- creating excessive noise or odour
- defecation to an extent that causes annoyance to a person other than its owner
- chasing cars, cyclists pedestrians or other animals.

Where a complaint regarding nuisance behaviours is received, City of Darwin officers seek to balance the needs of the complainant, the needs of the animal owner, the welfare of the animals involved and the requirements of the By-Laws.

If, through carrying out an investigation, no nuisance behaviour is substantiated, a further investigation for that property will not be undertaken unless there is a significant change in circumstances.

Barking

If a barking complaint is received by Council, an authorised officer will undertake an investigation to confirm whether the complaint can be substantiated.

In conducting a nuisance barking investigation, City of Darwin officers will consider the times, duration, and frequency of barking, and how it reasonably affects a person's wellbeing.

City of Darwin will undertake a nuisance barking investigation where:

- barking exceeds three minutes in any 30-minute period between 10pm and 7am the following morning
- barking exceeds six minutes in any one-hour period between 7am and 10pm that day.

City of Darwin officers will not undertake a nuisance barking investigation where barking has occurred due to the following circumstances:

- emergency vehicle sirens
- fireworks

- storms in the neighbourhood
- mail delivery person
- uninvited person on premises
- peak hours of foot traffic, such as school open and closure times
- enticement of a dog through physical or verbal abuse

Fence rushing or fighting

Some dogs fence rush and fence fight while other dogs cannot resist rushing and barking at movement outside their property. Fence rushing behaviour can be caused by a lack of or over- stimulation, frustration, or a display of overly territorial behaviour simply when someone or something approaches or walks past the property. Fence rushing/fighting is a behaviour that is usually learned, and it is the responsibility of the dog owner to correct this behaviour before it becomes a nuisance.

3.8 Menacing, attacking and dangerous dogs

Menacing

The City of Darwin By-laws contains three levels of dog attacks and a menacing provision, and the ability to declare a dog to be dangerous.

Attacking

The City of Darwin By-Laws define three levels of dog attack:

- **Dog attack:** A dog attack occurs when a dog behaves aggressively resulting in physical contact with a person or another animal, or damage to anything worn by the person or the animal.
- **Serious dog attack:** A dog attack is considered serious when a dog bites a person or another animal resulting in bleeding, bone breakage, sprains, scratches or bruising.
- **Aggravated dog attack:** A dog attack that results in substantial injury to, or death of, a person or other animal is considered an aggravated offence and will attract the maximum penalty.

Dangerous dogs and register

A dog can be declared dangerous if the dog menaces or attacks a person or animal, or an authorised officer believes on reasonable grounds that the dog is destructive, dangerous, savage or a threat to the safety of the community.

City of Darwin maintains a declared dog register which records the details of dogs that have committed certain offences and the details of the owner of the dog.

A dog that is placed on the Declared Dogs Register will have additional conditions relating to its care and control placed on its registration.

3.9 Animals in public places

There are many suitable on-leash and off-leash exercise areas in the Darwin municipality, where owners can exercise their animals.

There are also some areas within the Darwin municipality where owners cannot take their dogs. There is a number of reasons why Council may declare an area to be restricted, including concerns for public health, safety, and environment protection.

Dog exercise areas

City of Darwin has declared all parks, ovals, reserves, gardens and beaches under Council's care and control, with the exception of East Point Reserve, Gardens Oval One and Nightcliff Oval, as declared dog exercise areas.

Conditions for the use of these areas are:

- in exercise areas, dogs must be accompanied by the owner
- in exercise areas, dogs are required to be restrained by a lead if:
    - organised sporting activities are in progress, and / or
    - the dog is being exercised on or within 10 m of a shared path.
- Female dogs in oestrus are not permitted in exercise areas.
- In exercise areas, dogs must not contravene any provisions of the By-laws.
- Owners must act in accordance with any signs relevant to particular areas.
- The owner of a declared dangerous dog must ensure the dog does not enter a dog exercise area.

Dog restriction areas

City of Darwin has declared the following areas to be dog restriction areas:

- East Point Reserve from the area bounded by the entry gateway and Lake Alexander perimeter fencing, including the beach area
- The Mall
- the Mindil, Nightcliff, Parap, Malak and Rapid Creek markets, whilst operating
- all playgrounds and the area within 10 m of any playground
- all public barbeques and the area within 10 m of any public barbeque, and
- the playing surface at Gardens Oval One and Nightcliff Oval.

Assistance animals are permitted in dog restriction areas.

Effective control

Dogs and cats are required to be under effective control at all times in a place other than its usual home. A dog or cat is taken to be under effective control if it is restrained by a suitable leash or other methods detailed in the By-Laws.

A dog is also considered under effective control when it is off-leash in a dog exercise area, provided that:

- the dog is immediately responsive to a voice command of its owner
- the dog is not a female dog in oestrus, and
- the owner is carrying a suitable leash.

Proper containment

Dogs and cats must be properly contained within a building, fenced yard or other enclosed space, or leashed / restrained at the premises where they are kept. Proper containment promotes responsible pet ownership by supporting animal health and reducing the negative impacts of domestic animals on the natural environment. Cat containment is of particular importance in areas identified as ecologically significant.

Permanent tethering is not considered by Council to be a suitable means of properly containing a dog. The owner of a dog that is not properly contained commits an offence.

City of Darwin will undertake targeted cat trapping programs, seize and impound cats that are at large, and not contained within the property boundary of the premises where the cat is usually kept.

Containment of a Cat – Casuarina Coastal Reserve and Lee Point

City of Darwin recognises the significant biodiversity within the Casuarina Coastal Reserve and Lee Point area. In order to preserve native wildlife and the environmental value of this location, City of Darwin has determined that cat containment for the proposed new Darwin suburbs Muirhead North and Lee Point, to be developed along Lee Point Road, will require that:

- cats must be kept indoors or in an outdoor enclosure such as a cat run, or
- under effective control, on a leash, at all times if outside.

Special cat control areas

City of Darwin may declare an area to be a special cat control area to protect biodiversity or wildlife vulnerable to predation by cats. City of Darwin must publish the location and restrictions on cats in any special cat control area it declares.

Dogs defecating

An owner or the person in control of a dog must carry a receptacle to collect the dog's faeces whenever they are walking or exercising their dog in a public place.

The owner or the person in control of the dog at the time the dog defecates, either in a public place or on property not owned or occupied by the dog owner, must immediately remove and dispose of the faeces in a manner that is not offensive to another person.

3.10 Abandonment of animals

A person must not deliberately leave or abandon an animal in the municipality. A person who abandons an animal in the municipality commits an offence.

3.11 Pound operations

Dogs or cats that are at large, which are unregistered or unidentified, or where the registered owner cannot be contacted, will be impounded. A written impoundment notice will be issued where the owner of the animal is established.

City of Darwin has determined that where dogs or cats have been impounded for four working days, the pound supervisor may after that time arrange for the rehoming or otherwise humane destruction of the dog or cat.

An animal that is impounded may not be released unless the animal is registered and the appropriate release fees are paid.

A registered owner who is served with a notice of impoundment must collect their dog or cat from the pound. Failure to respond to a notice of impoundment is a regulatory offence. A person commits an offence if the person intentionally abandons an animal in Darwin.

4 Definitions

Authorised Person means - For the purpose of enforcing By-laws, an authorized person under section 204 of the Local Government Act 2019.

Assistance Animal means an animal trained or accredited to assist, in a public place, a person with a disability in relation to the disability. Trained or accredited means trained or accredited by a training organization or State or Territory body prescribed by regulation.

Darwin means the municipality of Darwin named as City of Darwin of Darwin under the Status of Darwin Act 1959.

Owner means the person registered as the owner of the dog or cat, or a person who is, for the time being, in control of a dog or cat, or an occupier of a premises where an animal is kept.

Properly Contained means if an animal is, under humane conditions appropriate for the animal and kept inside a building, a fenced yard, an enclosed run or another structure on the premises from which the animal is unable to escape; or leashed or restrained and unable to escape the premises.

Top End Regional Organisation of Councils means City of Darwin, City of Palmerston, Litchfield Council, Wagait Shire Council, Coomalie Community Government Council and Belyuen Shire Council.

5 Legislative references

City of Darwin By-Laws 2023

Animal Protection Act 2018 (NT)

Anti-Discrimination Act 1992 (CTH)

Local Government Act 2019 (NT)

6 Procedures / related documents

0033.100.E.R Privacy Policy

7220.100.E.R Regulatory – Miscellaneous Policy

7210.100.E.R Compliance and Enforcement Policy

7210.001.I.N Enforcement Guidelines

7 Responsibility / application

The General Manager Community is responsible for ensuring that this policy is adhered to and understood.

The General Manager Community is accountable for maintaining the currency and accuracy of this policy, associated procedures and guidelines.

Regulatory Services will enforce compliance activities within the Darwin municipality in line with this policy.

This Policy will be reviewed once per term of Council or in response to significant changes in legislation or other circumstances which affect its effectiveness and validity.

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