

DRAFT ANIMAL MANAGEMENT - GENERAL

Policy No. 001

1 Purpose

The purpose of the policy is to provide a proactive, responsive, evolving approach to animal management that is consistent with Council's Dog and Cat Management Strategy 2018-2022. This policy will provide direction in the application of Council's By-Laws relating to animal management, being Part 3 of the Darwin City Council By-laws (the **Animal Management By-Laws**).

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

Animal management is an important function of the City of Darwin. The Council's objective is to continue to evolve and be responsive in its regulatory approach while it supports and encourages responsible dog and cat ownership.

Council has endorsed the Dog and Cat Management Strategy 2018-2022 to establish clear guidelines for the management of Council's Animal Management By-Laws and policies.

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 are lawful, safe, fair, practical, educational and consistent.

3.1 Safety

Community safety is a priority for Council and the Animal Management By-Laws are designed to ensure a safe community for all members. Council provides regulation and management of dogs and cats to ensure public safety. Council has authority and will, when appropriate, enforce By-Laws to remedy or mediate any threats involving these animals.

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Council provides an emergency after-hours service at all times for dog attacks or dogs acting aggressively. Council also provides an out-of-hours service until 10pm to collect animals that have been contained on premises other than those where they are usually kept.

3.2 Responsible Pet Ownership

There are many social, health and companionship benefits to owning pets. However 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.

Responsible dog and cat owners need to ensure that:

- their animals have adequate food, shelter and water at all times
- they can meet the ongoing costs associated in caring for their animals such as vaccinations and maintenance of health and welfare
- their animals are registered and microchipped
- their animals are not at large in the municipality
- they provide regular exercise and appropriate obedience training which will help meet their dog's social needs
- they are aware of the Animal Management By-Laws and Northern Territory Animal Welfare Act
- they maintain effective control of their animals at all times

3.3 Registration, Licencing and De-sexing

3.3.1 Registration

Registration assists Council in identifying dogs and cats and their owners, returning lost pets quickly and provides Council with statistics to inform future planning so that animals and their owners can benefit from having outdoor space to exercise and enjoy activities.

Dogs and cats that are over three (3) months of age, or otherwise have been in Darwin for one (1) month, are required to be registered with Council and microchipped. Owners will be provided with a Council identification number tag to be fitted to their animal.

Electronic Subcutaneous Implant (microchip) – Registration Requirement
Pursuant to By-law 56 (4) of the Animal Management By-laws Council may refuse to register dogs and cats over the age of three months and a Declared Dog (Category 1) if the animal is not fitted with an approved permanent electronic subcutaneous implant.

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Number of Dogs Allowed

From 1 July 2019, pursuant to By-law 58 (1) of the Animal Management By-Laws, the number of dogs, declared dogs, class of dogs per premises shall be two (2), excluding those dogs registered as at 30 June 2019.

Number of Cats Allowed

From 1 July 2019, pursuant to By-law 58 (1) of the Animal Management By-Laws, the number of cats or class of cats per premises shall be two (2), excluding those cats registered as at 30 June 2019.

Fees

Council has annual, five (5) year and lifetime registration fee options. 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.

Council provides concessions for pensioners, totally and permanently incapacitated gold card holders and members of Dogs NT or the Cat Association NT.

Council subsidises the registration for dogs and cats that have been desexed, and will waive the first year's registration for a desexed dog that is under 12 months of age.

Council will allow refunds for the following categories of registration:

- *Annual Registration* - Where a registered dog or cat dies or leaves the municipality in the first six months of registration for the financial year, registration fees may be refunded on a pro-rata basis.
- *Five (5) Years Registration* - Where a registered dog or cat dies or leaves the municipality in the first two and half (2.5) years of registration, registration fees may be refunded on a pro-rata basis.
- *Life Time Registration* - Where a registered dog or cat dies or leaves the municipality in the first five (5) years of registration, registration fees may be refunded on a pro-rata basis.

Any request for a refund on a pro-rata basis must be in writing from the registered owner.

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3.3.2 Licences to Keep More Than Two (2) Dogs and or Cats on Premises

Pursuant to By-law 58 (1) of the Animal Management By-laws Council has determined the number of:

- dogs, declared dogs, class of dogs, or
- cats or class of cats

that may be kept at premises within the municipality without a licence shall be two (2).

Licences may be issued for exemption from this provision; however, licences will only be granted following a thorough assessment that includes:

- An inspection of the property to consider:
 - the size of the property (minimum lot size 400m²)
 - 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
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- 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 (3)
- the number of cats at the relevant residential premises does not exceed three (3)
- the total number of animals (dogs and cats) at the relevant residential premises does not exceed four (4)

Where a licence to keep more than two (2) dogs or cats has been issued for the financial year and is no longer required within the first six months of issue, the licence fee may be refunded on a pro-rata basis.

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3.3.3 Desexing

Desexing cats and dogs provides the most effective strategy to eliminate unwanted, unplanned, uncared for or unowned animals. Council encourages responsible pet ownership through delivering subsidised desexing/registration events and providing registration fee concessions for dogs and cats that are de-sexed.

3.4 Nuisance Behaviours

By-law 71 of the Animal Management By-laws defines nuisance behaviours of a dog. Council will investigate nuisance behaviours, and if a dog is found to be a nuisance, the owner of the dog commits an offence. The owner may be issued with a notice to have the dog complete specified training or an order requiring the owner to prevent the nuisance behaviour from reoccurring.

3.4.1 Barking

Dogs that are habitual barkers can adversely affect the amenity of the neighbourhood and can be a nuisance to neighbours. If a barking complaint is received by Council, an authorised officer will undertake an investigation to gather sufficient evidence to confirm whether the barking is causing a nuisance.

As a general rule, Council will undertake a nuisance barking investigation where:

- barking exceeds three (3) minutes in any 30 minute period between 10pm and 7am the following morning
- barking exceeds six (6) minutes in any hour period between 7am and 10pm that day.

As a general rule, Council 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 e.g. school open and closure times
- enticement of a dog through physical or verbal abuse

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3.4.2 *Fence Rushing/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.

Dogs that habitually fence rush or fight may be investigated for a level 2 dog attack or as a dog causing a nuisance.

3.4.4 **Other Nuisance Behaviour**

By-law 71 of the Animal Management By-laws prescribes other nuisance behaviour including being habitually at large, being offensive or endangering the health of a person or animal or causing damage to anything outside of the premises where the dog is usually kept.

Council 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.

3.5 **Dog Attacks**

3.5.1 *Dog Attacks*

The Animal Management By-laws define two (2) levels of dog attack.

- *Level 1 Attack* - The dog bites, or holds a person or animal in its mouth, whether or not the holding is accompanied by biting, shaking, pulling or pushing or the person or animal suffers any injury, physical or otherwise.
- *Level 2 Attack* - The dog approaches, chases, menaces, harasses or rushes at a person or animal in a manner endangering or causing fear, alarm or distress to the person or animal. This may include some cases where a dog rushes a fence as pedestrians go by and there is a perceived risk of an attack.

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If a dog commits an attack, the owner of that dog or the person in control of the dog at the time of the offence may be guilty of an offence. The owner of the dog may be prosecuted and fined.

3.5.2 *Declared Dogs Register*

Council 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 pursuant to By-Law 55 of the Animal Management By-laws.

Council will control all dangerous dogs through the existing By-Law provisions rather than banning a particular breed of dogs.

An authorised officer may declare a dog that has committed a Level 1 Attack, either under the Animal Management By-Laws or prior to being relocated to the municipality, to be a Declared Dog (Category 1).

An authorised officer may declare a dog that has committed a Level 2 Attack, either under the Animal Management By-Laws or prior to being relocated to the municipality, to be a Declared Dog (Category 2).

An authorised officer may declare a dog that has committed an offence under the Animal Management By-Laws to be a Declared Dog (Category 3).

A dog that is placed on the declared dog register will have additional conditions placed on its registration. These conditions relate to the dog's care and control. The conditions applicable to Declared Dog (Category 1), Declared Dog (Category 2) and Declared Dog (Category 3) respectively are set out in the Schedule to this Policy.

In addition, Council will refuse to register a Declared Dog (Category 1) and a Declared Dog (Category 2) unless the owner of the dog has:

- arranged for the dog to be fitted with an approved permanent electronic subcutaneous device;
- erected signage on each of the premises at which the dog is usually or regularly kept, with the words "Warning Dangerous Dog" clearly visible and legible from the boundaries of the property; and
- notified Council of the address of the premises where the dog is usually kept (unless the address is the same as the address under which the dog is currently registered).

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The owner of a declared dog may apply to Council to revoke the registration; and the Council may revoke the registration or refuse the application.

3.6 Animals in Public Places

There are many suitable on-leash and off-leash exercise areas in the Darwin municipality, including the dog park in the suburb of Muirhead, 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.

3.6.1 Dog Exercise Areas

Pursuant to By-Law 62 (1) of the Animal Management By-laws, Council 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 shall be accompanied by the owner
- In exercise areas, dogs are not required to be restrained by a lead unless:
 - organised sporting activities are in progress
 - the dog is within 10 metres or as otherwise sign posted of playground equipment or barbecue facilities
 - the dog is being exercised on or within 10 metres of a shared path
- Female dogs in oestrus are not permitted in exercise areas
- In exercise areas, dogs will not contravene any provisions of the Animal Management By-laws
- Owners must act in accordance with any signs relevant to particular areas.

3.6.2 Dog Restriction Areas

Pursuant to By-Law 62 (2) of the Animal Management By-laws, Council has declared the following areas to be dog restriction areas:

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- East Point Reserve from the area bounded by the entry gateway and Lake Alexander perimeter fencing, including the beach area, is a dog exclusion area at all times. Guide dogs are permitted.
- The Mall: The Mall is a prohibited area at all times for members of the public walking with their animals. Guide dogs are permitted.
- Markets Areas: The Mindil, Nightcliff, Parap, Malak and Rapid Creek markets whilst operating are dog restricted areas. Guide dogs are permitted.
- Playgrounds: All playgrounds and the area within 10 metres of any playground are dog restricted areas. Guide dogs are permitted.
- Barbeques: All public BBQs and the area within 10 metres of any public BBQ are dog restricted areas. Guide dogs are permitted.
- Ovals: The playing surface at Gardens Oval One and Nightcliff Oval are dog exclusion areas at all times. Guide dogs are permitted.

3.6.3 *At Large*

Dogs and cats are required to be under effective control at all times in a place other than its usual home. If a dog or cat at large is not under effective control then, pursuant to By-Law 67 of the Animal Management By-laws, the owner commits an offence. A dog or cat is under effective control if it is restrained by a suitable leash.

In the case of dogs, the leash must either be held by a person who is competent to restrain the dog or otherwise prevents the dog from breaking free.

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.

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3.6.4 *Containment of a Dog*

Pursuant to By-Law 66A of the Animal Management By-Laws, an owner must not keep a dog that is not properly contained on a property. A dog is properly contained if it is:

- kept within a fenced area from which the dog is unable to escape; or
- kept inside a building or other enclosure from which the dog is unable to escape; or
- enclosed in or restrained by a suitable leash in or upon a vehicle in a manner in which no part of the dog protrudes from the vehicle.

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.

3.6.5 *Dogs and Motor Vehicles*

Pursuant to By-law 70 of the Animal Management By-Laws, an owner must not allow a dog to chase a motor vehicle. The owner of a dog that chases a vehicle commits an offence.

3.6.6 *Abandonment*

Pursuant to By-law 72 of the Animal Management By-Laws, a person must not deliberately leave or abandon a dog in the municipality. A person who abandons a dog in the municipality commits an offence.

3.6.7 *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.

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3.7 Pound Operations

Dogs or cats that are at large, which are unregistered or unidentified, are impounded. Registered dogs or cats that are at large and where the owner cannot be contacted are impounded.

Pursuant to By-Law 80 of the Animal Management By-laws, Council has determined that where dogs or cats have been impounded for four (4) working days, the pound manager 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.

4 Definitions

Authorised officer means a person who is authorised by an Act, Regulation or By-Law to exercise prescribed powers and includes an authorised person appointed by Council under section 112 of the Local Government Act.

Council means City of Darwin.

animals means dogs and cats.

guide dogs means a dog trained by a guide dog training institution recognised by the Council and used as a guide by a person who is wholly or partially blind or deaf.

5 Legislative References

Part 3 (Animal Management) City of Darwin By-Laws
Northern Territory Animal Welfare Act

6 Procedures / Related Documents

City of Darwin Policy No 026 - Complaints Handlings and Review of Decisions
City of Darwin Policy No 032 - Policy and Procedures Framework
City of Darwin Policy No 047 - Regulatory – Miscellaneous
City of Darwin Policy No 033 - Privacy Policy
City of Darwin Dog and Cat Management Strategy 2018-2022

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7 Responsibility / Application

The Council, Chief Executive Officer and General Manager Community and Regulatory Services are responsible for ensuring that this Policy is adhered to and understood.

The Executive Manager Leisure and Regulatory Services 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.

8 Document Control

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Schedule - Conditions of Registration

Declared Dog (Category 1)

The conditions are that the owner of the dog must:

- Ensure the dog is not at any time under the sole charge of a person under the age of 17;
- ensure the dog is controlled by a suitable leash at all times when:
 - outside the premises where the dog is usually kept; or
 - kept on premises that are not fenced in the manner approved by the Council;
- place a muzzle on the dog at all times when it is outside the premises where it is usually kept;
- inform a prospective purchaser or owner of the dog that it is a Declared Dog (Category 1);
- not sell or give the dog to a person under the age of 17;
- if ownership of the dog is transferred – notify the Council of the name and address of the new owner within 24 hours after the transfer;
- if the premises where the dog is usually kept changes – notify the Council of the new address within 7 days after the change;
- if the owner intends to keep the dog at a different location to the premises where the dog is usually kept for a period exceeding 14 days – notify the Council of the new address within 24 hours after the relocation;
- if the dog attacks, or is alleged to have attacked, a person or animal – notify the Council of the attack, or alleged attack, within 24 hours after the attack or the owner is made aware of the alleged attack;
- if the dog is missing – notify the Council within 24 hours after the owner becomes aware of the dog's absence;
- if the dog has died – notify the council within 14 days after its death; and comply with any other conditions imposed by the Council.

Declared Dog (Category 2)

The conditions are that the owner of the dog must:

- Ensure the dog is not at any time under the sole charge of a person under the age of 17;
- ensure the dog is controlled by a suitable leash at all times when:
 - outside the premises where the dog is usually kept; or
 - kept on premises that are not fenced in the manner approved by the Council;

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- inform a prospective purchaser or owner of the dog that it is a Declared Dog (Category 2);
- not sell or give the dog to a person under the age of 17;
- if ownership of the dog is transferred – notify the Council of the name and address of the new owner within 24 hours after the transfer;
- if the premises where the dog is usually kept changes – notify the Council of the new address within 7 days after the change;
- if the owner intends to keep the dog at a different location to the premises where the dog is usually kept for a period exceeding 14 days – notify the Council of the new address within 24 hours after the relocation;
- if the dog is missing – notify the Council within 24 hours after the owner becomes aware of the dog's absence;
- if the dog has died – notify the council within 14 days after its death; and
- comply with any other conditions imposed by the Council.

Declared Dog (Category 3)

The conditions are that the owner of the dog must:

- Ensure the dog is controlled by a suitable leash at all times when kept on property that is not fenced in the manner approved by the Council;
- notify a prospective purchaser or owner of the dog that it is a Declared Dog (Category 3);
- if the premises where the dog is usually kept changes – notify the Council of the new address within 7 days after the change;
- if the owner intends to keep the dog at a different location to the premises where the dog is usually kept for a period exceeding 14 days – notify the Council of the new address within 24 hours after the relocation;
- if the dog has died – notify the council within 14 days after its death; and
- comply with any other conditions imposed by the Council.

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