

# **Attachment A**

## **Draft Companion Animals Policy**

# Companion Animals Policy

## Purpose

To encourage and reinforce the responsible management of pets for the benefit of the community through education and information, consistent with the City's responsibilities under the *Companion Animals Act 1998* (NSW).

## Scope

The Policy seeks to promote compliance through education and mutual understanding of the roles and responsibilities of all members of the community in relation to companion animals.

The Policy applies to the City of Sydney's local government area including public parks and open spaces. The Policy also is applicable to privately owned areas where complaints about companion animals may be generated.

## Definitions

Term	Meaning
Companion animal	a dog, a cat, or any other animal that is prescribed by the <i>Companion Animal Regulations (the Regulations) 2018 (NSW)</i> as a companion animal. <del>As at the date of the implementation of this Policy, no other animals have been classified as companion animals.</del>
Dangerous dog	a dog for the time being the subject of a declaration by an Authorised Officer of a council or a court under the <i>Companion Animals Act 1998</i> (NSW) that the dog is a dangerous dog. <del>Which has, without provocation, attacked or killed a person or animal, repeatedly chased a person or animal, or is kept or used for the purposes of hunting, and is the subject of a declaration by an authorised officer of a council or a court that the dog is a dangerous dog.</del>
Dog attack	<del>the act of</del> when a dog <b>“rushing</b> at, <b>attacks</b> ing, <b>bites</b> ing, <b>harasses</b> ing or <b>chases</b> ing any person or animal (not vermin), whether or not any injury is caused to the person or animal.
Menacing dog	a dog <del>which has displayed unreasonable aggression towards and person or animal, or has, without provocation, attacked a person or animal (not vermin) but without causing serious injury or death, and is the subject</del> <b>for the time being the subject</b> of a declaration by an Authorised Officer of a council <b>under section 34 (1A)</b> or a court <b>under section 45 (1A) of the Companion Animals Act 1998 (NSW)</b> that the dog is a menacing dog.
Nuisance cat	a cat <del>which</del> <b>is a nuisance if the cat:</b> (a) makes <del>a persistent</del> noise that <b>persistently occurs or continues to such a degree or extent that it</b> unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or (b) repeatedly damages anything outside the property on which it is ordinarily kept.

<b>Nuisance dog</b>	<p>Is a dog which <del>is</del> <b>is a nuisance if the dog:</b></p> <p>(a) is habitually at large, or</p> <p>(b) makes <del>a persistent</del> noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that <b>it</b> unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or</p> <p>(c) repeatedly defecates on the property of others (<b>other than a public place) outside the property on which it is ordinarily kept,</b> or</p> <p>(d) repeatedly runs at or chases any person, animal (<del>not</del> <b>other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock</b>) or vehicle, or</p> <p>(e) endangers the health of any person or animal (<b>other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock</b>), or</p> <p>(f) repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.</p>
<b>Restricted breeds dogs</b>	<p>Some dogs are considered to be restricted breeds. These currently include – <b>The following dogs are restricted dogs for the purposes of the Companion Animals Act 1998 (NSW):</b></p> <p>(a) American pit bull terrier <b>or</b> pit bull terriers,</p> <p>(b) Japanese tosa,</p> <p>(c) dogo Argentino (<del>Argentinian Fighting Dog</del>),</p> <p>(c1) <b>Perro de Presa Canario or Presa Canario,</b></p> <p>(d) <del>fila Brasileiro (Brazilian fighting dog),</del></p> <p>(d1) <b>any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the Customs Act 1901 (Cth),</b></p> <p>(e) <b>any dog declared by an Authorised Officer of a council under Division 6 of this Part to be a restricted dog,</b></p> <p>(f) <b>any other dog of a breed, kind or description prescribed by the Companion Animals Regulation 2018 (NSW).</b></p>
<b>Off-Leash Area</b>	<p><b>A public place that is declared to be an off-leash area by order of council.</b></p>
<b>Authorised Officer</b>	<p><b>An employee of the City of Sydney authorised to perform regulatory functions for the purposes of the Companion Animals Act 1998 (NSW).</b></p>

### Policy statement

The City recognises that effective management of domestic pets needs a balanced approach, due to the significant social and health benefits of pet ownership. The City of Sydney's Companion Animals Policy intends to achieve this by:

- Implementing, wherever possible, a 'No Kill' policy and working in conjunction with the 'No Kill' Sutherland Shire Council Animal Shelter to achieve this.
- Promoting the importance of companion animals to the wellbeing of people living in an urban environment and encouraging responsible pet management.
- Promoting responsible pet ownership through education, information and encouraging pet owners to register, microchip and desex their cats and dogs.

- Reducing the number of lost and wandering cats and dogs by educating pet owners about the importance of identifying, registering and maintaining control of their animals
- Meeting the requirements of the *Companion Animals Act 1998 (NSW)* in relation to dogs which may be considered a nuisance, menacing, or dangerous, as well as restricted breeds **dogs**.
- Identifying and, promoting, **and assessing the suitability** and sufficiency of off-leash parks and open space areas for dog exercise **relative to continuing changes in population demographics**.
- **Monitoring compliance with the Companion Animals Act 1998 (NSW) and Companion Animals Regulation 2018 (NSW), and** using enforcement sanctions where appropriate.

### Community Education

Education and awareness are critical to achieving responsible pet ownership and community harmony. This will be achieved by a range of innovative, non-regulatory approaches that focus on community engagement.

The City will implement ongoing, effective and community-sensitive education strategies to encourage and reinforce responsible pet ownership. The City's Companion Animals Liaison Officer and Authorised Officers will be at the forefront of this community education strategy.

### Identification and registration of cats and dogs

Cats and dogs must be microchipped by 12 weeks of age ~~and~~. **Dogs must be** registered by 6 months of age, **and cats must be registered by 4 months of age**.

This system helps the City and other councils in returning pets to their owners if the pets are lost, hurt or stolen.

If registration details change, **companion animal** owners must inform the City.

### Desexing

Desexing helps to reduce aggressive behaviour in animals and helps owners control their cats and dogs. It is preferable that pets be desexed unless they are intended for breeding.

Desexing greatly assists in reducing the number of abandoned companion animals and serves to prevent unnecessary suffering of unwanted animals.

### Lost, seized or surrendered pets

The City will do everything possible to return a lost pet to its owner, rather than having the animal impounded. Returning a pet safely home, rather than impounding it, is much easier if the animal is microchipped and the registration details are up to date, **and if the animal is wearing a tag on its collar with the owner's current contact phone number**.

Owners have 14 days to claim impounded microchipped pets or 7 days to claim non microchipped pets, before the animal may be re-homed.

The City is unable to accept surrendered pets from owners who no longer wish to have them. The City can provide the names and contact details of organisations who may accept surrendered pets.

The City is not authorised to accept animals seized under the *Prevention of Cruelty to Animals Act 1979 (NSW)*, or seized when there is no-one available to care for the animal. In these circumstances, it is appropriate to contact the Royal Society for the Prevention of Cruelty to Animals or other animal welfare organisations which operate under a 'No Kill' policy.

## Cat management

Cats must be identified by a form of identification that enables council to ascertain the name of the cat and the address or telephone number of the owner of the cat.

Cats are prohibited from wildlife protection areas and food preparation areas. **Cats found in prohibited areas may be trapped and removed.**

~~Cats without an identifiable owner may be trapped and removed if they are a danger to themselves or others.~~

**The City encourages** cat owners ~~should~~**to** keep their pets indoors after dark to minimise the opportunity for injury to the animal, protect wildlife and to reduce instances of nuisance.

## Control of dogs

Dogs must always be under the effective control of their owners, including when they are let off the leash in designated off-leash areas. A dog is not considered to be under the effective control of a person if that person has more than four dogs under his or her control.

The City encourages all dog owners to enrol their dogs in a training course if they feel they are not able to effectively control their dog. ~~The City sponsors and facilitates free dog obedience courses for City residents, run by external trainers.~~

## Off leash areas

In a high density, inner city area such as the City of Sydney, public spaces to walk or run the dog are very important. Off-leash exercise helps to relieve boredom and reduce incidences of unacceptable nuisance behaviour such as uncontrolled barking. **The City may designate areas to be off-leash at all times or restricted times.**

To maximise opportunities for off-leash exercising and socialising of dogs, the City will provide designated off-leash parks with open space areas and ~~progressively~~**proactively** explore opportunities for additional off-leash areas **in response to changing demographics and/or following** ~~when~~ community feedback indicates this is appropriate. **Designation of off-leash areas will require an approval by the City's Chief Executive Officer.**

Effective, welcoming and informative signage will be used to identify off-leash parks and open spaces. Dog-tidy stations will be installed and maintained in off-leash parks. **The City will routinely sign-post all off-leash areas, including time restrictions where applicable.**

~~Dogs must be on a-leash unless the signs permit otherwise.~~

## Prohibited areas

Dogs are prohibited from some public places at all times, which include:

- Children's playgrounds.
- Sport and recreation areas, such as sports fields, ovals, pitches and courts (subject to Council determination and signage).
- School grounds.
- Childcare centres.
- Shopping areas (subject to Council determination and signage).
- Wildlife protection areas (subject to Council determination and signage).

- Food preparation and consumption areas, such as public barbeque facilities, although there are some exemptions to this as detailed below -
  - When in an on leash area, a dog may be in a food preparation and consumption area if it is under the effective control of a person, restrained, kept on the ground and not fed,
  - When in an off leash area, a dog may also be in a food preparation and consumption area. However, the dog does not need to be restrained, it can be fed provided it is on the ground, or it can sit on a person's lap.

A person with a disability is entitled to be accompanied by an assistance animal into or onto any building or place open to the public, including public transport.

### **Dog waste**

Owners have a legal responsibility to pick up after their dogs.

The City will provide dog tidy stations (including dog litter bags) at off-leash parks and other suitable locations.

The City's ~~rangers~~ **Authorised Officers** and the Companion Animals Liaison Officer will work with dog owners in promoting awareness of these responsibilities to encourage owners to clean up after their dogs.

### **Barking**

Persistent barking can be a nuisance for the neighbourhood and a source of community complaints.

To address dog barking the City will pursue positive and proactive approaches such as:

- Providing off-leash areas for dogs to socialise.
- Providing community education and targeted training for dog owners.
- Investigating reports of persistently barking dogs and taking appropriate action to remove any nuisance caused by barking.

### **Nuisance orders**

If the City becomes aware of any dog behaviour that may be considered a nuisance, an investigation will be undertaken by the City's ~~staff~~ Authorised Officers.

### **Dog attacks**

Dog attacks should be reported to the City as soon as practicable so that they may be investigated.

### **Menacing or dangerous dogs**

The *Companion Animals Act 1998 (NSW)* details the requirements and actions which must be taken if the behaviour of a dog is considered to be menacing or dangerous.

### **Applications seeking to revoke a declaration that a dog is menacing or dangerous**

Once a declaration has been in place for 12 months, the dog owner can apply to the City to revoke the declaration that their dog is menacing or dangerous. ***Such applications will be reviewed on a case by case and merit basis. Any revocation is at the full discretion of the City.***

### **Restricted ~~breeds~~ dogs**

The owner of a restricted dog must comply with a number of control requirements:

- The dog must be desexed.

- The dog must not be in the sole charge of someone under 18 years of age.
- Signs must be displayed on the property showing the words “Warning Dangerous Dog”.
- The dog must wear a distinctive collar as prescribed by the ~~Regulations~~**Companion Animals Regulation 2018 (NSW)**.
- While the dog is on the property where it is normally kept, it must be kept in an enclosure that complies with the requirements prescribed by the ~~Regulations~~**Companion Animals Regulation 2018 (NSW)**.
- Whenever the dog is outside its enclosure it must be on a leash and must also be muzzled.

Restricted dogs may also include cross-bred dogs.

A dog owner may request a review of the breed classification applied to their animal. If so, the owner will be asked to provide an independent breed assessment report. This report and any other submissions made by the owner will be considered by qualified personnel in determining whether a reclassification is required.

**Privacy**

City staff will respect the confidentiality of complainants where requested, except where disclosure is authorised by law.

Records will be kept of all complaints for future reference and will be referred to if further complaints about the particular dog or cat are received.

**Staff qualifications**

City staff who are directly involved in the implementation of this Policy, such as community education, reviewing complaints about the behaviour of a dog or cat, or reviewing applications for the revocation of declarations issued under the *Companion Animals Act 1998 (NSW)*, have a comprehensive understanding of the relevant legislation, as well as associated guidelines issued by the Division of Local Government.

**References**

<b>Laws and standards</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1993 (NSW)</i></li> <li>• <i>Companion Animals Act 1998 (NSW)</i></li> <li>• <i>Companion Animals Regulation 2008<del>2018</del> (NSW)</i></li> <li>• <i>Impounding Act 1993 (NSW)</i></li> </ul>
<b>Policies and procedures</b>	<ul style="list-style-type: none"> <li>• <b>City of Sydney</b> Compliance Policy</li> <li>• <del>Prosecution and Civil Enforcement Policy</del></li> </ul>

**Approval status**

The Council approved this policy on XX Month 20XX.

**Approval history**

Stage	Date	Comment	TRIM Reference
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Original Policy	23 June 2014	Approved by Council/ Endorsed by the Executive	20XX/XXXXXX
Review	October/November 2018	Full review. Changes to reflect amendments to the companion animals' legislation. Approved by Council/ Endorsed by the Executive	20XX/XXXXXX
Next review	December 2022		

### Ownership and approval

Responsibility	Role
Author	Companion Animals Liaison Officer, City Rangers
Owner	Manager, City Rangers
Endorser	Director, City Services
Approver	City of Sydney Council