

DOG AND CAT MANAGEMENT POLICY	
	Council Policy
TRIM Reference	AR19/9480[v2]
First Issued	28 June 2010
Last Reviewed	11 April 2023
Next Review	October 2027

1. POLICY STATEMENT

Council recognises the value and enjoyment dog and cat ownership can bring to individuals and families within its community. This must be balanced with the need to effectively and efficiently manage dogs and cats within the City to ensure the safety of the general public and to reduce any public or environmental nuisance.

2. PURPOSE

2.1 Purpose

To ensure community awareness for responsibilities of dog and cat ownership, and to outline the application of relevant legislation, Council Policy, By-laws and Dog and Cat Management Board Guidelines.

2.2 Scope

Council will take appropriate action in accordance with the *Dog and Cat Management Act 1995* and *Dog and Cat Management Regulations 2017*. In addition, Council By-laws regulate the management and control of dogs and cats in the Council area.

2.3 Definitions

The definitions contained herein are not exhaustive and officers may need to consider the relevant legislation for further applicable definitions.

Owner of dog or cat: a dog or cat (whether registered or unregistered) is shown to have been habitually in the apparent ownership of a person, that person will, in the absence of proof to the contrary, be taken to have owned and to continue to own the dog or cat (Section 5 of the Dog and Cat Management Act 1995).

Person responsible for control of dog or cat: a person is responsible for the control of a dog or cat while the person has possession or control of the dog or cat.

2.4 Strategic Reference

5 Governance and Financial Sustainability

5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

3. DOG MANAGEMENT

3.1 Council will pursue the following objectives in the management of dogs within its area, consistent with the Act:

3.1.1 to encourage responsible dog ownership;

3.1.2 to increase public safety through the reduction of public and environmental nuisance caused by dogs; and

3.1.3 to promote the effective management and suitable environments for dogs within the community.

3.2 The priority of response to complaints and enforcements will be:

- 3.2.1 reports of dog attacks
 - 3.2.2 impounding of dogs (eg wandering, unregistered or no identification and related fines)
 - 3.2.3 on complaint, (eg harassing, charging, barking)
 - 3.2.4 unregistered dogs
 - 3.2.5 foreshore patrols
 - 3.2.6 day to day street patrols
 - 3.2.7 faeces management.
- 3.3 Registration of all dogs within the City will be pursued as one element of responsible dog ownership.
- 3.4 Permission for more than two dogs allowed under Council's By-laws may be given following individual assessment by an Authorised Officer subject to the following conditions:
- 3.4.1 when the number of dogs, by natural attrition or otherwise is reduced to two or one (whichever the case may be) that number is not to be increased again;
 - 3.4.2 where a complaint is received against a dog or dogs kept at the property and an investigation by an Authorised Officer finds the complaint to be justified, the person responsible for the dog will reduce the number of dogs on the property to two or less.
- 3.5 The continuing education of the public on dog management issues is a priority and will work in accordance with Council's Animal Management Plan.

3.6 Register of Dogs

Council's Dog Register is combined in a state-wide register known as Dogs and Cats Online (DACO) which is operated by the Dog and Cat Management Board. Council DACO approved officers have a primary responsibility for administering and enforcing the Act and therefore are required to access the DACO system.

Owners of dogs and cats are able to access and update their own record in DACO in accordance with their obligations under the Act. Council DACO officers may correct any incorrect records in DACO.

Council must not disclose personal information in DACO to any third party. Council may apply to the Board for permission to make such a disclosure.

3.7 Registration Refund

- 3.7.1 Dog owners seeking a refund of an amount paid for registration fees where the dog registered is deceased, may apply to Council for consideration for a dog registration refund, in circumstances where the following criteria applies:
 - 3.7.1.1 A full refund for applications received within two (2) months of the due date for dog registration fees;
 - 3.7.1.2 A 50% refund for applications received after two (2) months but within three (3) months after the due date for dog registration fees;
 - 3.7.1.3 No refund for applications received after three (3) months of the due date for dog registration fees.
- 3.7.2 Where an owner has failed to pay the registration fee by the due date and has incurred a late fee, the late fee will not be refunded under clause 3.7.1.

3.7.3 Applications under this clause 3.7 must be submitted to Council in writing in the appropriate application form available on Council's website - ***Dog Registration Refund Application Form***.

3.8 Barking Dogs

A barking dog complaint refers to excessive noise from a dog. Actions to facilitate participation by affected parties, investigate, collect evidence, suggest actions to address issues and ultimately decide on appropriate measures, apply to this situation.

Council may issue a Control (Barking Dog) Order if it is satisfied, on the balance of probabilities, that the dog is a nuisance and has created a noise by barking in circumstances that would constitute an offence under Section 45A(5) the Act.

- 3.8.1 Residents, where possible are encouraged to accept responsibility for taking the first steps to resolve an issue. A 'Barking Dog Nuisance Kit' is available from the Council office and outlines the processes to resolve barking dog complaints.
- 3.8.2 If the complainant is not prepared to take any initial steps or is unable to resolve the issue, a signed written complaint with a record of the noise nuisance (Barking Dog Nuisance Form) is to be provided to Council.
- 3.8.3 An Authorised Officer may request the dog owner to resolve the problem within a 7 day 'probationary period' and will notify the complainant to contact Council if there is no improvement following the probationary period. The Council will consider the matter closed if it does not hear from the complainant within 10 working days.
- 3.8.4 Complainants may be required to keep a diary of the barking and its impact as part of the evidence gathering process. If the barking has ceased or is negligible or if the complainant is unable to supply sufficient evidence Council may decide not to proceed further with the investigation. The complainant is entitled to pursue civil action against the dog owner.
- 3.8.5 When a decision is made that there is sufficient evidence that the barking is excessive/ causing a nuisance Council will:
 - a) assist the owner, if co-operative, to complete an 'Action Plan', with specific actions and timelines;
 - b) warn the dog owner of the possibility of an expiation notice, Barking Dog Order, or prosecution in the event of an ongoing problem.
- 3.8.6 If enforcement action is required following the collection of appropriate evidence, a report is prepared for the Registrar of Dogs. Action may include expiation, or destruction and control orders.

3.9 Wandering Dogs

A dog wandering at large is defined in Section 7 of the Act. Certain exceptions apply.

Dogs found roaming in the community are detained in the interest of public safety and the welfare of the animal. This starts with a reported sighting of a dog "wandering at large" and appropriate actions up to a decision to impound the dog and transfer it to an authorised detention facility.

After hours attendance - seizure of a dog after hours will be at the discretion of the authorised officer, on a case by case basis, and shall be confined to animals that show aggressive behaviour, pose a traffic hazard, or by Police request.

Only Authorised Persons can detain a dog.

- 3.9.1 When notified about a wandering dog an Authorised Officer will endeavour to locate the dog by patrol of the immediate area and surrounding streets. If the dog cannot be located no further action will be taken.

- 3.9.2 If the dog is located the dog's behaviour is ascertained to assist with the capture of the dog. If the dog appears to be aggressive and cannot be contained the Police may be contacted for assistance. If required a veterinarian may be contacted in order to obtain sedation for the dog.
- 3.9.3 Reasonable steps will be taken to establish ownership and if the owner is identified, where possible it will be arranged to return the dog and ensure the yard is secure. An expiation notice will be issued in relation to the wandering at large incident, unless otherwise approved by the Director Infrastructure.
- 3.9.4 If no identification is found or no contact with the owner can be made, the dog is transported for impounding.
- 3.9.5 Detention of Dogs:
 - a) Section 61(2) and (3) of the Act requires that notice be given to the public for all dogs detained.
 - b) Notification to owner must be provided within 24 hours.
 - c) If proof of ownership is not established Council will place the dog on the Lost and Found Register.
 - d) An expiation notice will be issued (exemption where there has been fireworks discharged)
 - e) Investigation of an unregistered dog may be required.

3.10 Dog Attack and Harassment

Attack or harassment by dogs can have serious public safety consequences. Councils are required to promptly investigate incidents. Appropriate action is taken to locate the dog, investigate the incident and determine a resolution which is just for all parties.

Under Section 61(4) of the Act if the dog is seized, Council has 7 days in which to serve the owners of a dog suspected of being involved in an attack with a Notice of Intent to Issue an Order or make an application to the Magistrates Court. If this action has not been taken the dog must be returned to the person entitled to its return.

- 3.10.1 A report is taken by the Authorised Officer who will endeavour to locate the dog.
- 3.10.2 If the dog is located, reasonable steps will be taken to establish ownership of the dog. Every report is to be investigated, whether the dog was found or not.
- 3.10.3 An investigation will be completed to gather evidence including identifying any past history, obtaining any witness, medical or veterinary statements.
- 3.10.4 If the dog is surrendered to Council, the owner will be advised that the dog may be destroyed as a result of the attack.
- 3.10.5 The dog owner is advised of their obligations and responsibilities under the DCM Act and the actions which may result from the investigation including the possibility that one of four outcomes may result:
 - a) No further action.
 - b) Expiation and caution notice.
 - c) Dog destruction or control order.
 - d) Prosecution.

The power to issue orders under the *Dog and Cat Management Act* is conferred on the Council and may be delegated to the CEO, the Registrar of Dogs and other Council Officers. At the final stage of investigation, the dog attack is reported to the Dog and Cat Management Board.

3.11 Seizing and Impounding a Dog

Section 60 of the Act allows authorised persons to seize and detain dogs in the following circumstances:

- a) If the dog is wandering at large
- b) If the officer reasonably believes it necessary to seize the dog to prevent attacks or harassment
- c) If the officer reasonably believes that the dog is unduly dangerous
- d) If the officer reasonably believes it necessary to detain the dog in order to ensure a destruction or disposal order is carried out

3.11.1 After weighing all relevant factors including considering the severity of any attack/harassment and the temperament of the dog, an authorised person will decide to either:

- a) Return the dog and apply conditions under which the dog can be left with the owner or;
- b) Transfer the dog to an approved detention facility

3.11.2 Section 61(2) and (3) of the Act requires that notice be given to the public for all dogs detained. This is achieved by displaying Public Notice of Detention Form “at the office of the Council” and also displayed on whiteboard at the Animal Pound, Prosser Street, Port Augusta. The notice must be on display for at least 72 hours before the dog can be considered Council’s property.

NB: Conforming with this timeframe does not alter Council’s responsibilities under S61(4) and 63 of the Act to give notice of intent within 7 days if the dog was seized in order to prevent or stop it from attacking or harassing.

3.11.3 **Impounding a dog:** Where it is possible, it is preferable that a dog is returned to a safe environment or registered owner rather than impounding the animal. Officers will not automatically return a dog which has been involved in a serious attack.

3.11.4 **Holding time:** Contacting Council to retrieve a lost dog can be more difficult after hours, on weekends and public holidays. It is practice that impounded dogs are kept secure for a reasonable period, regardless of legislative prescriptions.

3.11.5 **Dangerous Dog Collars:** Council officers, including customer service staff who may receive calls about wandering dogs are alerted to the existence of yellow and red striped collars worn by dogs which have been determined to be dangerous and require special handling.

3.12 Destruction and Control Orders

Where a dog acts in a manner which is considered unacceptable to the general community the Act enables Councils (and the Court) to impose conditions on that dog.

The Registrar of Dogs is consulted before the preparation and issue of Destruction and Control Orders.

3.12.1 Types of Orders under the Act include:

- a) Destruction Order - Section 50 (1)(a)
- b) Control (Dangerous Dog) Order - Section 50(1)(b)
- c) Control (Menacing Dog) Order - Section 50(1)(c)
- d) Control (Nuisance Dog) Order - Section 50(1)(d)
- e) Control (Barking Dog) Order - Section 50(1)(e)
- f) Prohibition Order - Section 59A(1)

Orders issued under Section 50 apply to the dog in question. Prohibition Orders apply to the dog owner.

3.12.2 If the incident was a serious dog attack, or the history warrants, Court prosecution may be the most appropriate action. The Magistrates Court may issue a Control Order.

3.12.3 An Order takes effect from the time it is served.

3.12.4 The owners or persons responsible for the dog have 14 days in which to appeal the order. Council will be notified of the time and date of the Court hearing, should an appeal be launched.

3.12.5 The Registrar of Dogs may revoke the Order by written notice to a person who was originally served.

4. CAT MANAGEMENT

4.1 Due to the number of complaints about cats and the absence of a cat registration fee, Council's involvement in cat management is limited to the following:

4.1.1 provision of cat cages under a hire arrangement (refundable bond for hire);

4.1.2 captured cats taken to Council's local service provider are either
a) returned to the identified owner (upon payment of costs incurred), or;
b) euthanized or rehomed at the service provider's discretion if the owner is not able to be identified.

4.1.3 The Director Infrastructure will have discretion to waive the requirement for payment of the Bond, and to deliver and collect a cat cage, with a documented request outlining the specific hardship circumstances for the resident.

4.2 Where an excessive number of cats associated with a property are causing offensive conditions to the extent it is assessed as being in an insanitary condition under the Public and Environmental Health Act, Council will take the necessary steps to have the owner or occupier of the property reduce or remove the insanitary conditions.

4.3 Where it is evident that multiple cat households exhibit little or no restraint on breeding, Council shall impose conditions as deemed necessary so as to effectively control such breeding.

4.4 Council By-Law No. 7 - Cats, makes provision for Council to implement further requirements for Cat Owners in relation to cat containment and the registration of cats, including the imposition of a cat registration fee.

5. RESPONSIBILITY & REVIEW

5.1 Responsible Officer

Authorised Officers will be responsible for following up any complaints regarding dogs and cats.

The Chief Executive Officer has been appointed Registrar in respect of the Section 26(1)(b) of the *Dog and Cat Management Act 1995*.

5.2 Availability

This policy will be available on Council's website.

5.3 Review

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet other obligations.

6. REFERENCES

6.1 Legislation

Council By-Law No. 5 - Dogs
Council By-Law No. 7 - Cats

Dog and Cat Management Act 1995
Dog and Cat Management Regulations 1995
Local Government Act 1999
SA Public Health Act 2011

6.2 Other References

Animal Management Plan
Application to Keep Additional Dogs/Cats
Cat Catching Cage Application
Council Enforcement Policy
Records Management Policy

Forms:

Animal Surrender Form
Anonymous Letter to Dog Owner
Barking Dog Nuisance Kit
Dog and Cat Management Board - Dog Attack Report Form
Dog Registration Refund Application Form