

Companion Animal Management Plan

20 October 2020

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1. Introduction

1.1 Introduction

Narrandera Shire Council is located in south-western New South Wales. The Shire covers 4116km² and has an estimated resident population of 5,976.

Australia reportedly has one of the highest pet ownership rates in the world, with estimates that 36% of households own a dog and 23% of households own a cat. Of these, approximately 1,338,000 dogs and 883,000 cats live in NSW.

As of June 2018, the NSW Companion Animals Register revealed that there were 2029 registered dogs and cats within the Narrandera local government area. The register also indicates a greater number of dogs and cats within the shire that have been identified (micro-chipped) but not formally registered.

Companion Animals Register	ID + Rego	ID Only	Total
Dog	1800	1963	3763
Cat	229	414	643

The *Companion Animals Act 1998* (the Act) defines the term ‘companion animals’ as all dogs and cats. Even animals not strictly kept as a “companion” are classified as a companion animal for the purposes of the Act and this includes working dogs on rural properties, guard dogs, police and corrective services dogs.

Companion animals are an integral part of our community, culture and society and ownership of a companion animal is considered to be a privilege. Accompanying this privilege is a range of responsibilities in relation to the animal, the community and the environment. We need to minimise the impacts caused by our pets to enable our community to receive maximum benefit from them. We therefore need to ensure that our companion animals are responsibly managed.

A Companion Animal Management Plan provides an animal management framework and an organisational commitment to the provision of an effective animal management service and procedural functions under the Act throughout the Shire. The main items relevant to this plan are to:

- acknowledge general duties and responsibilities for the management of domestic animal issues throughout the Narrandera Shire
- identify statutory obligations
- identify strategies targeted at achieving a balance between the needs of pet owners and non-pet owners
- monitor trends and assess performance
- understand that companion animals can contribute to quality of life and integrate this with the need to minimise impacts on the environment and native wildlife
- provide animal owners with support, education, regulation and facilities to accommodate their pets within the broader community and environment.

1.2 Purpose

The regulation of companion animals is a complex community concern which can be very emotive. Companion animals are often the cause of conflict between members of the community and/or the Council. Combined with public safety concerns, there are complex legislative requirements that Council is required to administer.

The purpose of the Companion Animal Management Plan is to provide clear and concise information to the community in relation to the rights and responsibilities of owning a companion animal under the Act. The plan enables Council to identify how it will fulfil its responsibilities under the Act over the next five years, by determining relevant objectives and priorities along with clear action plans describing how these will be achieved.

The Plan further aims to balance community amenity, animal welfare and environmental preservation while promoting the benefits of responsible pet ownership alongside effective companion animal management.

The Plan recognises that enforcement approaches alone will not result in lasting changes in human behavior. Council therefore needs to be proactive and engage the community in education to bring about the changes required to ensure that companion animal owners fulfill their obligations under the Act.

1.3 Objectives

The main objectives of this Plan are to:

- Provide an efficient and effective response to companion animal matters for which Council is responsible such the education of responsibilities of companion animal owners, maintaining public safety, ensuring companion animal welfare standards and meeting legislative requirements
- Promote and encourage the permanent microchip identification and lifetime registration of all companion animals in order to achieve the efficient return of animals to their owners
- Undertake an active animal re-homing program for animals surrendered to and unclaimed from Council's animal pound facility to minimise euthanasia rates
- Maintain best practice operation of Council's animal pound facility
- Efficient and effective response to dangerous, menacing and restricted dogs and nuisance dog behaviour
- Provide adequate off-leash areas for dog exercise throughout Narrandera Shire that are as safe as possible for both dogs and humans
- Improve community awareness of the importance of safety when dealing with animals, as well as their responsibility to maintain effective control over their animals in public places
- Encourage animal owners to provide appropriate physical and mental challenges for their animals in order to improve animal welfare and reduce adverse impacts on the wider community
- Raise awareness of owners of their responsibilities relating to minimise noise pollution (barking) caused by their animals, maintaining effective control in public places
- Minimising the impact of animals and their faeces in public places.

1.4 Scope

This Plan applies to Council and all owners and persons in control of a companion animal as defined under the Companion Animals Act 1998 within Narrandera Shire or that use facilities located within the Shire.

1.5 Definitions

- **Act** - means the *Companion Animals Act 1998*.
- **Authorised Officer** - means an employee of a local authority authorised by the local authority for the purposes of the *Companion Animals Act*, or a police officer.
- **Cat** - means an animal of the species *Felis catus*, whether or not domesticated.
- **Companion Animal** - means a dog, a cat or any other animal that is prescribed by the regulations as a companion animal. Note: The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of this Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs, police dogs and corrective services dogs.
- **Corrective Services Dog** - means a dog that is being used on official duty by a correctional officer (within the meaning of the *Crimes (Administration of Sentences) Act 1999*). Note: This Act contains special exemptions for corrective services dogs. Because this definition requires that the dog is being used on official duty by a correctional officer, the exemptions apply only when the dog is “on duty”.
- **Council** - means Narrandera Shire Council
- **Council Pound** - means the Animal Management Facility established by Council under the *Impounding Act 1993*, or any other place approved by Council as a place for the holding of animals for the purposes of this Act.
- **Dangerous Dog** - means a dog for the time being the subject of a declaration by an authorised officer of Council or a court under the *Companion Animals Act* that the dog is dangerous.
- **Desexed** - means rendered permanently incapable of reproduction.
- **Director-General** - means Director- General of the Office of Local Government.
- **Dog** - means an animal (of either sex, or desexed, and whether or not domesticated) of a species with the scientific name *Canis familiaris*, *Canis lupus familiaris*, *Canis lupus dingo*, *Canis familiaris dingo* or *Canis dingo*, or a synonym of any of those names, and including a hybrid of any of those species.
- **Feral Cat** - means an unowned cat.
- **Menacing Dog** - means a dog for the time being the subject of a declaration by an authorised officer of Council under Section 34 (1A) or a Court under Section 45 (1A) that the dog is a menacing dog.
- **Microchip** - means a subcutaneous full duplex electronic radio transponder.
- **Nuisance Cat** - has the same meaning as defined in Section 31 of the *Companion Animals Act 1998*.
- **Nuisance Dog** - has the same meaning as defined in Section 21 of the *Companion Animals Act 1998*.
- **Police Dog** - means a dog that is being used by a police officer on official duty. Note: This Act contains special exemptions for police dogs. Because this definition requires that the dog is being used by a police officer on official duty, the exemptions apply only when the dog is “on duty”.
- **Register** - means the Register of Companion Animals provided for by the Act.
- **Registered** - means registered under the Act.
- **Registered Owner** - of a companion animal means the person shown in the registration information entered on the Register as the registered owner of the animal (and in the case of joint registered owners means each of those joint registered owners).
- **Regulation** - means the *Companion Animals Regulation 2008*.
- **Sell** - includes transfer ownership of the property in an animal by any means, including by gift.
- **Working Dog** - means a dog used primarily for the purpose of droving, tending, working or protecting stock, and includes a dog being trained as a working dog

2. Companion Animal Management in Narrandera Shire

2.1 Public Safety

A safe community is a high priority of this Plan and particular attention needs to be given to safety in public places and the main concerns relating to public safety involve dogs. Dog attacks primarily occur where dogs are not under effective control in a public place. Attacks are more common where a dominant, protective, un-socialised or injured dog is not adequately controlled.

2.2 Education & Animal Welfare

An owner of a companion animal has a responsibility to ensure that they have adequate skills and knowledge to manage the welfare of their animal. Owners have an obligation to make themselves aware, or seek assistance where necessary, of their duty to take reasonable care of their animals and to prevent any adverse impacts on the community from the improper or negligent control of their animals.

Council can direct the community to information to assist owners or potential owners of companion animals on:

- appropriate pet selection to ensure that an appropriate type of animal, breed and sex is chosen to suit the owner's lifestyle and circumstances
- basic health and welfare principles to ensure good animal health and prevent nuisance impacts on the community
- the requirements for permanent identification and registration of companion animals under the Companion Animals Act 1998
- the benefits of de-sexing their animals

There are a range of factors to consider when deciding what type of pet would best suit your environment and lifestyle. These include:

2.2.1 Your Home and Property

- is there adequate space?
- can the pet be securely confined?
- can you provide adequate shelter?
- can you set up separate areas for pets and young children (if applicable)?

2.2.2 Your Lifestyle

- how much time can you (and your family, if applicable) devote to a pet?
- will you have time to supervise young children with a pet (if applicable)? The costs which can include:
 - purchase
 - housing
 - feeding
 - microchipping and registration
 - vet checks; vaccinations; and worming, tick and flea treatments

- de-sexing (permanent sterilisation)
- grooming
- training
- boarding

Once you have considered these factors, you may have a greater understanding of the type of pet that would suit you and your family. Sometimes the most responsible thing you can do is to decide not to have a pet until your circumstances change.

As a cat or dog owner, you have a responsibility to look after your cat or dog's basic welfare needs, including:

- providing your cat or dog with an appropriate balanced diet and clean, cool water at all times
- ensuring that your cat or dog has adequate shelter suitable for all weather conditions
- ensuring that your cat or dog is well socialised, trained and exercised
- ensuring your cat or dog's good health with regular veterinary checkups, worming, tick and flea treatments
- making sure that your cat or dog is looked after when you go away

Neglecting your cat or dog's basic welfare needs can lead to fines and/or imprisonment under animal welfare and cruelty related legislation.

Owners who are not going to breed from their animals or do not have adequate means of dealing with litters are strongly encouraged to have their animals de-sexed. De-sexing has the capacity to reduce several unwanted animal behaviours including unwanted litters, roaming by male animals, territorial aggression and noise complaints.

2.3 Dog Control

The Act requires a dog that is in a public place to be under the effective control of a competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person (cl 13 of Act). 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. Failure to comply with this requirement is an offence under the Act and subject to penalties.

The above requirement does not apply to a dog:

- in an off-leash area (but only if the total number of dogs of which its owner has control does not exceed four)
- engaged in droving, tending or working of stock
- being exhibited for show purposes
- participating in an obedience class, trial or exhibition
- secured in a cage or vehicle or tethered to a fixed object or structure
- a police dog
- a corrective services dog

2.4 Off-Leash Areas

Council acknowledges that dogs need areas where they can exercise, walk and run without being on a leash. The Act requires Council to provide at least one off-leash area within the local government area. Council currently has one designated off-leash area within the Shire located at Narrandera Sportsground.

There are a range of benefits in having suitable off-leash areas available for people to exercise their dogs and for socialising with other dog owners. The regular use of off-leash areas can help:

- reduce people allowing their dogs off-leash in other public places,
- relieve boredom of dogs which leads to more contented lives,
- reduced problems for pet owners and the community, particularly those keeping large or energetic dogs in small or confined areas.
- It is also recognised that a dog is their main form of recreation for some people and visits to off-leash areas can be a part of their daily exercise routine.

Council will periodically evaluate the designated off-leash areas within the Shire to ensure that they continue to fulfil the needs of dog owners while also ensuring the safety of dogs and members of the public.

2.5 Bite Avoidance

The majority of dogs do not bite people or other animals, however all dogs have the potential to do this, irrespective of their breed, gender, temperament or history. Strategies for bite avoidance include appropriate breed selection, early socialisation, training, de-sexing and confinement to prevent dogs from roaming.

Education strategies should focus on reading the body language of dogs (eyes, head position, backline, tail, posture and attitude) and dealing with potentially threatening situations. Some types of attacks can be caused by teasing, rough playing, interfering with feeding, invading a dog's space and predatory aggression caused by the victim running away from a dog.

Council will promote these programs to local schools, and the wider community as they become available.

2.6 Council Ranger Services

Council's Ranger Services currently has one full time Compliance Officer and one Relief Ranger. Outside normal working hours, the Ranger Services team provides an on-call service for emergency situations. The majority of Ranger Services work deals with companion animal related issues.

Council's Ranger Services staff undertake the day-to-day management of the Council Pound facility, while also performing a range of duties required under the Act including:

- responding to animal related complaints
- impounding and/or seizing dogs
- ensuring dogs and cats are returned to their owners where possible
- implementing Council's animal re-homing policy
- entering dog registration data onto the Companion Animals Register

- issuing penalty notices for offences under the Act
- responding to and investigating dog attack incidents
- enforcing restricted, dangerous and menacing dog orders
- providing education to the public in relation to companion animals
- undertaking regular patrols of Narrandera, Barellan and Grong Grong

Council aims to provide a high quality service to the public that complies with statutory requirements and meets community expectations by responding to animal related matters in a timely manner.

Council's Ranger Services are regularly monitored and evaluated to ensure that the service is meeting expectations and continually improving in accordance with new statutory requirements and industry best practice.

2.7 Narrandera Animal Management Facility

Council's Animal Management Facility (the Pound) is located adjacent to the Narrandera Works Depot, Barellan Road. The facility comprises of dog enclosures contained within a secured area, an exercise area, and a storeroom area.

The Pound facilities along with the operational practices implemented at the facility comply with the NSW Department of Primary Industries - *NSW Animal Welfare Code of Practice No 5 - Dogs and Cats in Animal Boarding Establishments*.

The Pound facility is not open to the public due to disease management and work, health and safety considerations. Members of the public intending to claim or surrender an animal contact Council Ranger Services to make a meeting time or attend Council's offices in East Street, Narrandera to complete the necessary paperwork prior to collecting or leaving an animal with Ranger Services staff.

Council's Ranger Services staff attend the Pound Facility daily.

Council conducts regular reviews of the Pound facility and its operational standards to ensure that it meets statutory obligations and industry standards.

The NSW Department of Primary Industries has developed draft *Dogs and Cats in Council Pounds and Animal Shelters Guidelines*. The guidelines will complement the *Prevention of Cruelty to Animals (Dogs and Cats in Council Pounds and Animal Shelters) Standards 2014 No 1*. There has been no timetable set for the adoption of these new guidelines, however once adopted Council will evaluate Council's Pound facility against the new standards and undertake any upgrading works deemed necessary.

2.8 Enforcement

Council plays an active role in ensuring animal owners comply with the requirements of the Act. Council relies heavily on voluntary compliance and responsible pet ownership.

Council may elect to take enforcement action where breaches of the Act are revealed. This can take a range of forms, including the issuing of a penalty notice and orders. For more serious offences, Council can elect to prosecute an animal owner through the local court.

Council recognises that enforcement approaches alone will not result in lasting changes in human behavior.

Council endeavours to engage with and educate the community to bring about the change required to ensure that companion animal owners fulfill their obligations under the Act. Methods of engagement and education include social media promotion, radio sessions, door-to-door compliance checks, compliance staff advice and follow-up.

2.9 Dogs

2.9.1 Places where Dogs are Prohibited

Under the Act, dogs are prohibited in the following place whether or not they are leashed or otherwise controlled (cl 14 of Act):

- Children's play areas which includes areas within 10 meters of any playing apparatus in a public place
- Food preparation/consumption areas included within 10 meters of any apparatus provided for the preparation of food for human consumption
- Recreation areas where dogs are prohibited
- Public bathing areas where dogs are prohibited
- School grounds unless given approval
- Childcare centres unless given approval
- Shopping areas where dogs are prohibited
- Wildlife protection areas. Narrandera Shire Council does not currently have any designated wildlife protection areas.

2.9.2 Nuisance Dogs

The Act defines a dog as being 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
- repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept (cl 31A of Act)

The words 'repeatedly' and 'habitually' are important in determining if a nuisance exists. Where nuisance behaviour is identified, Council may take action under the Act via the issuing of orders to declare a dog as a nuisance dog (cl 32A & 32B of Act).

A nuisance dog order requires the owner of the dog to prevent the behaviour that is alleged to constitute the nuisance. Such an order remains in force for six (6) months from the date it was issued. Failure to comply with the order is an offence under the Act and is subject to penalties or prosecution.

Council management of nuisance dogs will be guided by Section 13 of the NSW Office of Local Government *Guideline on the Exercise of Functions under the Companion Animals Act*.

2.9.3 Dog Attacks

A dog attack incident is broadly defined under the Act when “a dog rushes at, attacks, bites, harasses or chases any person or animal (other than vermin), whether or not any injury is caused to the person or animal”. The owner of the dog that is involved in a dog attack, or another person over the age of 16 which is in charge of the dog at the time, is guilty of an offence (cl 16 of Act). It is also an offence to encourage a dog to attack a person or animal (cl 17 of Act).

A dog attack incident can result in substantial penalties or prosecution.

It is not an offence if a dog attacks due to being provoked by teasing, mistreatment, while being attacked itself or as a result of a person or animal trespassing on the property on which the dog was being kept, or as a result of the dog acting in reasonable defence of a person or property.

Council is obligated to report all dog attack incidents to the Office of Local Government by entering details of the attack onto the Companion Animals Register within 72 hours of receiving information about the incident (cl 33A of Act).

Where Council is advised of a dog attack incident, Council will commence an investigation. Council will seek to obtain victim and/or witness statements for all dog attack incidents where possible and ensure that the owner of the attacking dog is advised of the incident in a timely manner.

Council may in accordance with Part 5 Division 1 *Companion Animals Act* resolve to declare a dog as a Menacing Dog or a Dangerous Dog as a result of a dog attack. Council will assess the incident in accordance with the NSW Office of Local Government *Guidelines on the Exercise of Functions Under the Companion Animals Act* to determine the nature of any enforcement action to be taken.

2.9.4 Menacing Dogs

The Act defines a dog as being menacing if it:

- has displayed unreasonable aggression towards a person or animal (other than vermin)
- has, without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death (cl 33A of Act)

Where menacing behaviour is identified, Council may take action under the Act via the issuing of orders to declare a dog as a menacing dog (cl 34). To declare a dog as a menacing dog, Council will advise the owner of the dog that it is Council's intention to declare the dog a Menacing dog and invite them to provide a submission with the reasons why this declaration should not occur. Assessment of the case for and against declaration will be made in accordance with Part 9 of NSW Office of Local Government *Guidelines on the Exercise of Functions Under the Companion Animals Act*.

The dominant factor in the determination of whether a dog should be declared a menacing dog is the public interest and the safety of the community.

Should a dog be declared by Council as a menacing dog, the owner of a declared menacing dog must comply with the control requirements of the Act (cl 51 of Act) which includes amongst other things:

- the dog must be de-sexed

- when on the property on which the dog is ordinarily kept and not under the effective control of a person of or above the age of 18 years, the dog must be enclosed in a manner that is sufficient to restrain the dog and prevent a child from having access to the dog
- whenever the menacing dog is outside the property on which the dog is ordinarily kept, the dog must be under the effective control of a competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person and must be muzzled in a manner that is sufficient to prevent it from biting any person or animal
- An owner of a declared menacing dog who does not comply with any of the requirements of the Act or Regulation is guilty of an offence and subject to penalties or prosecution. A menacing dog order is not subject to any appeal or review.
- Council management of Menacing dogs will be guided by Section 9 of the NSW Office of Local Government Guideline on the Exercise of Functions under the Companion Animals Act.

2.9.5 Dangerous and Restricted Dogs

The Act defines a dog as being dangerous if it:

- has, without provocation, attacked or killed a person or animal (other than vermin)
- has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin)
- is kept or used for the purposes of hunting except a dog which is used only to locate, flush, point or retrieve birds or vermin (cl 33 of Act)
- Where dangerous behaviour is identified, Council may take action under the Act via the issuing of orders to declare a dog as a dangerous dog (cl 34). To declare a dog as a dangerous dog, Council will advise the owner of the dog that it is Council's intention to declare the dog a dangerous dog and invite them to provide a submission with the reasons why this declaration should not occur. Assessment of the case for and against declaration will be made in accordance with Part 9 of NSW Office of Local Government Guidelines on the Exercise of Functions Under the Companion Animals Act.

The dominant factor in the determination of whether a dog should be declared a dangerous dog is the public interest and the safety of the community.

The Act identifies a number of restricted dogs (cl 55 of Act) which include:

- American pit bull terrier or pit bull terrier
- Japanese tosa
- Dogo Argentino
- Fila Brasileiro
- any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the Customs Act 1901 of the Commonwealth
- any other dog of a breed, kind or description prescribed by the Regulations

Cross breeds of the above breeds are also considered to be restricted dogs. Where Council is of the opinion that a dog is of a breed or cross breed of those mentioned above, action may be taken under the Act via the issuing of orders to declare the dog as a restricted dog (cl 58A & 58C of Act).

The owner of a declared dangerous or restricted dog must comply with the control requirements of the Act (cl51& 56 of Act) which includes amongst other things:

- the dog must be de-sexed
- the dog must not at any time be in the sole charge of a person under the age of 18 years
- while the dog is on property on which it is ordinarily kept the dog must be kept in an enclosure that complies with the requirements of the Regulation (cl 24 Regulation). A certificate of compliance in relation to the required enclosure must be obtained from Council
- one or more signs must be displayed on that property on which the dog is kept showing the words “Warning Dangerous Dog” in letters clearly visible from the boundaries of the property
- the dog must at all times wear a designated distinctive collar (cl 27 of Regulation)
- whenever the dog is outside its enclosure the dog must be under the effective control of a competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person and must be muzzled in a manner that is sufficient to prevent it from biting any person or animal

An owner of a declared dangerous or restricted dog who does not comply with any of the requirements of the Act or Regulation is guilty of an offence and subject to penalties or prosecution.

Council management of Dangerous and Restricted dogs will be guided by Section 9 and 10 of the NSW Office of Local Government Guideline on the Exercise of Functions under the *Companion Animals Act*.

2.10 Cats

2.10.1 Places where Cats are Prohibited

Under the Act, cats are prohibited in the following places:

- food preparation/consumption areas which includes any public place, or part of a public place, that is within 10 metres of any apparatus used for the preparation of food for human consumption or for the consumption of food by humans
- wildlife protection areas. Narrandera Shire Council does not currently have any designated wildlife protection areas.

2.10.2 Nuisance Cats

The Act defines a cat as being a nuisance if it:

- makes a noise 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 damages anything outside the property on which it is ordinarily kept

Dealing with nuisance cat complaints is challenging, as cats are more difficult to confine to a property than dogs. Each complaint is examined on a case-by-case basis. It is important to note that a domestic cat that has not been declared to be a nuisance by the Council cannot be seized and impounded. Such a cat must be returned to its owner if identified.

Where nuisance behaviour is identified, Council may take action under the Act via the issuing of orders to

declare a cat as a nuisance cat (cl 31 of Act). The order may specify the behaviour of the cat that must be prevented. Such an order remains in force for six (6) months from the date it was issued and is not subject to any appeal or review.

Failure to comply with a Nuisance Order is an offence under the Act and is subject to penalties or prosecution.

Council management of nuisance dogs will be guided by Section 13 of the NSW Office of Local Government *Guideline on the Exercise of Functions under the Companion Animals Act* October 2015.

2.11 Seizure of Dogs and Cats

Council's Ranger Services may seize and impound an animal in certain circumstances under the Act (cl18, 52, 57, 57D & 58G of Act) including if a dog is found unattended in a public place or if the requirements of an order is not being complied with.

As a minimum, if an animal is impounded in Council's pound, Council will hold the animal for the following period;

- if it is identified and registered whilst waiting for the owner to collect it - a period of 14 days after notifying the animal's owner
- if there is no identification - a period of seven (7) days

Council aims to return as many animals to their owners as possible.

- Where an animal is not identified:
- Council's Ranger Services will take all reasonable steps to identify the owner of the animal.
- If an animal is impounded or surrendered to Council's pound facility, Council may either re-home the animal; or, if it is deemed unsuitable for rehoming, euthanize the animal once the above statutory holding periods lapse.

Where an animal is identified:

- Advice of the dog's seizure or impounding will be directed to the registered owner as documented on the Companion Animals Register.
- As a community service and in recognition of pet owners meeting legislative requirements, Council currently returns roaming animals that are correctly microchipped and registered to their owners without being impounded. This is only applicable if the owner is at home or immediately contactable to take possession of the animal.
- A 'three strikes' practice applies, where upon the third incidence will result in the animal being impounded with a release fee payable.
- Where an un-registered animal is claimed by its owner, Council will require the animal to be microchipped and registered before Council will release it from the pound.

The regulatory powers to seize animals do not extend to entering private property to seize an animal that may have been the subject of neglect or cruelty. In any such case, the RSPCA is the appropriate authority.

2.12 Animal Re-homing

Impounded companion animals not claimed by their owners and animals surrendered to Ranger Services are evaluated for rehoming. This program aims to reduce the euthanasia rate of animals in the Pound.

80% of unclaimed and surrendered dogs and 60% of unclaimed and surrendered cats are rehomed by pet rescue groups and a small number of volunteers rehoming locally.

It is acknowledged that not all animals are suitable for re-homing and surrendering of animals to Council is often due to behavioral issues. Where a cat or dog is not considered to be suitable for re-homing by a pet rescue group or dogs involved in an attack incident, the animal will be euthanised by a qualified veterinarian.

2.13 Management of Feral and Infant Animals

Pursuant to Section 64(2) of the *Companion Animals Act*, feral and unregistered infant companion animals seized or surrendered to the Narrandera Pound may be euthanased prior to the standard holding period as set out in Section 64(1) of the Act.

Such euthanasia may occur if it is the opinion of Council's Rangers that such animals are too young, unsuitable for or unlikely to be rehomed.

The fostering of suitable infant companion animals may also be coordinated by Council's Rangers with approved foster caring groups or individuals if considered appropriate in that instance.

2.14 Injured Animals

From time to time injured companion animals may either be delivered to Council's pound by a member of the public or be collected by Council's Rangers.

This section sets out the actions Council will follow in full consideration of the condition of the animal to ensure that the animal is not subject to any undue suffering.

In this situation, the following actions will be undertaken by Council;

- If the animal has suffered a life threatening injury and any action to determine its owner will unnecessarily prolong its distress and pain, Council's Ranger Services will seek approval from the General Manager or their delegate to cause the animal to be euthanased as humanely and expeditiously as possible.
- Where an injured companion animal is either delivered to Council's pound or collected by Council, all practical actions will be immediately undertaken to identify and contact the owner in order to advise the owner and seek their intentions (either to surrender the animal to Council or so that they may collect and obtain their own veterinary treatment for the animal).
- If an injured companion animal is surrendered to Council by its owner, Council will assess its condition and welfare and either cause the animal to be either euthanased as soon practicable or if possible be offered for treatment and rehoming by an approved re-homing organisation.
- In the event that the companion animal is not registered or the owner cannot be identified or contacted, the matter will be referred to the General Manager or their delegate, to authorise either veterinary

treatment or euthanasia.

- Where Council has been advised by a person other than the owner, that a companion animal has been killed, Council will, if practical, identify and advise the owner of the animal that the animal is deceased.
- Where an injured companion animal is delivered directly to a vet for treatment by a person who is not the owner, Council will not be liable or responsible for any costs resulting from any treatment, including euthanasia, undertaken by the vet.

2.15 Animal Hoarding

Animal hoarding is a poorly understood phenomenon but put simply it is a person owning more than the typical number of companion animals and who cannot provide adequate standards of nutrition, sanitation, shelter and veterinary care. Hoarders often care about their animals deeply, but do not see or understand that their behaviour actually results in animal neglect. This neglect can often involve cramped, poor living conditions and in extreme cases starvation, illness and death.

The vast majority of animal hoarders exhibit a range of behaviours that reflect the characteristics of mental illness. Hoarders are often in denial about their inability to provide appropriate care for their animals and typically believe that no-one else can care for their animals like they do.

There is currently no specific law in Australia for dealing with animal hoarders. Cases of animal hoarding reported to Council are dealt with on a case-by-case basis and may involve consultation with the RSPCA and the imposition of court orders to change and maintain the restriction of numbers and care of animals.

2.16 Identification and Registration

2.16.1 Microchipping

A microchip is defined under the Regulation as a subcutaneous full duplex electronic radio transponder. Modern microchips are about the size of a grain of rice and are implanted beneath the animal's skin between the shoulders.

No personal information is stored on the microchip, only the unique identification number. Once a microchip is scanned, the number can be entered into the Companion Animals Register by a licensed user in order to retrieve the animal owner's contact details.

Microchip identification is one aim of the Act designed to facilitate the efficient return of animals to their owners as soon as possible. Benefits of microchip identification also include:

- reduced stress being applied to the animal when seized due to less likelihood of extended confinement in the pound facility
- allowing an opportunity for Council's Ranger Services to educate and/or take enforcement action where necessary

The Act requires all cats and dogs in NSW, other than exempt cats and dogs, to be microchipped by 12 weeks of age or before being sold or given away, whichever happens first (cl 8 of Act). Failure to comply with this requirement can result in a fixed penalty notice or prosecution and penalties by the court. Higher penalties are applicable for restricted dogs and declared dangerous and menacing dogs.

A working dog used and kept on a rural property for tending stock and greyhounds currently registered under the Greyhound Racing Act 2009 are exempt from the requirement to be microchipped or registered. The Regulation also provides a range of further exemptions including for police dogs and dogs used by a correctional officer or Commonwealth officer.

All unregistered companion animals that are impounded in Council's Pound facility must be microchipped and registered before they will be returned to their owner (even if it is less than six months old).

2.16.2 Registration

The Act requires all cats and dogs in NSW, other than those that are exempt, to be registered by six months of age (cl 9 of Act). The registration fee is a once-only payment, which covers the cat or dog for its lifetime in NSW, regardless of any changes in ownership. Discounted registration fees apply to de-sexed cats and dogs.

Registration fees are set by the State Government and are included in Council Revenue Policy every year. Registration fees paid to Council are passed onto the State Government which uses this money for companion animal related services such as the administration of the Companion Animals Register. A portion of the registration fees is returned to Council and contributes to Council providing animal management related services to the community. These services include Ranger Services, operating Council's pound facility, educational and other companion animal-related activities.

Failure to comply with the registration requirements of the Act can result in penalties or prosecution.

2.16.3 Identification of Dogs

In addition to the requirement to be microchipped and registered the Act requires all dogs, except working dogs, to wear a collar with a name tag attached that shows the name of the dog and the address or telephone number of the owner of the dog, when outside the property on which it is kept.

A declared restricted, dangerous or menacing dog must wear a distinctive collar complying with the requirements of the Regulation. This distinctive collar allows Council officers and members of the public to quickly identify these known dangerous dogs.

Failure to comply with this requirement can result in penalties or prosecution. Higher penalties are applicable for declared restricted, dangerous and menacing dogs.

2.16.4 Identification of Cats

The Act requires all cats, except cats being exhibited at a show or in transit to or from a show at which they will be exhibited, to have some form of identification when in a public place.

Cats born before 1 July 1999 must be identified with either a microchip or a collar and tag with the cat's name and owners address or telephone number on it.

Cats born after 1 July 1999 do not have to wear a collar and tag, but must be microchipped and registered unless exempt by the Regulation.

Failure to comply with this requirement can result in penalties or prosecution.

2.17 Environmental Issues

Animals can create negative impacts on the environment in a number of ways such as noise, pollution, land pollution and impacts on native fauna. By informing animal owners of the impacts that their companion animal may cause, as well as highlighting strategies to minimise adverse effects, a greater understanding and cooperative and sustainable relationship within the community will result.

2.17.1 Noise Pollution

While all dogs bark, it is those that bark excessively that require management. Barking dogs account for a significant number of companion animal related complaints received by Council.

Barking dogs are a significant community problem and can result in loss of neighbourhood amenity, anxiety, sleep disruption and aggression. A dog barking may be due to a variety of issues including territorial behaviour, boredom, separation anxiety, illness, visual stimuli/distraction or teasing.

Barking dog incidents are often difficult to resolve and consume extensive resources. It is the responsibility of the animal owner to control their animal including their barking issues.

Where Council receives a barking dog complaint, correspondence is sent to both the complainant and the owner of the dog or owner of the property on which the dog is being kept. The complainant is initially advised to approach the owner of the dog to make them aware of the situation and if the barking continues, to provide Council with a 14 day barking dog diary identifying the times, dates and duration of the barking.

Usage of the diary system is useful in determining if a legitimate complaint exists and pinpoints the times of excessive barking. It also assists Council when developing solutions for the problem and forms part of the evidence required if more formal action is required to be taken.

The owner of the dog is advised of the complaint and provided with information about dealing with barking dogs. They are also advised that if the barking continues Council may issue a nuisance order under the Companion Animals Act 1998. Owners are also advised of the potential penalties which are applicable.

The noise of cats fighting in the middle of the night is reported less frequently than dogs but it is still a cause of noise pollution. It is very difficult to identify cats which are causing noise nuisance in public areas. It is considered that education for cat owners regarding containment particularly during the night is the best method of dealing with this issue.

In cases where multiple dogs located on a property are causing noise pollution due to barking and an individual noisy dog cannot be identified as causing the pollution, Council may elect to take action under the Protection of the Environment Operations Act 1997 via the issuing of a Prevention Notice. This notice can require the owner of the dogs to take such action which is deemed necessary to prevent or stop the nuisance barking.

Members of the public can elect to take action in relation to barking dogs independent of Council via the seeking of a noise abatement order under section 268 of the Protection of the Environment Operations Act 1997 from the local court. There are fees for applying for a noise abatement order. The register at the Local

Court can be contacted to obtain information about the process for applying for a noise abatement order.

2.17.2 Faecal Management

Faeces from companion animals is a significant environmental and public health issue. The pollution of urban yards, footpaths, parks, and reserves by animal faeces can result in pollution of waterways by stormwater run-off along with odour issues.

If a dog defecates in a public place the Act requires the owner or other person over the age of 16 which is in charge of the dog at the time to immediately remove the dog's faeces and properly dispose of them into a rubbish receptacle suitable for that waste.

Failure to comply with this requirement can result in penalties or prosecution.

Council provides appropriate rubbish bins in various public spaces including the designated off-leash areas.

2.17.3 Impact on Biodiversity

It is vital that animal management strategies be implemented to assist with protection of native flora and fauna.

Domestic dogs and cats are responsible for a large number of wildlife deaths every year particularly if allowed to roam unrestricted. Cats in particular are very efficient hunters with research indicating that each free-roaming domestic cat kills on average 30 native animals per year.

The Act declares that the protection of native birds and animals is an objective of animal welfare policy in the State of NSW. Therefore owners of companion animals have an obligation to prevent their animals from adversely impacting on wildlife.

It is considered that education strategies aimed at promoting the benefits of de-sexing, animal containment and management techniques play the primary role in reducing the impacts on the local biodiversity.

2.18 Action Plans

In order to achieve the aims and objectives of this Companion Animal Plan, action plans have been developed and are included in Appendix 1 to this document. Each action plan has been developed to include Council's statutory requirements under the Act, the standards set by this Plan and other Council's policies along with items listed in Council's Operation Plan and Delivery Program.

Each action is prioritised and includes related goals along with performance indicators which will be used in assessing if the action has been achieved.

2.19 Review

Ongoing monitoring and review of key performance areas are essential to this Plan. This will ensure strategies and focus will remain relevant, sustainable and in-line with statutory obligations and community expectations. Statistics and data from both Council's records and the Companion Animal Register will provide the performance indicators necessary to assess and improve the plan as required.

This Companion Animal Management Plan will be reviewed every five years.

3. Action Plans

Attached.

3.1 Action Plan 1 - Identification and Registration

The identification and registration of companion animals is important as it assists Council with animal control, enables the identification of lost pets and facilitates the return of animals to their owners, and is a source of funding for animal management services.

ACTION PLAN 1 – IDENTIFICATION AND REGISTRATION OF DOGS AND CATS			
Action	Priority	Related Goals	Performance Indicators
Record Companion Animal matters	Ongoing	<ul style="list-style-type: none"> Maintain Companion Animals Registers and enforcement Data 	<ul style="list-style-type: none"> Office of Local Government report, quarterly and annually
To provide education materials and events for the community to promote and encourage the permanent identification of companion animals	High	<ul style="list-style-type: none"> Provide companion animal management services across the shire Encourage the permanent identification of all required companion animals Facilitate the prompt and safe return of animals to their owners Provide an effective and efficient service for people updating and/or registering details on the NSW Companion Animal Register Reduce time period that animals are required to be kept in Council pound facility while owners are identified 	<ul style="list-style-type: none"> Increase in the number of Companion Animals being microchipped Increase in the number of companion animals being registered Develop printed promotional material
Ensure that all animals released or re-homed from the pound are registered and microchipped.	On-going	<ul style="list-style-type: none"> Compliance with the requirements of the Companion Animals Act 1998 	<ul style="list-style-type: none"> Council records reflect that all animals released or re-homed from the pound are microchipped and registered.

3.2 Action Plan 2 - Animal Welfare/ Responsible Pet Ownership

- The Companion Animals Act provides that pet owners must ensure the welfare and safety of their pets.
- Public education is required to inform pet owners about standards of care and safety for their pets.
- It is important that Council educates and promotes the de-sexing of non-breeding pets to reduce the unwanted pet population.

ACTION PLAN 2 – ANIMAL WELFARE / RESPONSIBLE PET OWNERSHIP			
Action	Priority	Related Goals	Performance Indicators
Design and implementation of a publicity campaign to provide pet owners with information relating to responsible pet ownership	Medium	<ul style="list-style-type: none"> • Provide companion animal management services across the shire • Maintain community safety by management of public nuisance in line with community expectations 	<ul style="list-style-type: none"> • Regular social media posts • Door-to-door compliance visits
Undertake regular ranger patrols of Narrandera, Barellan, Grong Grong	On-going	<ul style="list-style-type: none"> • Encourage permanent identification of all Companion Animals • Impound stray animals in a timely manner 	<ul style="list-style-type: none"> • Council records reflect a decrease in the number of complaints regarding roaming animals • Increase the numbers of Companion Animals being returned to their owners • At least weekly patrols of each township
Manage the Narrandera Council Pound in accordance with the NSW Animal Welfare Guide Practice No. 5 – Dogs & Cats in Animal Boarding Establishments	Ongoing	<ul style="list-style-type: none"> • Maintain the Narrandera Council Pound in a manner to maximise the welfare of impounded animals. 	<ul style="list-style-type: none"> • Dailey cleaning of the pound. • Completion of any required maintenance in a timely manner.

Maintain the rehoming of suitable animals	Ongoing	<ul style="list-style-type: none"> • Rehome as many surrendered or stray animals as possible. • Reduce the numbers of surrendered or stray animals being euthanized as much as possible. 	<ul style="list-style-type: none"> • Maintain links to approved animal rehoming services • Co-ordinate regular visits to the Narrandera Pound by approved animal rehoming service • Annual reporting figures provided to NSW Department of Local Government
Promote the importance of training and regular exercise to the owners of Companion Animals	On-going	<ul style="list-style-type: none"> • Encourage education regarding responsible pet ownership • Encourage owners to provide mental and physical challenges for their animals to improve their welfare and to reduce negative impacts on the community • Increased animal health and wellbeing • Reduced nuisance related complaints from barking 	<ul style="list-style-type: none"> • Council records reflect a decrease in the number of complaints about noise from barking • Regular social media posts

3.3 Action Plan 3 - Public Safety

- All dogs must be under effective control of a competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by or secured to that person.
- Council has a designated off-leash dog exercise area in Narrandera.
- Dog owners must ensure that their properties are adequately fenced to confine their pets and that there is sufficient room and amenity for the welfare of their dogs.

ACTION PLAN 3 – PUBLIC SAFETY			
Action	Priority	Related Goals	Performance Indicators
Promote the location and proper use of the off-leash area	On-going	<ul style="list-style-type: none"> • Provide companion animal management services across the shire • H2.8 of the Delivery Plan– Maintain community safety by management of public nuisance in line with community expectations 	<ul style="list-style-type: none"> • Decrease in the number of complaints regarding roaming animals • Decrease in the number of dogs not under effective control outside the designated off-leash areas
Conduct a review of the current leash-free area	Medium	<ul style="list-style-type: none"> • Provide companion animal management services across the shire • Ensure that off-leash areas provided in the shire are safe and meeting the expectations of the community 	<ul style="list-style-type: none"> • Conduct review • Provide report to Council on the findings of the review • Implement changes approved by Council as necessary • Promote any changes to the community

To improve the communities awareness of animal safety and bite avoidance techniques	Medium	<ul style="list-style-type: none"> • Provide companion animal management services across the shire • Maintain community safety by management of public nuisance in line with community expectations • To promote the awareness of dog training and keeping dogs under effective control at all times • To encourage further education regarding responsible pet ownership 	<ul style="list-style-type: none"> • Decrease in the number of dog attacks reported • Decrease in number of complaints regarding roaming animals • Provide information to local schools and the wider community on safe pet interaction
Ensure all declared dangerous, menacing and restricted dogs are compliant with the requirements of the Companion Animals Act	High	<ul style="list-style-type: none"> • Maintain community safety by management of public nuisance in line with community expectations • Compliance with the Companion Animals Act 1998 • Increase public safety 	<ul style="list-style-type: none"> • Compliance with dangerous, menacing and restricted dog control requirements • Regularly review the Companion Animals Register to identify any dangerous, menacing or restricted dogs which relocate to the shire • Maintain a record of all active dangerous, menacing and restricted dogs within the shire and the compliance of the control requirements for each dog

3.4 Action Plan 4 - Enforcement and Education

- Council’s Ranger Service enforce the provision of the Companion Animals Act.
- Educating pet owners is the key to successful implementation of the Act. Educating no-pet owners is also an important consideration.

ACTION PLAN 4 –ENFORCEMENT AND EDUCATION

Action	Priority	Related Goals	Performance Indicators
Develop and implement an educational program to promote responsible pet ownership throughout the Shire	Medium	<ul style="list-style-type: none"> • Provide companion animal management services across the shire • Maintain community safety by management of public nuisance in line with community expectations • To encourage the training and education to facilitate their integration into the community • To encourage further education regarding responsible pet ownership in the Shire • To promote changes in the behaviour of owners through education on the responsibilities of being an owner 	<ul style="list-style-type: none"> • Draft the educational programme • Implement the educational programme • Number of complaints and infringements decrease
To continue to enforce the requirements of the Companion Animals Act 1998 and the Companion Animals Regulations 2008	High	<ul style="list-style-type: none"> • Provide companion animal management services across the shire • Maintain community safety by management of public nuisance in line with community expectations • Provide education and awareness to Companion Animal owners • Review enforcement procedures as required • Provide a visible presence within the community to encourage better compliance 	<ul style="list-style-type: none"> • Decrease in the number of complaints received • Undertake regular patrols in accordance with set standards • Record numbers and types of PINS issued

3.5 Action Plan 5 – Provision of Facilities

Council is required to make provisions for the operation of a Pound for the receipt of stay, impounded, surrendered and lost animals.

ACTION PLAN 5 –PROVISION OF FACILITIES			
Action	Priority	Related Goals	Performance Indicators
Provide a well-managed and maintained pound to care for stray, impounded, surrendered and lost animals	On-going	<ul style="list-style-type: none"> Conduct a review of Council’s current facilities and its management Maintain the Pound in accordance with relevant government requirements at the time 	<ul style="list-style-type: none"> Continue to work to on-going compliance with the current NSW Animal welfare Code of Practice No. 5 Dogs and Cats in Animals Boarding Establishments Review any future standards and implement any required changes
Ensure that Council staff are appropriately trained	On-going	<ul style="list-style-type: none"> Provide access to training for Council staff on operations of the Pound Provide access to training for animal handling and behaviour assessment 	<ul style="list-style-type: none"> Rangers to attend regular training

3.6 Action Plan 6 - Monitoring and review

- It is important that after the Companion Animal Management Plan is adopted by Council, regular reviews take place to consider any new issues and changes to priorities
- This Plan should be reviewed every 5 years.

ACTION PLAN 6 –MONITORING AND REVIEW

Action	Priority	Related Goals	Performance Indicators
To review the Companion Animal Management Plan every 5 years	Medium	<ul style="list-style-type: none"> • Provide companion animal management services across the shire • Maintain community safety by management of public nuisance in line with community expectations • Ensure that Council’s Companion Animals Management Plan is updated with changes in legislation, priorities and community expectations 	<ul style="list-style-type: none"> • Conduct a review of the Plan every 5 years and make necessary changes

4. Assessment of Representations Against Intention to Declare a Dog a Dangerous Dog or a Menacing Dog

4.1 Dangerous Dogs and Menacing Dogs

The purpose of this section is to outline how representations from the owner/s of a dog appealing against Council's intention to declare their dog as being either a Dangerous Dog or a Menacing Dog will be evaluated.

In accordance with Section 35 of the *Companion Animals Act* (the Act), a Council that intends to declare a dog as being either a Dangerous Dog or a Menacing Dog must give the owner of the dog a notice of their intention. This notice is the requirement will also advise the owner that they have the right to appeal against Council's intention to declare their dog to either a Dangerous Dog or a Menacing Dog within seven (7) days after the date the notice is given.

Section 37 of the Act states that:

The Authorised officer must consider dog owner's objections

- (1) *The owner has 7 days after the date the notice is given in which to object to the proposed declaration.*
- (2) *If the owner does not object within that time, the authorised officer can proceed to make the declaration after the 7 days have passed.*
- (3) *If the owner does object within that time, the authorised officer must first consider the objection before proceeding to make the declaration.*
- (4) *A reference in this section to the authorised officer is a reference to any authorised officer of the council and is not limited to the authorised officer who gave the notice.*

An appeal from the dog's owner against Council's intention to declare a dog as being either a Dangerous Dog or a Menacing Dog should include the following;

- Evidence that the dog was either not responsible for the attack or any exhibition of unreasonable aggression or that there were mitigation circumstances.
- Evidence not supporting Council's intention to declare the dog, including witness statements, photos, videos or a temperament assessment report from an animal behavioural specialist or other qualified person.

When assessing an appeal from the dog's owner against Council's intention to declare a dog as being either a Dangerous Dog or a Menacing Dog, Council's authorised officer is to prepare a report to the Deputy General Manager Infrastructure for consideration and resolution.

The report is to consider the following:

- Has the dog come to attention of Council because it has displayed unreasonable aggression towards a person or animal to the extent that it has caused the death of an animal or fear or apprehension of an attack to a person or animal?
- Are there mitigating circumstances whereby the dog may only have acted aggressively when guarding their owner's home or business?
- Has the dog a history of proven aggressive or menacing behaviour?

- The strength of evidence supporting or not supporting the intention to declare the dog, including witness statements, photos, videos or a temperament assessment report from an animal behavioural specialist or other qualified person.

The authorised officer will ensure that an assessment of an appeal will not be made for for any improper reasons such as:

- Any elements of discrimination against the owner of the dog on any grounds including nationality, gender, political or community factors.
- Personal empathy or antipathy towards the owner of the dog.
- Personal empathy or antipathy towards the person subject of the alleged attack.
- The political affiliations of the authorised officer.

The dominant factor in the determination of whether a dog should be declared a dangerous or menacing dog is the public interest and the safety of the community.

4.2 Revoking a Dangerous Dog or Menacing Dog Declaration

The purpose of this section is to outline how Council will assess applications to revoke a Dangerous Dog or a Menacing Dog declaration.

Section 39 of the Act states that:

- (1) *The owner of a dog that has been declared a dangerous dog or a menacing dog under this Division can apply to the council of the area in which the dog is ordinarily kept (whether or not it is the council whose authorised officer made the declaration) for the declaration to be revoked.*
- (1A) *An application under subsection (1) cannot be made until after the period of 12 months following the date on which the dog was declared to be a dangerous dog or a menacing dog.*
- (2) *The council to which the application is made may revoke the declaration but only if satisfied that—*
 - (a) *it is appropriate to do so, and*
 - (b) *if the council determines that it is necessary—the dog has undergone appropriate behavioural training.*
- (2A) *In making a determination under subsection (2) (a) in relation to a menacing dog declaration, the council is to have regard to the nature and extent of any behavioural training that the dog has undergone.*
- (3) *The council must, as soon as practicable, give notice to the owner of the dog that the declaration has been revoked or that the council has refused to revoke the declaration.*

When assessing an application to revoke a Dangerous Dog or a Menacing Dog declaration, Council will consider:

- The circumstances under which the dangerous dog or menacing dog declaration was issued.
- The dog's current circumstances and behaviour in relation to the original declaration, including any behaviour modification training that may have been undertaken.
- Any behavioural assessment obtained by the owner from an animal behaviour specialist or other qualified professional.
- A report from Council's Ranger Services, which will address, amongst other things, the appropriateness

of revoking the declaration.

Any application to revoke a Dangerous Dog or a Menacing Dog declaration will be presented to the Council for consideration and determination.

4.3 Assessment of Request to Change Breed of Restricted Dog

Under the Act certain breeds of dog are classified as being **Restricted Dogs** and the owners of restricted dogs are required to comply with Section 56 of the Act which requires that restricted dogs are to be desexed, appropriately kenneled, wear a distinctive collar, be on a lead and wear a muzzle at all times when outside the enclosure and be subject to an annual permit.

The following dogs are **restricted dogs** for the purposes of this Act:

- (a) *American pit bull terrier or pit bull terrier,*
- (b) *Japanese tosa,*
- (c) *dogo Argentino,*
- (c1) *Perro de Presa Canario or Presa Canario,*
- (d) *fila Brasileiro,*
- (d1) *any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the [Customs Act 1901](#) of the Commonwealth,*
- (e) *any dog declared by an authorised officer of a council under Division 6 of this Part to be a restricted dog,*
- (f) *any other dog of a breed, kind or description prescribed by the regulations for the purposes of this section.*

The purpose of this section is to outline how Council will assess applications for considering breed change requests. Council cannot change any breed of dog that has been declared as a restricted breed under the Act.

Council will only consider changing the registered breed of a dog when the dog's breed was originally entered incorrectly on the NSW State Companion Animal Register.

When making this assessment Council's Rangers will:

- Consider the reasons for the request to change the dog's registered breed details.
- Scan the dog to ensure that the microchip number corresponds with the registered dog in question.
- Photograph the dog for record purposes.
- Make an assessment on the breed of the animal. The Rangers may consult with a licensed Vet for a further assessment.

Should Council's Ranger agree that the breed of the registered dog does not match the actual breed of the dog, Council will advise the NSW Companion Animals Register and seek a change of the registered dog's breed only if the new assessed breed is not a restricted dog.