

Pets in Gundaroo

In the last twelve months, several incidents involving pet animals have occurred, including pushbike and pedestrian accidents causing significant injury, repeated defecation on other people's properties and repeated disruption of livestock. This prompted a review of the responsibilities of pet owners and the options for those who have a problem with an animal. This is not a comprehensive review, but is limited to dogs and cats as companion animals.

The relevant law is mostly found in the Companion Animals Act 1998 (NSW) and the Prevention of Cruelty to Animals Act 1979 (NSW). The Companion Animals Act is administered through local government, and there is some variation between councils in how it is applied. More detail about the legal framework and about issues not covered here can be found in The Animal Law Guide New South Wales which can be found online at <https://www.lawsociety.com.au/idc/groups/public/documents/internetyounglawyers/420246.pdf>.

Responsibilities of pet owners.

Under the Prevention of Cruelty to Animals Act:

All animal owners must provide clean food and water, and exercise for confined animals (with significant exceptions including some livestock).

It is illegal to abandon or to poison an animal (with exceptions for vermin).

Under the Companion Animals Act:

All dogs and cats should be microchipped by 12 weeks of age and registered by six months of age.

Dog owners must take "all reasonable precautions" to prevent the dog escaping from the premises where it is usually kept.

Dogs are prohibited from many places, including schools, childcare

centres, children's play areas, and areas where food is consumed or prepared. An exception is made for dogs accompanying their owners to a café, if: the café owner allows it, the dog is restrained and remains on the ground in the outdoor area at all times and is not fed.

Dogs must wear a collar with their name and owner's address or phone number when in public. The must also be attached to "and adequate chain, cord or leash" when in public, except in an approved off-leash area, secured in a cage or vehicle, being exhibited at a show or engaging in obedience trials.

Dog owners must pick up and dispose of the dogs faeces immediately.

No one may have more than four dogs in their control at any one time in a public area.

Cats are prohibited from all wildlife protection areas and from areas where food is consumed or prepared.

All cats must be "identified by a form of identification that enables a local authority to ascertain the name of the cat and the address or telephone number of the owner".

Cat owners must ensure that their cat does not "interfere with the peace, comfort or convenience of any person in other premises" or "repeatedly damage anything outside the property on which it is ordinarily kept".

Problem animals.

There are many approaches to problem dogs and cats. For many of us, the best approach in the first instance is to discuss the problem with the owner. This is often sufficient to resolve the problem. Many wandering or problematic animals are quietly destroyed, usually humanely; there are circumstances where this is legal (see below) but it is a source of grief and anger for the owners of the animal, who will often replace their lost pet with another one. If a formal approach is required to a problem animal, complaints can be made to the council who may, on consideration, issue a

Nuisance Dog Order or declare a cat a nuisance.

Nuisance Dog Orders can be issued for persistent barking, straying or other antisocial behaviour. Barking at an unknown visitor is normal behaviour, but barking continuously for four hours is not. Other behaviours for which Nuisance Dog Orders can be issued include:

Continuously running away

Repeatedly defecating on property other than on which the dog is kept

Repeatedly running at or chasing any person, animal (other than vermin) or vehicle.

Endangering the health of any person or animal.

A cat can be declared a nuisance if it:

Repeatedly damages anything outside the owner's property

Repeatedly interferes with the peace, comfort or convenience of a person, for example, by being noisy.

Before issuing the order, a council officer would normally request evidence from the owner that steps are being taken to address the problem.

Council can only act upon specific complaints from individuals who identify themselves. I understand it is a source of some frustration to the Yass Valley Council ranger that there have been many informal complaints about animals in Gundaroo, but no formal complaints and so there is limited action that may be taken.

When is it legal to seize or destroy an animal?

In short, a person may seize or destroy a dog or cat:

- If that action is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death
- If the animal is not under effective control and enters inclosed lands and approaches any animal being farmed on the land, and the owner reasonably believes that the animal will molest, attack or

cause injury to any of those animals.

- If the animal is attacking or harassing an animal (other than vermin) in a wildlife protection area, they may be seized or destroyed by an authorised officer (ie: not by any member of the public)

Any person may legally seize a dog if that action is reasonable and necessary for the protection of property. If an animal is seized, it must be provided with clean food and water, and an authorised officer notified. The person holding the animal must comply with reasonable directions from the authorised officer regarding return to the owner or delivery to the pound or other approved premises.

Even where it is legal to destroy a dog or cat, it is always illegal to poison an animal (other than vermin) or otherwise treat it inhumanely.