



# **Animal Management Plan**

**2006 - 2011**

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## **1 Executive Summary**

This Animal Management Plan has been prepared by the City of Marion in response to Council's adoption of a planned approach to undertake its responsibilities under the Dog and Cat Management Act 1995 (as amended). The Plan will guide domestic animal management by the City of Marion over the next five years.

The Dog and Cat Management Act, 1995, was amended in 2004. The objectives of the Dog and Cat Management Act are to:

- Encourage responsible dog and cat ownership
- Reduce public and environmental nuisance caused by dogs and cats, and
- To promote the effective management of dogs and cats (including through the encouragement of de-sexing of dogs and cats)

While the Dog and Cat Management Act provides the legal framework for the City of Marion's responsibilities regarding the management of dogs and cats, this Plan seeks to implement a balanced approach that caters to everyone's needs including domestic pets and their owners, the wider community and those responsible for animal management.

Under the Dog and Cat Management Act, 1995 (SA) as amended, each council in South Australia must prepare a plan relating to the management of dogs and cats within its area.

The City of Marion aims to develop a sustainable, strategic approach for the management of dogs and cats in the City of Marion, that encompasses the needs of both dog and cat owners and people who are not dog and cat owners. The Animal Management Plan will be implemented within the context of creating a safe public environment and enhancing the amenity and environment of the City of Marion area. The Plan will also take into account social and regulatory issues.

The City of Marion's Animal Management Plan identifies strategies and actions to implement the mission, aims and objectives for domestic animal management, and relates these back to the wider policy context. The Plan has been developed after consulting with a broad range of stakeholders, with the community asked to comment on a draft, prior to the Plan's adoption by Council.

The Plan aims to:

- promote responsible dog and cat ownership;
- provide for the welfare and safety of dogs and cats;
- ensure public safety and enhance the amenity and environment;
- harness the benefits of dog and cat ownership; and
- ensure that the expenditure of registration fees addresses the management of dogs.

Council's mission through its Animal Management is to promote and facilitate responsible ownership of dogs and cats, animal welfare and the benefits of animal companionship. This focuses on the legitimate needs of pets and their owners, while respecting the rights of other members of the community and protecting the environment.

There is growing recognition that enforcement of laws will not on its own, result in lasting, voluntary changes in behaviour regarding the appropriate management of animals in the community. Enforcement needs to be supplemented by public education and promotion.

There is now considerable evidence to show the benefits of owning pets. It is essential that Council take a strategic approach to managing domestic pets. This strategy will provide Council with a sound basis and direction from which it can plan, co-ordinate and make future decisions to meet the needs of the community over the next five years.

This Animal Management Plan will be implemented for a five-year period from 2006 – 2011.

At the completion of the five-year period, the effectiveness and relevance of the content of this Animal Management Plan will be reviewed.

Further Animal Management Plans each covering a five year period will be developed, in accordance with Section 26A of the Dog and Cat Management Act.

## **2 Policy Context and Links to the City of Marion's Draft Strategic Plan**

This Animal Management Plan links to the City of Marion's Draft Strategic Plan 2006-2020.

The City of Marion's Draft Strategic Plan 2006-2020, is Council's principal strategic planning document. The Strategic Plan incorporates the City of Marion's previous Corporate Plan and Community Plan. It sets the overall direction to be pursued by Council as well as more specific goals and key actions. Other strategies and policies are relevant where they impinge or have a bearing on strategy development in the domestic animals area.

The development of this strategy is undertaken within the overall planning and direction of the Draft Strategic Plan.

The Corporate Vision of the Draft Strategic Plan is:

By 2010 Marion Council will be:

A leader in the delivery of the Community Vision – 'A heart for Adelaide's inner south'.

An organisation of excellence:

- Recognised for excellence in governance
- Recognised for service quality
- An employer of choice

The themes for achieving the Community Vision are:

- Foster community wellbeing
- Create cultural vitality
- Build a dynamic economy
- Grow a healthy environment.

This Plan directly links to the following Strategies of Leadership in Delivery of the Community Vision:

- Strategy CW4.1: Improve the provision and management of open space for recreational and environmental outcomes
- Strategy CW4.3: Support through planning, education and regulation, a healthy and safety environment for people to live and work.

### **3 Overview of the City of Marion**

The City of Marion covers an area of approximately 55 square km, from the Glenelg tramline in the north, to Hallett Cove in the south.

The City of Marion includes the suburbs of:

- Ascot Park
- Darlington
- Glandore
- Marino
- Morphettville
- Park Holme
- Seacombe Gardens
- Sheidow Park
- Trott Park
- Bedford Park
- Dover Gardens
- Glengowrie
- Marion
- O'Halloran Hill
- Plympton Park
- Seacombe Heights
- South Plympton
- Warradale
- Clovelly Park
- Edwardstown
- Hallett Cove
- Mitchell Park
- Oaklands Park
- Seacliff Park
- Seaview Downs
- Sturt

The population of the City of Marion as counted during the August 2001 Census by the Australian Bureau of Statistics (ABS) is 75,810.

The City of Marion includes a mix of residential and industrial areas, with Westfield Marion as the key regional shopping centre.

### **4 Mission Statement**

To recognise that companion animals are part of the community, contributing to its quality of life, and to ensure that the needs of animals and their owners are accommodated while recognising the differing needs of all members of the community.

### **5 Aims and Objectives**

This Plan aims to:

1. Provide effective animal management within the City of Marion.
2. Encourage and promote responsible dog ownership.
3. Encourage and promote responsible cat ownership.
4. Ensure public safety, health and amenity in relation to dogs.
5. Ensure public safety, health and amenity in relation to cats.

## **6 Animal Management Strategy**

### **6.1 Introduction**

The City of Marion will use a combination of enforcement of the Dog and Cat Management Act and Council By-Laws; and education/promotion to implement many of the Animal Management Strategies.

Education and promotion will incorporate a range of strategies including:

- Distribution of information via Council's website, pet information kits, Council's "City Limits" magazine, Council's "City Talk" Messenger Press column, information and displays at the Customer Service Centre, Community Centres, Youth Centre and Libraries including the mobile library.
- Distribution of educational material at Veterinary Clinics and Pet Shops.
- Contribution to animal and dog obedience club newsletters.
- Promotion to residents of educational and promotional publications from the Dog and Cat Management Board.
- Providing information to community clubs and community groups.
- Conducting a planned school education program regarding responsible dog and cat ownership and general safety issues regarding domestic animals, in conjunction with the veterinary association endorsed educational "Pet Pep Program"

The Aims and Objectives of the Animal Management Plan will be achieved by the following strategies.

### **6.2 Effective Animal Management**

**6.2.1 Objective 1:** *To provide effective animal management within the City of Marion*

**Strategy 1:** **Operate in accordance with the Dog and Cat Management Act and Council By-Laws**

The Dog and Cat Management Act and Council By-Laws provide the legislative base for animal management.

#### **Actions:**

- Undertake a proactive approach of education and promotion, in order to prevent breaches of the Dog and Cat Management Act and Council By-Laws.
- Ensure that the expenditure of dog registration fees are used in keeping with the Dog and Cat Management Act.
- Provide for the welfare and safety of dogs and cats.

**Strategy 2:** **Training of Animal Management Officers**

Animal Management Officers will continue to be supported to approach animal management by a mix of education, promotion and enforcement.

#### **Actions:**

The City of Marion will:

- Ensure animal management staff are informed and trained regarding amendments to the Dog and Cat Management Act and Council By-laws.

- Ensure animal management staff are kept up to date with new or emerging practices.
- Identify issues and resources required for regulatory services regarding animal management.
- Support Animal Management Officers to attend Council, conference and training events where possible, including the Urban Animal Management conferences.
- Increase involvement with Inspector Networks.
- Promote the role of Animal Management Officers, both within Council and in the wider community.
- Review the current Standard Operating Procedures.
- All Animal Management Officers to attend customer service training
- Encourage continued development of communication and negotiation skills for all Animal Management Officers.

### **Strategy 3: Provision for dogs being exercised in parks**

Pursuant to Section 26A(2) of the Dog and Cat Management Act, (SA) as amended, the City of Marion has included in this Animal Management Plan, provisions for where dogs may be exercised off-leash and for parks where dogs must be under the effective control by means of physical restraint, and the consideration of the provision for parks where dogs are prohibited.

In 2005, the City of Marion undertook comprehensive community consultation to ascertain whether designated areas should be set aside for dogs to be exercised off leash.

As a result of this community consultation, the City of Marion decided to remain in keeping with the Dog and Cat Management Act, 1995 (SA), where dogs must be on a leash in a public place, except for a park. The City of Marion decided to retain the right of dog owners to exercise their dog off leash in any park within the City of Marion, provided the dog remained under the effective control of the owner or person responsible for the dog. Because of this, the City of Marion has not designated specific areas for dogs to be exercised off leash. If an owner of a dog is not able to keep the dog under effective control without a physical restraint, then the dog must be kept under effective control by means of a physical restraint.

The City of Marion has not declared any parks prohibited to dogs. However, as a result of the community consultation regarding dogs in parks, dogs will be prohibited within a fenced children's playground and dogs will be required to be on a leash within 3 metres of an unfenced children's playground.

Dogs will also be required to be on a leash on any grounds where there is organised sport, during those times when organised sport is being played. The City of Marion's By-Law Number 4 is being amended during 2006 to reflect these requirements.

Dogs must be on a leash at all times when on a walking trail.

At the sandy beach near Heron Way, Hallett Cove, dogs to be on a leash between 10.00 am and 8.00 pm during daylight saving, and be off a leash, under effective control at all other times.

Dogs to be under "effective control" in the rocky beach areas of the City of Marion.

## 6.3 Dogs

**6.3.1 Objective 1:** *To encourage and promote responsible dog ownership within the City of Marion community.*

**Strategy 1:** **The City of Marion will develop and implement an education program regarding responsible dog ownership.**

### Preamble

There are three factors which contribute to the successful ownership of dogs. They are:

#### 1. *The Owner:*

The owner or potential owner of any dog, needs to be aware of the responsibilities of pet ownership.

The owner of a dog must ensure the dog is registered. The owner is also responsible to ensure that the dog is trained, and to be aware of the dog's behaviour at all times, including when away from the home such as at work. The owner is also responsible to ensure that the dog has adequate food, water and shelter and that the dog is regularly exercised. It is highly advisable to have the dog immunised and desexed. The owner of a dog needs to be mindful to that the keeping of their dog does not adversely affect neighbours, eg by noise or odour.

#### 2. *The Breed of dog:*

The breed of a dog determines the size and often the temperament of the dog and its susceptibility to genetic defects. When selecting a dog, it is important to seek appropriate advice on the soundness of animals being considered and its suitability to the home and yard that the dog will be kept in and the family that the dog will be joining. This is particularly so if there are small children in the family.

#### 3. *The Home Environment:*

All dogs require adequate shelter, food and water and consideration should be given to whether there are children who will have access to the dog and the closeness of neighbours. Dogs must be confined to the yard, so it is not "wandering at large".

Successful dog ownership has both financial and time commitments and it is therefore important that people contemplating owning a dog, endeavour to match their choice of pet for their particular home and family circumstances.

### **Actions:**

The City of Marion will:

- Develop an education program, including the development of an information kit, to encourage responsible dog ownership.
- Educate and encourage people to consider the factors affecting the suitability of successful dog ownership in their particular circumstances. This will include:
  - promoting Petcare Information and Advisory Service  
[www.petnet.com.au](http://www.petnet.com.au)
  - promoting The Dog and Cat Management Board of SA  
[www.dogsncats.asn.au](http://www.dogsncats.asn.au)

**Strategy 2: The City of Marion will promote the registration and identification of dogs.**

The Dog and Cat Management Act requires dogs to be identified by means of a collar and registration disc. Identification tags are also regarded as a support method of identification. Identification results in:

- Significant likelihood of pets being re-united with their owners.
- Dog owner being contacted in the event of the dog being involved in an accident which may result in veterinary treatment.
- Reduced likelihood of dog being re-homed at an animal shelter if not claimed.

**Actions:**

The City of Marion will aim to have the maximum number of dogs registered by:

- Promoting information on Council's policy and legislative requirements regarding dog registration to the community.
- Conducting a bi-annual door knock program will commence in 2007, to maximise dog registration and assist with maintaining accurate data.
- Continuing to offer a range of registration concessions.
- Promoting Council's various registration payment options.
- Returning as many dogs as possible to owners by:
  - Promoting dog registration and identification
  - Promoting microchipping of dogs
  - Ensuring a microchip scanner is in every Animal Management Officer's vehicle
  - Ensuring a microchip scanner is used at the point of where a dog is collected.
  - Continuing to offer a concession for dogs that are microchipped.

**Strategy 3: The City of Marion will promote desexing of dogs.**

Desexing dogs has the following benefits:

- Reduction of excessive, unnecessary and unplanned breeding.
- Reduction of the likelihood of aggressive behaviour, predominantly in male undesexed dogs.
- Reduction of dogs wandering at large.
- Improved temperament and significant reduction of life threatening diseases in both male and female dogs.

**Actions:**

The City of Marion will:

- Promote the benefits of having a dog desexed and dog owners will be encouraged to have their dogs desexed, irrespective of whether the dog is a male or female.
- Promote Council's various registration concessions payment options, in an endeavour to encourage desexing of dogs.
- Encourage the selection of the right pet to suit the lifestyle and circumstances of the individual or family.
- Encourage pet owners to undertake routine preventative measures such as vaccination and parasite control of their pet.

**Strategy 4: The City of Marion will embrace the benefits of dog ownership.**

There is considerable evidence to show the benefits of owning a dog, including positively enhancing a person's health and wellbeing.

**Actions:**

The City of Marion will:

- Acknowledge and promote the importance, value and benefits of dog ownership.
- Recognise and promote the large percentage of responsible dog owners.

**6.3.2 Objective 2: Ensure public safety, health and amenity in relation to dogs.**

**Strategy 1: The City Of Marion will endeavor to reduce the number of dog attacks.**

Reducing the number of dog attacks will contribute to public safety.

**Actions:**

The City of Marion will:

- Promote and encourage the reporting of all dog attacks whether in public places or on private property.
- Promote education material and methods on bite avoidance
- Educate the community regarding the importance of adult supervision of children at all times.

**Strategy 2: The City Of Marion will enhance the amenity and the environment by the management of dog faeces in public places.**

The management of dog faeces is an important environmental and community issue. Dog waste bag dispensers are already provided in a number of parks in the City of Marion area.

**Actions:**

The City of Marion will:

- Investigate the degree of problems of dog faeces in each park within the City of Marion, with a view to increase the installation and ongoing maintenance of dog waste bag dispensers.
- The City of Marion will educate and promote the legal requirement to pick up one's own dog's faeces in public. This will include an information leaflet to be inserted in annual dog registration renewal notices.

**Strategy 3: The City Of Marion will endeavor to reduce the number of barking dogs.**

Barking dogs are a nuisance to the community. Reducing the number of barking dogs will assist in the management of this nuisance.

**Actions:**

The City of Marion will:

- Review Dog Barking Procedures and investigate methods to monitor barking nuisance.
- Investigate options that allow neighbours to attempt to resolve this issue before Council is involved.
- Promote training of dogs.
- Educate dog owners that some of the major reasons for a dog barking are boredom and lack of exercise.
- Educate dogs owners regarding appropriate toys for dogs, especially dogs that are left on their own for extended periods of time.

**Strategy 4: The City Of Marion will endeavor to reduce the number of dogs wandering at large.**

Reducing the number of dogs wandering at large will increase public safety, reduce nuisance and contribute to the welfare of dogs.

**Actions:**

The City of Marion will:

- Educate dog owners to securely confine their dogs, including ensuring that fencing is secure.
- Educate dog owners of the chance of dogs escaping and wandering at large during storms and fireworks.
- Ensure Council's dog registration database is up to date.
- Ensure Animal Management Officers have ready access to dog registration details to enable the return of a dog to its owner.

**Strategy 5: The City of Marion will promote the training and socialisation of dogs.**

Training and socialisation of dogs are in the best interest of dogs, dog owners and the wider community.

**Actions:**

The City of Marion will:

- Promote training and socialisation of dogs to dog owners through an information leaflet included with annual dog registration renewal notices; and distributed through dog obedience clubs, veterinary surgeries and community groups.
- Liaise with and work in partnership with local dog obedience clubs and community groups, to promote the benefits of training and socialisation of dogs.
- Continue to offer a concession for dogs that are trained.

## 6.4 Cats

**6.4.1 Objective 1:** *To encourage and promote responsible cat ownership within the City of Marion community.*

**Strategy 1:** **The City of Marion will develop and implement an education program regarding responsible cat ownership.**

### Preamble

There are three factors which contribute to the successful ownership of cats. They are:

#### 1. *The Owner:*

The owner or potential owner of any cat, needs to be aware of the responsibilities of pet ownership.

The owner needs to be aware of the cat's behaviour at all times, including when the owner is away from the home, such as at work. The owner is also responsible to ensure that the cat has adequate food, water and shelter and that the cat is regularly exercised. It is highly advisable to have the cat immunised and de-sexed. Cats should be confined at night, to prevent them from being attacked by other cats, and to ensure that the cat does not damage native flora and fauna. The owner of a cat needs to be mindful to that the keeping of their cat does not adversely affect neighbours, eg by noise or odour.

#### 2. *The Breed of cat :*

The breed of a cat can determine the temperament of the cat and its susceptibility to genetic defects.

#### 3. *The Home Environment:*

All cats require adequate shelter, food and water. Cats should be confined to the yard, so not to wander and cause nuisance in neighbour's yards and the wider environment.

Successful cat ownership has both financial and time commitments and it is therefore important that people contemplating owning a cat, endeavour to match their choice of pet for their particular home and family circumstances.

### **Actions:**

The City of Marion will:

- Develop an education program, including the development of an information kit, to encourage responsible cat ownership.
- Educate and encourage people to consider the factors affecting the suitability of successful cat ownership in their particular circumstances. This will include:
  - promoting Petcare Information and Advisory Service [www.petnet.com.au](http://www.petnet.com.au)
  - promoting The Dog and Cat Management Board of SA [www.dogsncats.asn.au](http://www.dogsncats.asn.au)

**Strategy 2: The City of Marion will embrace the benefits of cat ownership.**

There is considerable evidence to show the benefits of owning a cat, including positively enhancing a person's health and wellbeing.

**Actions:**

The City of Marion will:

- Acknowledge and promote the importance, value and benefits of cat ownership.
- Recognise and promote the large percentage of responsible cat owners.

**6.4.2 Objective 2: Ensure public safety, health and amenity in relation to cats**

**Strategy 1: The City Of Marion will proactively manage cats in the community to reduce the negative environmental and social effects of cats.**

Preamble

The City of Marion will legislate to limit the number of cats per household, by the creation of a By-Law. This will provide Council officers with the ability, when acting on complaints regarding large numbers of cats, to put in place measures to manage the situation and work with the resident to reduce the number of cats to the required limit.

Desexing, microchipping and registration will not be made compulsory at this stage. An educative approach will be taken regarding desexing and microchipping of cats, with the benefits of both promoted to cat owners.

Compulsory desexing, microchipping and registration of cats may be considered in subsequent Animal Management Plans.

Identification of Cats:

Part 3, Section 9 of the Dog and Cat Management Regulations, 1995 (SA) lists when a cat will be taken to be identified.

For the purposes of the Act, a cat will be taken to be identified if—

- (a) the cat has a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner or other person entitled to possession of the cat; or
- (b) the cat has a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat and has the letter M tattooed on the inside of either of its ears.

**Actions:**

The City of Marion will:

- Create a By-Law to limit the number of cats to 2 per household. The By-Law will be created through the proper legal process, including public consultation.
- Educate the community to increase the awareness of the impacts of cat ownership on the community.

- During 2007 and 2008, develop and implement an education program to promote desexing and identification of cats.
- Educate the community about cat behaviour.
- Promote desexing of cats through vets and opportunities such as C.A.T.S Inc. (Cats Assistance to Sterilise) or alternative organisations.
- Promote and encourage cat owners to keep their cats inside at night and to keep their cats confined to their property during the day.
- Encourage the selection of the right cat to suit the lifestyle and circumstances of the individual or family.
- Encourage cat owners to undertake routine preventative measures such as vaccination and parasite control of their pet.
- Promote and encourage desexing and microchipping of cats.

## **7 Other animals and birds**

After feedback from the community and key stakeholders, the City of Marion will continue to deal with other animals and birds by other pieces of relevant South Australian legislation, during the life of this Animal Management Plan.

Under the Dog and Cat Management Act, the City of Marion is required to develop and implement subsequent Animal Management Plans each covering five year periods, after this initial Plan. In the next subsequent Animal Management Plan, it is anticipated to further review the appropriateness of dealing with other animals and birds by state legislation, or whether in the future there is a need to create a By-Law for the management of other animals and birds.

### **7.1 Domestic birds**

The City of Marion will continue to deal with this under Section 254 of the Local Government Act.

### **7.2 Other Domestic Animals, eg Rabbits, Guinea Pigs**

The City of Marion will continue to deal with this under Section 254 of the Local Government Act.

### **7.3 Bees**

The City of Marion will continue to deal with this under Section 254 of the Local Government Act. If bees are kept in close proximity to another property, then an Order under Section 254 of the Local Government Act can be placed on the owner of the bees, to either remove the bees or to modify how or where the bees are kept.

### **7.4 Stock**

The City of Marion will continue to deal with this under the Impounding Act, 1920. Section 14 of the Act gives the City of Marion's General Inspectors the power to impound wandering "cattle". A range of animals is included in the definition of "Cattle". This includes:

- |         |          |            |         |
|---------|----------|------------|---------|
| • ox    | • ewe    | • gelding  | • ass   |
| • cow   | • sheep  | • stallion | • camel |
| • steer | • wether | • colt     | • deer  |

- heifer
- bull
- calf
- lamb
- ram
- mare
- filly
- foal
- mule
- goat
- pig

Wandering cattle is not a major issue of the City of Marion, but can occur, mainly in the southern area of the City of Marion, where there are farms and hobby farms.

## **7.5 Horses**

The issue of horses on roads and footpaths is dealt with by SAPOL (South Australia Police) under the South Australian Road Traffic Act.

The City of Marion’s Environmental Health Officers have developed a “Horsekeeping Code of Practice” in cooperation with the South Australian Jockey Club, the South Australian Trainers Association and local stable owners and horse trainers.

The City of Marion’s Environmental Health Officers regularly inspect the stables at the Morphettville Racecourse and in Morphettville, to ensure activities are in keeping with the Horsekeeping Code of Practice. Where there are complaints of horse manure in public, the Environmental Health Officers deal with this under the Horsekeeping Code of Practice and/or the Public and Environmental Health Act.

## **7.6 Native birds and native animals**

All native mammals, birds and reptiles are protected throughout South Australia under the National Parks and Wildlife Act, 1972 (excluding unprotected species listed in Schedule 10 of that Act), which is administered by National Parks and Wildlife SA. Landholders can obtain a permit to destroy protected native animals that are causing environmental or economic damage to property or land or where there is a risk to public safety. There is an assessment process regarding issuing permits and applications for a destruction permit are only considered after all alternatives have been explored.

A permit is also required to destroy unprotected native birds and animals, where the destruction involves trapping and gassing. A permit is not required if destruction involves shooting. Shooting, however, is not permitted in a metropolitan area such as the City of Marion.

A permit must be obtained prior to trapping possums. A permit is required to place a possum trap in a roof space to capture and remove a possum and the trapped possum must be released within 24 hours of capture. A permit to trap and destroy possums may only be granted if the applicant has tried all other means of resolving the conflict situation. Pest controllers providing a possum removal service require a permit to trap and release possums. This permit grants approval for a pest controller to trap and release possums on behalf of a resident.

## **7.7 Foxes**

There is no clear legal approach for the destruction of foxes within the metropolitan area. The City of Marion will work with government and private stakeholders, to explore if there are appropriate methods of dealing with foxes.

## **8 Implementation of the Animal Management Plan**

This Animal Management Plan will be implemented for a five-year period, from 2006 – 2011.

At the completion of the five-year period, the effectiveness and relevance of the content of this Animal Management Plan will be reviewed.

Further Animal Management Plans each covering a five year period will be developed, in accordance with Section 26A of the Dog and Cat Management Act.

During the life of this Animal Management Plan, a framework will be developed for future Animal Management Plans.

## **9 The Law**

State legislation and Council By-Laws affect this Animal Management Plan. The key piece of legislation is the Dog and Cat Management Act 1995 (as amended).

### ***The Dog and Cat Management Act 1995 (as amended).***

The City of Marion has responsibilities for dog and cat management within the boundaries of the City of Marion, under the Dog and Cat Management Act 1995 (as amended). This includes administering and enforcing the provisions of the Act relating to dogs. Prescribed responsibilities include:

- the appointment of a Registrar of Dogs
- maintenance of a Dog Register
- the appointment of a dog management officer
- making arrangements for dogs that are seized

### **9.1 Objectives of the Act**

Section 3 of the Dog and Cat Management Act 1995 (as amended) states the objectives of the Act. These are :

- (a) to encourage responsible dog and cat ownership;
- (b) to reduce public and environmental nuisance caused by dogs and cats;
- (c) to promote the effective management of dogs and cats (including through encouragement of desexing dogs and cats)

### **9.2 Council responsibility for the management of dogs.**

Section 26 of the Dog and Cat Management Act sets out the responsibilities of councils within South Australia. These are:

- (1) Each Council is required to administer and enforce the provisions of this Act relating to dogs within its area and for that purpose must:
  - (a) maintain a register of dogs containing the information required by the Board (which may be kept in the form of a computer record) that is to be readily available for public inspection; and
  - (b) ensure that the Board is provided with information contained in the register as required by the Board from time to time; and
  - (c) appoint a suitable person to be Registrar; and
  - (d) make satisfactory arrangements for issuing and replacing certificates of registration and registration discs; and
  - (e) appoint at least one full time animal management officer or make other arrangements for the exercise of the function and powers of animal management officers; and
  - (f) make satisfactory arrangements for the detention of dogs seized under this Act; and

- (g) make satisfactory arrangements for fulfilling other obligations under this Act.
- 
- (2) The arrangements made by a Council under this section must be satisfactory to the Board.
  - (3) Money received by a Council under this Act must be expended in the administration and enforcement of the provisions of this Act relating to dogs.
  - (4) Each council must keep separate accounts of money received under this Act and of money expended in the administration and enforcement of the provisions of this Act relating to dogs.
  - (5) A Council must pay into the Fund the percentage fixed by regulation of the dog registration fees received by the Council.
  - (6) Councils may charge –
    - (a) fees for the provision of extracts from registers kept under this Act; and
    - (b) fees (which may be differential) approved by the Minister –
      - (i) for the registration of dogs or businesses under Part 5; and
      - (ii) for late payment of registration fees; and
      - (iii) for meeting any other requirement imposed on councils under this Act.
  - (7) Without limiting the matters that may be taken into account when setting fees to be approved by the Minister, council's must provide for a percentage rebate of the fee that would otherwise be charged for the registration of a dog in the following cases:
    - (a) if the dog is desexed;
    - (b) if,
      - (i) the dog has been implanted with a microchip for the purposes of identification; and
      - (ii) the information contained in the microchip is up-to-date;
    - (c) if the dog has passed a specified training program accredited by the Board, (and, if more than one rebate applies in respect of a particular dog, the rebates are to be aggregated and deducted from the registration fee that would otherwise be charged)

### **9.3 Prescribed breeds**

There are a number of “Prescribed Breeds” of dogs. It is not unlawful to own a Prescribed Breed of dog, but special conditions apply to keep a dog if it is a dog is a Prescribed Breed. These include:

- The dog must be effectively confined to premises of which that person is the occupier, the dog
- The dog must have a muzzle securely fixed on its mouth so as to prevent it from biting any person or animal
- The dog must be under the effective control of a person by means of physical restraint.
- The dog must be desexed.
- A person who owns a Prescribed Breed of dogs must not sell, give away, or advertise for sale or to give away, a dog of a prescribed breed.

The current Prescribed Breeds at the time of printing are:

- American Pit Bull Terriers
- Fila Brasileiro
- Japanese Tosa
- Dog Argentina
- Presa Canario

New breeds of dogs may be added to this list by the Dog and Cat Management Board.

### **9.4 Greyhounds**

Greyhounds must remain muzzled and controlled on a leash when being exercised in a public place. The Dog and Cat Management Board have determined that all “GAP” (Greyhound Adoption Program) accredited and trained dogs, are exempt from wearing muzzles and are required to wear a “GAP” collar only. The collar is a black material collar with the wording “GAP” in the weaving.

### **9.5 Exemptions**

The above does not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person’s normal duties, or to a contractor while performing work for the council and while acting under the supervision of a council officer, or to the driver of an emergency worker when driving an emergency vehicle as defined in the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations and the Australian Road Rules 1999.

### **9.6 Plans of management relating to dogs and cats**

Section 26 of the Dog and Cat Management Act states:

- (1) Each council must, in accordance with this section, prepare a plan relating to the management of dogs and cats within its area.

- (2) A plan of management must include provisions for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint, and may include provisions for parks where dogs are prohibited.
- (3) a plan of management must be prepared and presented to the Board members as follows:
  - (a) the first plan must cover a 5 year period and be prepared and presented within 3 years after the commencement of this section;
  - (b) subsequent plans must cover subsequent 5 year periods and each plan must be prepared and presented at least 6 months before it is to take effect.
- (4) A plan of management must be approved by the Board before it takes effect.
- (5) A council may, with the approval of the Board, amend a plan of management at any time during the course of the 5 year period covered by the plan.

## **9.7 Key aspects of the Dog And Cat Management Act**

### **9.7.1 General offences**

Pursuant to a number of sections of the Dog And Cat Management Act, dogs are not allowed to:

- Wander at large.
- Attack or harass persons or owned animals, whether or not actual injury is caused.
- Cause injury to a person lawfully entering premises.
- Enter the grounds of a school, kindergarten, child care or preschool centre, except with the permission of the person in charge.
- Enter any shop unless it is a pet shop, grooming parlour or premises associated with a registered veterinary surgery (unless the dog is a Guide Dog).
- Rush at or chase vehicles in public places.
- Enter places where food or drink is prepared or sold.
- Cause nuisance, in particular barking nuisance.

The person who owns or is responsible for the dog in question, is responsible for the above.

## **9.8 Seizure of dog**

Council's Animal Management Officers have powers to seize and detain dogs under the following circumstances:

- Wandering at large in private or public places.
- To prevent a dog attacking, harassing or chasing a person or an owned animal or bird.
- To carry out an Order.
- Where urgent action is required.

Council's Animal Management Officers have the power to subdue a dog by any means necessary, which cannot be seized or detained because of its savagery or other sufficient cause.

### **9.9 Orders**

Councils may issue Destruction and Control Orders in certain circumstances whether on the Council's own initiative or on complaint.

### **9.10 Legal age to register a dog.**

A person must be 16 years of age to lawfully register a dog.

### **9.11 Dogs must be registered and identified**

Every dog three months of age or older must be registered and wear a collar with a registration disc attached.

Registration expires on 30 June each year and must be renewed by 31 August in the same year.

### **9.12 Concessions for dog registration**

There are a range of concessions to the full dog registration fee.

### **9.13 Guide Dogs and Hearing Dogs**

Any application received for guide dog and hearing dog status will require proof to Council in the first instance. In the event that Council is not satisfied with such proof the dog owner is to be referred to the Dog and Cat Management Board for assessment and accreditation eligibility.

### **9.14 Disability dogs**

A dog will be eligible for free dog registration as a disability dog subject to meeting conditions set down by the Board and receiving appropriate accreditation prior to endorsement by Council's Registrar of Dogs.

### **9.15 Dogs on leads**

All dogs must be on leads (no longer than 2 metres in length) in streets, roads and all public places (except parks unless otherwise specified by Council). In a park, a dog must be "under effective control".

### **9.16 Effective Control**

Under the Dog and Cat Management Act, a dog must be on a leash in a public place, except for a park. In a park, the dog must be under the "effective control" of the handler, either by means of a physical restraint (e.g. leash of not more than 2 metres in length) or within sight/command/distance of the handler.

### **9.17 Report of dog attacks by Medical Practitioners**

The Dog And Cat Management Act requires the mandatory reporting of certain dog attacks by Medical Practitioners to the Dog And Cat Management Board.

### **9.18 Dogs on utes and tray top vehicles**

Dogs traveling in the back of utilities, trucks or similar vehicles, are required to be harnessed so that no part of the dog cannot extend itself beyond the tray of the vehicle. "Working dogs" are exempt from this, under certain conditions.

### **9.19 By-Laws**

By virtue of the Dog and Cat Management Act, the City of Marion is able to make By-Laws relating to the management of dogs within the council area.

The City of Marion has "By-Law No. 4" regarding dogs.

Section 90 (1) of the existing Act reads as follows:-

- (1) A district or municipal council may make by-laws for the control or management of dogs or cats within its area.

The key Council By-Law is the City of Marion "By-Law No. 4" , but the City of Marion's By-Law No. 3 re Government Land and By-Law No. 5 re Streets and Roads, are also relevant

By-Law No. 3 – Local Government Land

Section 2 (22) of By-Law No. 3 deals with "Animals on Council Land".

Under Section 2 (22) A person must not do any of the following on any Local Government land, without permission of council:

- (a) ride, lead or drive any horse, cattle or sheep, except on any street, road or car park or where the Council has set aside a track or other area for the use by or in connection with an animal of that kind;
- (b) allow or suffer any animal under his or her control to swim or bathe in the sea or any open public water to the inconvenience, annoyance or danger of any other person bathing or swimming;
- (c) ride, drive, or exercise any horse in such a manner as to endanger the safety of any person thereon;
- (d) being the person responsible for an animal, fail to ensure that the animal causes no damage to any Council property;

The above does not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the council and while acting under the supervision of a council officer, or to the driver of an emergency worker when driving an emergency vehicle as defined in the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations and the Australian Road Rules 1999.

#### **9.19.1 By-Law No. 4 - Dogs.**

*For the limiting the number of dogs that can be kept on premises, and to provide for control of dogs on local government land.*

#### *Definitions*

1. In this by-law -

- (1) 'Council land' means all parklands, reserves, ornamental grounds, streets, roads, public places and other land vested in or under the control of the

Council;

(2) 'small dwelling' means the premises of a self-contained dwelling either -  
(a) commonly known as a flat, service flat, home unit or the like; or  
(b) which is contained in a separate strata title.

(3) 'children's playground' means any enclosed area on recreation areas in which there is equipment or other installed devices for the purpose of children's play ( or within 3 metres of such devices if there is no enclosed area);

#### *Dogs*

2 No person shall allow any dog other than a guide dog, to be in any children's playground.

#### *Dog free areas*

3 No person shall in a place to which this paragraph applies cause suffer or permit any dog under that person's control charge or authority to be or remain in that place;

#### *Dog on leash areas*

4 No person shall in a place to which this paragraph applies cause suffer or permit any dog under that person's control charge or authority to be or remain in that place unless such dog is restrained by a strong leash not exceeding two metres in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons;

#### *Dog exercise areas*

5. (1) Any person may enter upon any part of Council Land to which this paragraph applies for the purpose of exercising a dog under his or her control.  
(2) Where a person enters upon such part of Council Land for that purpose, he or she shall ensure that the dog or dogs under his or her control remain under effective control (within the meaning of the Dog and Cat Management Act 1995) while on that land.  
(3) Signs shall be erected to denote land to which this paragraph applies, and information shall be provided to the public in a manner determined by the Council's Chief Executive Officer to inform the public about such Land.

#### *Limit on dog numbers*

6. (1) The limit on the number of dogs kept -  
(a) in a small dwelling shall be one dog;  
(b) on premises other than a small dwelling shall be two dogs.  
(2) No person shall without permission keep any dog on any premises where the number of dogs being kept on those premises exceeds the limit.

### *Application*

7. Any of paragraphs 3, 4 and 5 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246 of the Local Government Act 1999.

### **9.19.2 By-Law No. 5 – Streets And Roads**

Section 4 of By-Law No. 5 deals with “Animals on streets and roads.

Under Section 4, a person must not do any of the following on any street or road, without permission of council:

- (4) (a) ride, lead or drive any horse, cattle or sheep, except on any street, road or car park or where the Council has set aside a track or other area for the use by or in connection with an animal of that kind;
- (b) ride, drive, or exercise any horse in such a manner as to endanger the safety of any person thereon.

### *Exemptions*

The above does not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person’s normal duties, or to a contractor while performing work for the council and while acting under the supervision of a council officer, or to the driver of an emergency worker when driving an emergency vehicle as defined in the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations and the Australian Road Rules 1999.