

**2012-2016**

**DRAFT**  
**DOMESTIC ANIMAL**  
**MANAGEMENT PLAN**

## DOMESTIC ANIMAL MANAGEMENT PLANS

Under **Section 68A of the Domestic Animals Act**, every Council must prepare a domestic animal management plan, as follows:

- (1) Every Council must, in consultation with the Secretary (*of the Department of Primary Industries*), prepare at 4 year intervals a domestic animal management plan.
- (2) A domestic animal management plan prepared by a Council must—
  - (a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
  - (b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
  - (c) outline programs, services and strategies which the Council intends to pursue in its municipal district—
    - (i) to promote and encourage the responsible ownership of dogs and cats; and
    - (ii) to ensure that people comply with this Act, the regulations and any related legislation; and
    - (iii) to minimise the risk of attacks by dogs on people and animals; and
    - (iv) to address any over-population and high euthanasia rates for dogs and cats; and
    - (v) to encourage the registration and identification of dogs and cats; and
    - (vi) to minimise the potential for dogs and cats to create a nuisance; and
    - (vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
  - (d) provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
  - (e) provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
  - (f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.
- (3) Every Council must—
  - (a) review its domestic animal management plan annually and, if appropriate, amend the plan; and
  - (b) provide the Secretary with a copy of the plan and any amendments to the plan; and
  - (c) publish an evaluation of its implementation of the plan in its annual report.

# INTRODUCTION

## PURPOSE OF THIS DOMESTIC ANIMAL MANAGEMENT PLAN

Councils in Victoria are now required by the Domestic Animals Act 1994 to prepare and implement a Domestic Animal Management Plan (The Plan) every 4 year interval with the objective to outline Council's plans for animal management.

The purposes of this Plan are to:

- Document current processes and practices under the City of Ballarat's animal management responsibilities
- Increase compliance with the Domestic Animals Act 1994
- Increase pet owners' knowledge of the principles of responsible pet ownership and enhancing community safety and awareness
- Assist the Bureau of Animal Welfare to achieve its stated objectives of reducing the numbers of dogs and cats being euthanased
- Maximise the numbers of dogs and cats that are registered in the Ballarat municipality
- Minimise the harmful effect of domestic pets on the population of native birds, mammals and reptiles
- Take into account community views on animal management matters
- Comply with the relevant provisions of the Domestic Animals Act 1994

## **CITY OF BALLARAT – DEMOGRAPHIC AND COUNCIL PROFILE**

The City of Ballarat has an area of 740 square kilometres with a population of almost 100,000 people.

The city is strategically located in the Central Highlands Region of Victoria and surrounded by the Shires of Hepburn, Golden Plains and Moorabool. Ballarat is approximately 110km north-west of Melbourne. Travel time between Ballarat and Melbourne is around 75minutes and less to Tullamarine International Airport.

Ballarat is in a key strategic position at the centre of some of Victoria's most important freight, tourist and commuter transport routes. The four main highways radiating from Ballarat - the Western, the Midland, the Glenelg and the Sunraysia - connect it to Industrial centres such as Melbourne, Adelaide, Geelong and Portland; regional locations like Bendigo and Mildura; and agricultural areas in the Mallee and Wimmera.

Ballarat has traditionally been a city that prospered on mineral and agricultural based resources, however this has changed. Manufacturing, tourism, health and community services, education and retailing are now the key industries in the city. These industries, along with the banking and finance sector and government services are strengthening Ballarat's role as a regional service provider.

The city displays a rich variety of topology and natural environment which comprises rolling hills, granite outcrops, heavily forested areas and numerous bodies of water. The urban settlement patterns offer a diversity of living environments, including small villages and country towns, as well as the main cityscape of central Ballarat, which includes heritage architecture of national significance and international interest.

## DOMESTIC ANIMAL STATISTICS AND DATA

	City of Ballarat		Other large provincial councils (average)
	2008/09	2011/12	(data provided by Bureau of Animal Welfare 2001/02)
Population	88,437	97,810	Not available
Area	740 km <sup>2</sup>	740 km <sup>2</sup>	Not available
No. of households	36,500	34,852	Not available
No. of EFT Authorised Officers (Animal Control)	2.5 (0.07 per 1,000 households)	5 (0.137 per 1,000 households)	0.17 per 1,000 households
No. of Registered Dogs	14,615 (at March 2009) (409 per 1,000 households)	14,995 (at March 2012) (430 per 1,000 households)	410 per 1,000 households
Estimated Dog (owned) Population**	21,024	19,919	Not available
% dogs registered (est.)	69%	75%	Not available
% of registered dogs that are desexed	>72%	>72%	Not available
No. of Registered Cats	6,210 ( March 2009) (179 cats per 1,000 households)	5,674 ( March 2012) (163 cats per 1,000 households)	(160 per 1,000 households)
Estimated Cat (owned) Population**	13,950	13,320	Not available
% of cats registered (est.)	46%	42%	Not available
% of registered cats that are desexed	>96%	>98%	Not available
No. of Registered Restricted Animal Breed Dogs	7	1	Not available
No. of registered guard dogs	15	16	Not available
No. of Registered Declared Dangerous Dogs	1	1	Not available
No. of Registered Declared Menacing Dogs	1	2	Not available
No. of impoundments (dogs), including dogs surrendered by public	1,779 (2006/07) (49 per 1,000 households)	1,783 (2011) (51 per 1,000 households)	Not available
No. of dogs returned to owner	994 (56%)	1292 (72%)	38%
No. of dogs rehoused	597 (33%)	314(18%)	19%
No. of dogs euthanased	188 (11%)	177(10%)	43%
No. of impoundments (cats) including cats surrendered by public	1,468 (40 per 1,000 households)	1,009 (29 per 1,000 households)	Not available
No. of cats returned to owner	74 (5%)	100 (10%)	7%
No. of cats rehoused	356 (24%)	283 (28%)	21%
No. of cats euthanased	1,038 (71%)	626 (62%)	72%
No. of registered Domestic Animal Businesses			Not available
• Breeding & rearing	2	2	
• Pet shops	3	3	
• Shelters & pounds	1	1	
• Boarding establishments	6	6	

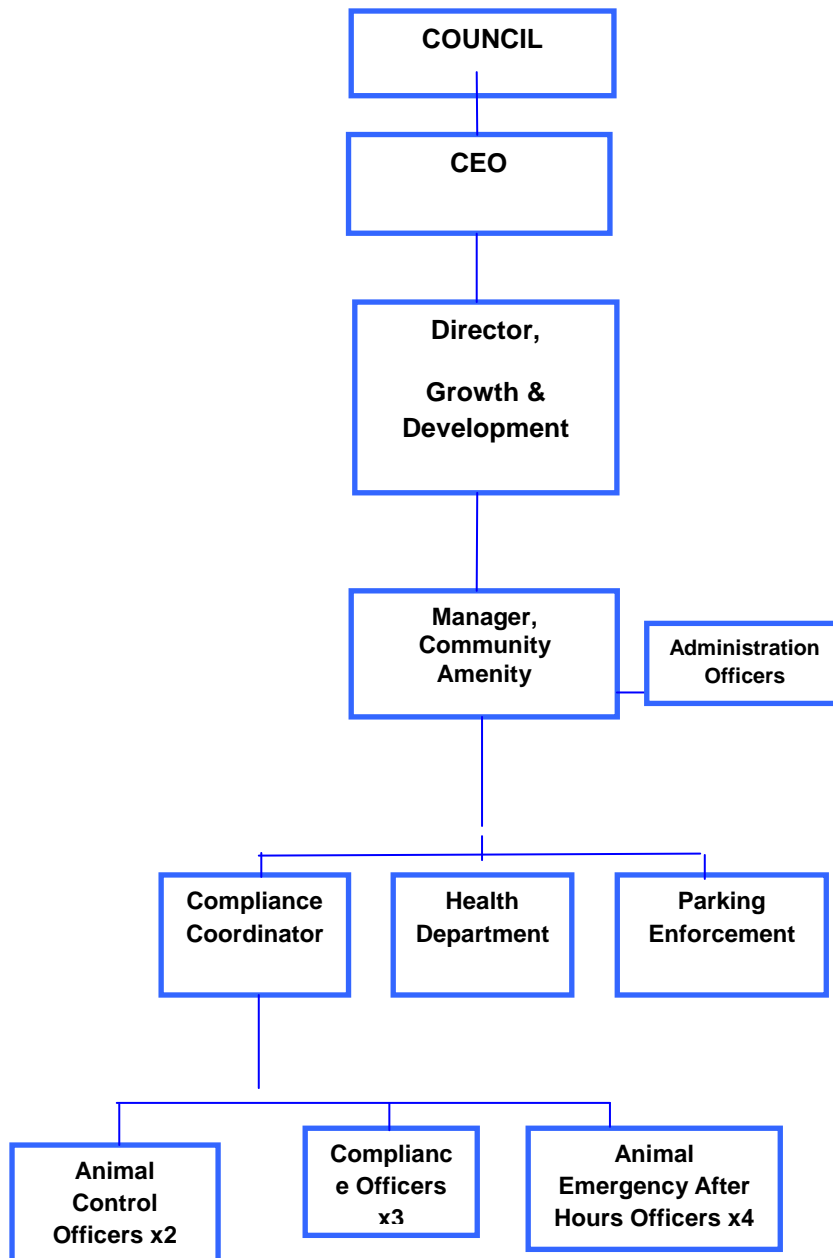
\*\* BIS Shrapnel estimated in 1998 that:

- 40% of households owned one or more dogs at a rate of 1.44 dogs/household; and
- 26% of households owned one or more cats at a rate of 1.47 cats/household.

Therefore, the calculation for the calculation for the Ballarat municipality with 34,852 residential dwellings is:

- Estimated Dog Population:  $(40/100 \times 34,852) \times 1.44 \text{ dogs} = 19,919$
- Estimated Cat Population:  $(26/100 \times 34,852) \times 1.47 \text{ cats} = 13,320$

## CITY OF BALLARAT – ANIMAL MANAGEMENT STAFFING AND OPERATIONAL STRUCTURE



### DEPARTMENT OVERVIEW

The City of Ballarat's Compliance team consists of 2 full-time Animal Control Officers (ACO) who have 32 years combined experience, 3 full-time Compliance Officers (CO) and 4 casual Animal Emergency After Hours Officers, all of which are supervised by the Compliance Coordinator.

Over the last few years the team has seen a number of new positions, namely the Compliance Officer role that oversees both Local Laws and Animal Management duties and the Animal Emergency After Hours Officers who work on a rotational basis to cover Council's animal after hours service.

### Services provided to the community relating to animal management

The Compliance department is responsible for the animal management function, which Council provides. Such functions include:

- Impounding of animals
- Managing of complaints relating to pets
- Promoting responsible pet ownership
- Investigating dog attacks
- Ensuring compliance to legislation and code of practice's relevant to pets and livestock
- Animal registration process
- Investigating animal welfare issues
- Management of domestic animal businesses
- Providing advice to pet owners and the community
- After hours animal emergencies

### **City of Ballarat Local Laws and Orders relating to animal management**

Council has in place a variety of local laws or orders that regulate pet owners, which are as follows:

#### **Local Law Number 15, Clause 2.2: Keeping of Animals.**

This Local Law restricts both the number and type of animals that a resident can keep on a property, which varies depending on the property zoning (Residential, Rural Residential, Farming). It also regulates nuisances from animals other than dogs and cats, as the Domestic Animals Act 1994 regulates dog and cat related nuisances.

In order to obtain a permit from Council to keep more than prescribed amount of animals or a prohibited animal, the relevant Council application form requires written consent from neighbouring properties, approval from the authorised Officer and payment of the fixed fee set.

Pursuant to section 26 of the Domestic Animals Act 1994, City of Ballarat introduced the following orders in relation to management of cats and dogs in the municipality:

#### **Cat curfew**

Cat owners must ensure that their pets do not leave their premises at any time between sunset and sunrise so as not to cause a nuisance.

#### **Dogs in public places**

Dog owners must ensure their pets are leashed in specific public places such as walking or shared paths, shopping strips or mall, a number of signed reserves and within 50 metres of any children's playground, cooking equipment and tables and chairs in a reserve, parade or procession or organised gathering.

## TRAINING OF AUTHORISED OFFICERS

### CURRENT AND PLANNED TRAINING

A variety of training is offered and provided for all authorised Officers, training options are annually reviewed to ensure relevant and up to date material is provided. The training options include animal handling courses, investigation and statement taking courses, prosecution courses, information technology courses and industry related seminars, conferences and briefings from the Department of Primary Industries, AIAM, MAV and other relevant Associations.

### OUR PLANS

**Objective 1: Develop and maintain a training register for individual officers detailing completed and proposed training to maintain skills and knowledge.**

Activity	When	Evaluation
Create a database to record each officer's name, completed training, along with proposed additional training opportunities	By April 2013	Annually review, to ensure accuracy and to determine whether proposed training goals have been met for each officer
Staff attendance at industry related seminars and training, such as: <ul style="list-style-type: none"> <li>• Breed Identification</li> <li>• Annual AIAM Conference</li> <li>• DPI/BAW Seminars</li> </ul>	As offered	Annual review attendance with training register

**Objective 2: Develop existing authorised officers from the After Hours Animal Emergency staff and other departments within Council to multi-skill Officers to ensure adequate backfilling or additional staffing is possible when necessary.**

Activity	When	Evaluation
Identify minimum level of experience and training required to build skill set	By April 2013	Review and ensure all criteria are met prior commencement of Officer out in the field.
Allocate a "buddy" to the Officer being developed and to ensure accurate information and training is being provided whilst on the job	Ongoing	Review feedback from both Officers regularly to ensure effective development.
Allocate a variety of tasks for the Officer to have completed during the development period	Ongoing	Review each completion of task to ensure Officer is developing adequate skill sets required.



## **REGISTRATION AND IDENTIFICATION**

All dogs and cats over the age of 3 months must be registered with the City of Ballarat as per state legislation; newly registered animals must also be micro-chipped before registration can be accepted.

New animal registrations for cats and dogs can be made in person at The Phoenix, 25 Armstrong St South Ballarat Central between 8.15am – 5pm Monday – Friday or by mail with the appropriate payment and copies of relevant proof required to: City of Ballarat PO BOX 655 Ballarat VIC 3353.

Registration forms can be downloaded online from Council's website [www.ballarat.vic.gov.au](http://www.ballarat.vic.gov.au) or collected from The Phoenix.

If your animal has been impounded at the RSPCA Ballarat Shelter and is not registered with Council, the registration process can be completed at the shelter prior release of the animal.

Animals that are not registered and micro-chipped must be micro-chipped at the RSPCA prior registration and release of the animal.

Under the Domestic Animals Act 1994, animal registration periods expire on April 10 each year. Animal renewal notices are sent out every year in March, allowing pet owners to renew their pets registration via the internet or in person. Council audits the registration renewal process every year to ensure animal registration is renewed.

Animals found unsecured or 'at large' from their property and are identifiable by means of an allocated City of Ballarat identification marker have a higher chance of being reunited with their owners and therefore not impounded. When dogs and cats are outside of the owner's premises, Council identification tags must be worn as outlined in section 20 of the Domestic Animals Act 1994.

The registration of animals provides the City of Ballarat with an understanding of the level of pet ownership in the community and in turn this helps Council plan for services, information and programs associated with pets in particular areas of the community.

Registration fees help fund the services provided by Council in relation to animal management and the Bureau of Animal Welfare's responsible pet ownership campaigns and programs provided within Ballarat.

### **Current Education Activities**

Current education/promotion of registration and identification activities include:

- Publicising the requirement to register pets over the age of three months in My Ballarat, The Courier and Council's on hold phone messages.
- Animal registration renewal notices are mailed out in March each year to currently registered animals with Council identification tags.
- Free initial registration for dogs/cats de-sexed and micro-chipped under the age 6months
- Free initial registration for dogs/cats purchased/adopted from applicable organisations

- Brochures included in animal renewal notices to provide information regarding the importance and requirements of registration

### **Current Compliance Activities**

Current compliance activities for registration and identification include:

- A door knock audit conducted each year for animal registrations that have lapsed.
- Prosecution of matters where animals are not registered.
- Requiring impounded and unregistered animals to be micro-chipped and registered prior release.
- Issuing notices and /or infringements for animals found unregistered.
- Prosecuting owners of unregistered animals where infringements remain unpaid and animals remain unregistered.
- Investigating Domestic Animal Business notifications of animals being sold or given away to residents in the municipality
- Monitoring advertisements relating to animals for sale to ensure microchip numbers are provided
- Proactive and reactive park and street patrols to follow up registration and ensure identification is being worn
- After hours animal service and patrols

### **Summary**

The number of unregistered animals that enter the City of Ballarat’s pound is still at a high rate, which suggests a large number of unregistered animals exist within the municipality as estimated.

Council is currently collecting data from the RSPCA to determine the percentage of unregistered animals impounded and from the suburbs their owner resided. Such data will allow Council to focus on education and compliance activities in suburbs where higher rates of unregistered animals are found, such as a suburb wide door knock audits and responsible pet ownership rewards.

### **OUR PLANS**

<b>Objective 1: To decrease and minimise the total number of properties required for the annual door knock audit.</b>
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Activity	When	Evaluation
Educate residents of the animal registration renewal period by means of advertising/media releases and mailing of renewal notices	March-May Yearly	Review media release types available each year to determine most effective advertising
Ensure each property is audited and issued infringements where animals found to be unregistered	July – August Yearly	Record total number of properties visited and infringements issued and compare to previous results.

Ensure animal registrations have been renewed and infringements paid. Lodge unpaid infringements with Infringements Court or Magistrates Court	Sept – Oct  Yearly	Record total number of infringements unpaid and animal registrations still unregistered and compare to previous results
Seize animals still found to be unregistered where matter found proven in Court or infringement paid	Month after date	Provide media releases to send the strong message for responsible pet ownership and compliance

**Objective 2: increase and maintain dog and cat registrations**

Activity	When	Evaluation
Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to every release.	Review annual registration numbers. Review number of dogs and cats being seized and impounded who are not registered to their owner.
Proactive door knocking in areas believed to have high number of unregistered animals via impound stats, to check for unregistered and un-identified dogs and cats. Effective advertising prior audit commencing.	Annually	Review annual increase in registration numbers. Review number of dogs and cats being seized and impounded who are not registered to their owner.  Records of number of unregistered and un-identified animals picked up during door knocks.
Offer responsible pet ownership rewards to pet owners found doing the right thing.	Yearly	Reward system to encourage registration
Host a Pet Expo/Micro-chipping Day	2013 & 2015	Facilities to register animals

**NUISANCE**

**CURRENT SITUATION**

	2009	2010	2011
No. of barking dog complaints received	Not recorded	N/A	156
No. of cat traps hired	171	164	182
No. of roaming dog complaints received	Not recorded	N/A	365

No. of excess animal complaints	10	14	28
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The Domestic Animals Act 1994, regulates the nuisances for both dogs and cats relating to noise, trespassing and wandering animals. The City of Ballarat has also introduced a number of Local Laws and Orders to help minimise and prevent nuisances which are outlined below.

#### **Cat Curfew:**

In April 2009, the City of Ballarat introduced an order under Section 26 of the Domestic Animals Act 1994 in relation to a cat curfew. Cat owners must ensure that their pets do not leave their premises at any time between sunset and sunrise for the safety of cats, the protection of wildlife and to eliminate related nuisance complaints such as noise and trespassing. See Appendix 3

Council offers a cat trapping program that is managed by the RSPCA Ballarat Shelter. Cat traps require a \$50 deposit fee, which is refundable if the trap is returned by the due date.

Cat trapping is the most effective method to reduce the number of stray and nuisance cats in your neighbourhood. Should you wish to enquire about the hire of cat traps, please call the RSPCA Ballarat Shelter on (03) 5334-2075 during business hours.

#### **Dogs in public places:**

On 1<sup>st</sup> of January 2000 City of Ballarat introduced an order requiring dogs to be leashed in the following areas (See Appendix 2):

- Any walking path or shared footpath
- Ballarat Botanical Gardens
- Within 50 metres of the high water mark of Lake Wendouree
- Gong Reserve in Buninyong
- Eureka Stockade Reserve
- Lake Esmond Reserve
- Any strip shopping centre or mall
- Within 50 metres of any children's playground equipment
- Within 50 metres of any cooking equipment or tables and chairs in a reserve
- Within 50 metres of any parade, procession or organised gathering
- Any public area where dogs are required by signs to be on a lead

#### **Local Laws relating to nuisance:**

City of Ballarat Local Law Number 15 Clause 2.2 limits the number of dogs and cats on a residential property to 2 (two) without a permit.

Owners seeking permission from Council to keep more than the prescribed amount requires neighbours consent and authorised Officer approval. Where a permit has been issued and a proven nuisance complaint founded, a permit can be revoked and owners made to remove the additional animal/s.

City of Ballarat Local Law Number 15 Clause 2.5 requires owners of dogs to carry litter devices at all times when outside of their premises to ensure that such animal litter be collected and disposed of accordingly (See appendix 1).

### **Council Policies for nuisance complaints:**

#### **Barking Dogs**

Council has a standard operating procedure for barking dog complaints to ensure all complaints received are handled in the same consistent matter by all authorised Officers. The procedure steps out the required processes involved to investigate the complaint, liaise with the dog owner and surrounding neighbours. Where nuisances are found to be proven pursuant to section 32 of the Domestic Animals Act 1994, Council can issue notices to the dog owner to abate the nuisance, issue infringements and/or have the matter heard in the Magistrate's Court to seek an order from the Court for the owner to abate the nuisance.

#### **Roaming Dogs**

In circumstance where repeat offenders (more than one offence) for roaming/trespassing cats/dogs are found and the issuing of infringements and relevant impound release fees have not encouraged the pet owner to adequately secure the cat or dog to its property. Council will pursue the matter in the Magistrates' Court and seek an order from the Court to require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.

### **Current Education/Promotion Activities relating to nuisance animals:**

- Providing barking dog information kits
- Providing information relating to building cat enclosures
- Information provided on Council's website
- Promoting the State Government's 'Who's for Cat's Campaign?'
- Providing information brochures from the DPI to the public
- Articles in MyBallarat, The Courier, Council Website
- Assisting Ballarat Dog Obedience Club by supporting its dog training program through the provision of educational materials and attending 'question and answer' sessions.
- Encouraging the de-sexing of cats and dogs to reduce wandering.
- Encouraging dog owners to seek advice from professional dog trainers and trial barking dog citronella collars.

### **Current Compliance Activities relating to nuisance animals**

- Investigating nuisance complaints and ensuring minimal timeframes
- Sending out barking dog formal complaint statements and barking dog logs
- Reporting outcomes of all prosecutions regarding each area of nuisance to local media to raise awareness in the community of the benefits of preventing dog and cat nuisance
- Issuing notices to comply, notices of objection, infringements where necessary
- Providing Cat Trapping program to residents
- Patrolling parks and streets to ensure dog owners are carrying litter devices to remove such animal litter

## Summary

In order to reduce animal nuisance problems in the community, Council will continue promoting and providing education and compliance activities while striving to improve the activities and identify/trial new initiatives.

Over the next four years Council will reassess the cat trapping program to ensure the program is promoted efficiently and provides assistance to residents, amend the order relating to dog's in public places and continue media releases relating to Council's stance on compliance with nuisance type complaints

## OUR PLANS

### **Objective 1: Revise and replace Council's Order relating to the control of dogs in public places pursuant to Section 26 of the Domestic Animals Act 1994.**

Activity	When	Evaluation
Revise the existing Council Order relating to dogs in public places for public comment and consultation  Review Council's Off leash areas.	2014	Asses public feedback and comments to revise Order
Resolve Council Order by gazetting and publicly advertising Council Order	2014	Documentation to be finalised and approved by Council prior implementation
Educate dog owners out in public and include brochures in animal registration renewal notices.  Erect signage in parks where appropriate	2014	Ensure appropriate level of education has been provided before enforcing new order
Implement and enforce Order to ensure compliance, roster Officer/s to patrol streets & parks	2015	Record data relating to notices/warnings issued V suburb to strategise education campaigns  Decreased number of animal litter and dog off lead complaints received

### **Objective 2: Decrease the timeframe of barking dog investigations from point of lodgement to resolution.**

Activity	When	Evaluation
Set key performance indicators for Officers to complete barking dog complaints within a 10 week timeframe.	2012	Review complaints annually to evaluate percentage completed within timeframe
Use barking dog standard operating procedure and revise annually	Ongoing	Review complaints to ensure sops were followed

Assess the benefits of purchasing citronella collars to hire out to dog owners where complaints received or possibility of subsidising costs for owners purchasing such items from petstore.	2014	Compare purchase price to maintenance V hire and deposit fees.  (Purchase costs – Maintenance costs ) + (Hire – Time) = Benefit  Compare benefit with subsidising costs with local pet supply shop
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## DOG ATTACKS

### Current data

Authorised Council Officers investigate dog attack reports thoroughly. Evidence pertaining to the incident is collated to formulate a brief. This includes taking statements from all parties involved, vet/medical reports, photographs and providing a summary with recommendations.

The brief is then reviewed by the Compliance Coordinator who makes further recommendations to the Community Amenity Manager and another panel member in order for Council to decide on an appropriate course of action.

Possible courses of action Council can choose include:

- Infringements (where non-serious injuries sustained)
- Menacing/Dangerous Dog Declaration
- Prosecution in Magistrates' Court
- Seek destruction/compensation orders by Magistrate
- Seek mediation between parties
- No action

Where injuries have occurred to a person or another animal by a dog that is of a serious injury (as defined by the Domestic Animals Act 1994), Council will strive to have the matter heard in the Magistrate's Court, where enough evidence is sufficient to form a prosecution.

Currently the Compliance Coordinator is prosecuting dog attack matters in the Magistrates' Court with successful results and outcomes. Media releases of such results are also used to educate the community and promote responsible pet ownership.

Animal registration fees include a subsidy to the State Government's Bureau of Animal Welfare, which help funds programs such as responsible pet ownership in schools, pre-schools, maternal health centres, hospitals and the 'We Are Family' programs.

### Current Education/Promotion Activities

- Reporting outcomes of all dog attack prosecutions to local media to raise awareness in the community of the need to report dog attacks and Council's action in relation to attacks to promote responsible pet ownership
- Media releases relating to livestock attacks
- Providing New residents with animal registration information
- Promoting the effective confinement and control of dogs

- Promoting the Bureau of Animal Welfare Responsible Pet Ownership (RPO) Schools Programs
- Meeting with Ballarat Dog Obedience Training Club
- Promoting puppy socialisation and obedience training

### **Current Compliance Activities**

- Investigating dog attacks thoroughly
- Seizing and holding attacking dogs pending investigation/prosecution outcome
- Providing an afterhours service to respond to reports of aggressive or attacking dogs
- Prosecuting matters pursuant to the Domestic Animals Act 1994
- Issuing infringements for wandering dogs
- Issuing infringements for minor attacks where non serious injury sustained
- Proactive declarations for Menacing or Dangerous Dogs
- Seeking destruction Orders from Magistrates' Court where necessary
- Seeking confinement Orders from Magistrates' Court for dogs continually found wandering or not confined to property
- Proactive patrols of parks and streets for wandering dogs
- Proactive patrols for guard dogs on non residential premises
- Recording data of reported dog attacks in the municipality
- Seizing impounded dogs in circumstances where owners properties are believed to be unsecure, ensure dog can be secured prior release of the dog back to the owner.

### **Summary**

City of Ballarat will continue administering the Domestic Animals Act 1994 and ensure compliance is met where any breach is detected. Council will also begin enforcing the amended Order relating to dogs being leashed in public places once a considerable period of education has been provided to the public.



## OUR PLANS

### Objective 1: Provide targeted education and compliance campaigns in areas where data reporting shows higher numbers of dog attack incidents.

Activity	When	Evaluation
Collate and record data for dog attacks reported including, date/time, suburb, animal type, dog attacked animal/person, dog unsecured/off lead, dog unregistered, sex, entire/de-sexed	Ongoing	Evaluate data annually to determine areas requiring specific education/compliance activities
Initiate Education/Compliance Activities in the targeted areas to aim to reduce future incidents and to report roaming dogs etc to prevent attacks occurring.	Annually	Evaluate this activity (and overall objective) by comparing number of dog attacks reported to council pre and post campaign.

### Objective 2: To minimise the incidence of dog attacks in the community

Activity	When	Evaluation
<p>Providing proactive Education/Compliance Activities in the targeted areas of higher dog attack incidents.</p> <p>Educating key dog attack prevention messages (eg confinement of dogs to property, leash laws) through media articles, mail outs, website information. Actively patrol areas for roaming, unsecure and/or unregistered dogs.</p>	Ongoing	<p>Compare number of reported dog attack incidents pre and post campaign.</p> <p>Consider a community survey pre and post campaign, to measure any changes in knowledge about dog attack prevention</p> <p>Record type and number of education materials distributed</p> <p>Numbers of campaign patrols conducted</p> <p>Number of media articles published</p>
Inform the community of outcomes of dog attacks prosecuted in Court	Ongoing	As occurs
Set key performance indicators for Officers to complete dog attack investigations within a 6 week timeframe.	2013	Review complaints annually to evaluate percentage completed within timeframe.

## DANGEROUS, MENACING AND RESTRICTED BREED DOGS

### CURRENT SITUATION

City of Ballarat has the following declared dogs currently registered within the municipality:

Registered restricted breed dogs	1
Registered declared dangerous guard dogs	16
Registered declared dangerous dogs	1
Registered declared menacing dogs	2

*The Domestic Animals Act 1994 defines restricted breed dogs as any one of the following breeds:*

- *Japanese Tosa*
- *Fila Brasileiro*
- *dogo Argentino*
- *Perro de Prasa Canario (or Presa Canario)*
- *American Pit Bull Terrier (or Pit Bull Terrier)*

City of Ballarat has one restricted breed dog registered, namely a Pit Bull Terrier.

Owners of restricted breed dogs are required abide by specific regulations, in particular; secure enclosures, warning signs on premises, having the dog muzzled in public and on lead at all times, as defined by the Domestic Animals Act 1994 and the Domestic Animals Regulations 2005

*Section 34A(a) of the Domestic Animals Act 1994 states:*

*A dog is a dangerous dog if—  
The dog is kept as a guard dog for the purpose of guarding non-residential premises*

The City of Ballarat currently has 16 declared guard dogs, which are therefore deemed dangerous under the Act. Owners of guard dogs must abide by specific regulations in particular; secure enclosures when not guarding, secure perimeter fencing when guarding, warning signs on premises, having the dog muzzled in public and on lead at all times, dog must wear the prescribed dangerous dog collar

*Section 34(1) of the Domestic Animals Act 1994 states:*

*A Council may declare a dog to be a dangerous dog—*

*If the dog has caused the death of or serious injury to a person or animal by biting or attacking that person or animal*

## **DANGEROUS, MENACING AND RESTRICTED BREED DOGS continued**

The City of Ballarat currently has one declared dangerous dog that was involved in an attack where it was previously located and declared dangerous by that municipality. Owners of declared dangerous dogs must abide by the same regulations as owners of guard dogs other than the perimeter fencing requirements.

*Section 41A (1) of the Domestic Animals Act 1994 states:*

*(1) A Council may declare a dog to be a menacing dog if—*

*(a) the dog has rushed at or chased a person; or*

*(ab) the dog bites any person or animal causing*

*injury to that person or animal that is not in*

*the nature of a serious injury*

City of Ballarat currently has two declared menacing dogs within the municipality. Owners of menacing dogs must abide by conditions specified by Council namely; when the dog is outside the premises of its owner it must be muzzled and leashed at all times

Council must register all dangerous/menacing/restricted breed dogs with the Victorian Declared Dog Register (VDDR), this is a database that records all declared dogs for all relevant parties to see. Any dangerous and restricted breed dog entered into the VDDR is declared for the life of the animal and cannot be revoked by Council.

### **Current Education/Promotion Activities**

- Promoting the 'Dangerous Dog Hotline' (1300-101-080)
- Media releases relating to legislation/changes/updates
- Media releases relating to differences between Restricted Breed Dogs and Dangerous Dogs
- Providing information relating to declared dogs

### **Current Compliance Activities**

- Ensuring all declared dogs are registered on the VDDR
- Regularly conducting inspections on premises housing declared dogs to ensure compliance
- Proactive patrols during afterhours for unregistered guard dogs
- Seizing dogs suspected of being Restricted Breed Dogs
- Dog declarations made where applicable
- Prosecution/Infringements issued for any determined breach
- Assessing suspected restricted breed dogs via the gazetted standard
- Flagging certain breeds from registration database for assessment

## OUR PLANS

### Objective 1: Ensure declared dogs are compliant to relevant legislation and regulations

Activity	When	Evaluation
Random property inspections of declared dogs to ensure compliance	Ongoing	Review checklists as occurs
Prosecute repeat offenders or serious breaches detected	As occurs	As occurs
After hours patrols for unregistered guard dogs in industrial areas	As occurs	As occurs
Educate the community about what is a declared dog	Ongoing	Review complaints received

### Objective 2: Flag certain breeds on registration database for restricted breed assessment

Activity	When	Evaluation
Assess certain breeds with the gazetted standard for potential restricted breed dogs	ongoing	Number of Restricted Breeds Declared from registration database
Cross reference microchip database information for potential restricted breed dogs requiring assessment	2013	Number of declarations compared to number of assessments

## OVERPOPULATION AND HIGH EUTHANASIA

### CURRENT SITUATION

	<b>City of Ballarat</b>		<b>Other large provincial councils (ave.)</b>
	<b>2008/09</b>	<b>2011/12</b>	(data provided by Bureau of Animal Welfare 2001/02)
No. of dogs returned to owner	994 (56%)	1292 (72%)	38%
No. of dogs rehoused	597 (33%)	314(18%)	19%
No. of dogs euthanased	188 (11%)	177(10%)	43%
No. of cats returned to owner	74 (5%)	100 (10%)	7%
No. of cats rehoused	356 (24%)	283 (28%)	21%
No. of cats euthanased	1,038 (71%)	626 (62%)	72%

As per the above table, the City of Ballarat is currently in a great position in relation to euthanasia rates of animals when compared to other large provincial Councils, especially dogs. While cat euthanasia rates are slightly lower than the average, the percentage of cats euthanized will continue to be relatively high due to the amount of stray and/or feral cat population which breed out of human control.

Dog euthanasia rates are particularly low due to high rates of dogs being returned to owners and successful rehoming rates. Over the last 3 years there has been a significant rise in the rate of dogs being returned to owners due to more identifiable dogs being impounded such as being micro-chipped and/or wearing Council identification. The increased rate of micro-chipped dogs is mainly due to the amendment to the Domestic Animals Act 1994 in 2007, which required all newly registered cats and dogs to be micro-chipped.

The RSPCA Ballarat Shelter has a successful re-homing program with cats and dogs, which Council supports by offering free initial registration for the animal.

#### **Current Education/Promotion Activities**

- Supporting adoption of animals by offering initial registration
- Encouraging de-sexing of animals by offering reduced registration fees and free initial registration for animals de-sexed and micro-chipped under 6 months of age.
- Promoting benefits of de-sexing
- Promoting 'Who's for cats?' campaign
- Promoting appropriate pet selection
- Promoting cat enclosures and build your own cat enclosures

## Our current Compliance Activities

- Cat trapping program
- Enforcement of cat curfew
- Investigating unregistered breeding establishments
- Micro-chipping all unregistered impounded animals prior release to owner
- Enforcing the Local Law relating to prescribed number of animals on a property
- Assessing excess animal applications, factoring in number of entire.de-sexed animals

## OUR PLANS

### Objective 1: Continue encouraging de-sexing of animals

Activity	When	Evaluation
Discount registration fees for cats and dogs that are both micro-chipped and de-sexed	Ongoing	Number of new animals registered in category yearly
Free initial registration for cats and dogs that are both micro-chipped and de-sexed under 6 months of age	Ongoing	Number of new animals registered in category yearly
Free initial registration for cats and dogs adopted from an applicable organisation	Ongoing	Number of new animals registered in category yearly
Free initial registration for cats that participate in the RSPCA free de-sexing voucher scheme	2013	Increase numbers of cats registered with Council

### Objective 2: Identify illegally operated Domestic Animal Breeding Establishments in the municipality and ensure compliance and/or close down.

Activity	When	Evaluation
Media campaigns to raise awareness of DAB definition and code of practices that must be adhered too.  Investigate advertisements of pets for sale	(Specify timeframe)	Evaluate number of complaints received and properties inspected.
Audit DAB randomly to ensure compliance	Ongoing	Number of audits compared to number of follow ups required

## DOMESTIC ANIMAL BUSINESSES

### Our current data

Domestic Animal Businesses are defined by the Domestic Animals Act 1994 as:

Domestic animal business means-

- a) *An animal shelter, Council pound or pet shop; or*
- b) *An enterprise which carries out the breeding of dogs or cats to seek, where-*
  - i. *In the case of an enterprise whose proprietor is a member of an applicable organisation, the enterprise has 10 or more fertile female dogs or 10 or more fertile female cats; or*
  - ii. *In the case of an enterprise whose proprietor is not a member of an applicable organisation, the enterprise has 3 or more fertile female dogs or 3 or more fertile female cats; or*
- c) *An enterprise that is run for profit which carries out the rearing, training or boarding of dogs or cats;*

There are 11 registered domestic animal businesses with the City of Ballarat, these include 3 pet shop/s, 6 boarding establishments, 1 breeding establishments and Council's contracted animal pound/shelter, namely the RSPCA.

The RSPCA Ballarat Shelter is Council's currently contracted animal pound, this contract is currently under review and will be going out to public tender once the relevant specifications and terms are revised and amended .

Registered domestic animal businesses are audited both randomly and on receipt of complaints.

Council actively investigates the presence of animal businesses to ensure compliance with the relevant codes of practice and legislation.

### Current Education/Promotion Activities

- Providing information to registered domestic animal businesses
- Promoting DPI information and codes of practices
- Advertising new legislation amendments

### Current Compliance Activities

- Annual audits
- Random audits during peak seasons for particular businesses
- Investigating reports
- Monitoring advertising sites
- Renewal / Registration process
- Inspecting suspected unregistered domestic animal businesses
- Liaising with planning department to ensure planning conditions are adhered too

## OUR PLANS

### Objective 1: Revise specifications and conditions required for Council's animal pound/shelter for the contracted organisation.

Activity	When	Evaluation
Identify all relevant specifications and conditions for a public tender to renew a contract	2013	Compare specifications with other like pounds/shelters to improve and update
Advertise interests for public tenders and secure a contract with appropriate organisation to operate Council's pound/shelter	2013	Review and monitor process

### Objective 2: Ensure domestic animal businesses are compliant with relevant legislation and codes of practice

Activity	When	Evaluation
Monitor Council's registration database for owners with more than 3 fertile females	Ongoing	Compliance with local laws and related legislation
Encourage de-sexing of animals by reducing registration fees or free initial registration for de-sexed & micro-chipped animals	Ongoing	Relevant registration accepted
Conduct searches for unregistered domestic animal businesses via internet/media/news papers	Ongoing	Relevant action taken

## ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING

As per 68A(3) of the Domestic Animals Act 1994, Council will review its Domestic Animal Management Plan annually to assess whether any amendments are necessary in order to ensure the plan is relevant and can be completed within the required timeframes.

In the final year of the plan, Council will undertake a major review and prepare drafting the next domestic animal management plan for the 2016 – 2020 period.



# APPENDICES

## Appendix 1 – City of Ballarat’s Local Law for the keeping of animals

### 2.2 Keeping Of Animals

A person must not without a permit:-

- (a) keep or allow to be kept more than 4 different types of animals on any Urban Residential land at any time; or
- (b) keep or allow to be kept any more in number for each type of animal as is set out in the following table:-

	ANIMAL	URBAN RESIDENTIAL	RURAL RESIDENTIAL	RURAL
(a)	Dogs	2	2	5 (other than dogs kept for working stock /primary production) )
(b)	Cats	2	2	2
(c)	Fowls (excluding roosters)	5	20	No Local Law permit required
(d)	Roosters	0	0	No Local Law permit required
(e)	Pheasants	4	20	No Local Law permit required
(f)	Squabs	20	40	No Local Law permit required
(g)	Other poultry (including ducks, geese, turkey, guinea fowl or similar)	0	10	No Local Law permit required
(h)	Ostriches / emus / peacocks	0	0	No Local Law permit required
(i)	Cockatoos / galahs (caged)	0	2	No Local Law permit required
(j)	Sheep	0	5	No Local Law permit required
(k)	Goats	0	5	No Local Law permit required
(l)	Horses	0	1	No Local Law permit required
(m)	Pigs	0	0	No Local Law permit required
(n)	Cows	0	1	No Local Law permit required
(o)	Other primary production animals	0	0	No Local Law permit required

### 2.3 Progeny of Animals

For the purpose of calculating the maximum limit of the number of animals kept, the progeny of any dog or cat lawfully kept will be exempt for a period of 3 months after their birth, and the young of any sheep, goats, horses, cows or other primary production animals will be exempt for a period of 6 months after their birth.

### 2.4 Stables

A person must not, without a permit, construct a stable on any land:-

- (a) within a distance of less than twenty (20) metres from any road to which such land has a frontage;
- (b) within a distance of less than five (5) metres from any other road;
- (c) within a distance of less than two (2) metres from the boundary of any adjoining land; or
- (d) within a distance of less than ten (10) metres from any dwelling, whether erected on the same or an adjoining land.

### 2.5 Nuisances

*For the purposes of this clause 2.5 "owner" shall have the same meaning as "owner" under the provisions of the Domestic (Feral and Nuisance) Animals Act 1994*

- (a) The owner or occupier of any land where any animal (other than a dog or cat) or bird is kept must ensure that the keeping of the animal (other than a dog or cat) or bird does not create a nuisance.

Penalty: 2 Penalty Units

- (b) The owner or occupier of any land where any animal (other than a dog or cat) or bird is kept must ensure all animal and bird litter and refuse and rubbish associated with the keeping of the animal (other than a dog or cat) or bird are disposed of in such a manner so as not to create any nuisance.

Penalty: 2 Penalty Units

*Please note that it is an offence under the Domestic (Feral and Nuisance) Animals Act 1994 for the occupier of any premises where a dog or cat is kept or permitted to remain to allow the dog or cat to be a nuisance.*

## 2.6 Dog Control

- (a) The owner of a dog that defecates in a public place must immediately remove the faeces and deposit them as litter in a lawful manner.

Penalty: 2 Penalty Units

- (b) The failure of a dog owner to have in his or her possession the means to collect and dispose of the dog's faeces shall not be a defence to a charge brought under the provisions of this sub-clause (a).

## Appendix 2 – Current dogs in public places order

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<p style="text-align: center;"><b>BALLARAT CITY COUNCIL</b></p> <p><b>Domestic (Feral and Nuisance) Animals Act 1994</b></p> <p style="text-align: center;">Section 26 (B) (I)</p> <p>Notice is given that pursuant to Section 26 of the <b>Domestic (Feral and Nuisance) Animals Act 1994</b>, Ballarat City Council has resolved on 7 December 1999 that dog owners must not, within the municipality take their dogs into, or allow their dogs to enter, a public area listed in the schedule hereunder unless the dog is controlled by leash, cord or harness.</p> <ul style="list-style-type: none"><li>● any public area where signs are present indicating that dogs are required to be controlled;</li><li>● within 50 metres of any children's playground equipment in a public reserve;</li></ul>	<ul style="list-style-type: none"><li>● within 50 metres of any cooking equipment or tables and chairs in a public reserve;</li><li>● within 50 metres of the high water mark of Lake Wendouree;</li><li>● Ballarat Botanical Gardens;</li><li>● The Gong Reserve in Buninyong;</li><li>● the Eureka Stockade reserve;</li><li>● any strip shopping centre or mall;</li><li>● within 50 metres of a playing field or public reserve during an organised sports event;</li><li>● within 50 metres of any parade, procession or organised gathering;</li><li>● the Lake Esmond Reserve.</li></ul> <p style="text-align: right;">JOHN McLEAN Chief Executive Officer</p>
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## Appendix 3 – Cat curfew order



**Domestic (Feral and Nuisance)  
Animals Act 1994**

Notice is hereby given that Ballarat City Council at its meeting on 24 September 2008 resolved:

That in accordance with the provisions of section 25 of the **Domestic (Feral and Nuisance) Animals Act 1994**, cats must be securely confined to owner's premises at night between sunset and sunrise each day, effective from 10 April 2009.

Enquiries should be directed to Andrew Bellingham, Manager Regulatory Services, on 5320 5570.

ANTHONY SCHINCK  
Chief Executive Officer