

COUNCIL REPORT

2nd Ordinary Council Meeting

AGENDA ITEM:	13.2.1
REPORT TITLE:	Uniform Companion Animal Legislation in the Northern Territory - Discussion Paper
MEETING DATE:	Tuesday 17 March 2020
AUTHOR:	Director Lifestyle and Community, Amelia Vellar
APPROVER:	Chief Executive Officer, Luccio Cercarelli

COMMUNITY PLAN

Governance: Council is trusted by the community and invests in things that the public value.

PURPOSE

This report presents a draft submission supporting the introduction of the Uniform Companion Animal Legislation in the Northern Territory (UCAL NT) - Discussion Paper.

KEY MESSAGES

- In 2018 City of Palmerston proposed a motion to Local Government Association of the Northern Territory (LGANT) for the introduction of uniform Northern Territory animal management laws.
- The City of Palmerston motion was supported by LGANT members.
- The Northern Territory Government (NTG) released for public comment the Discussion Paper - Uniform Companion Animal Management Legislation.
- Feedback from Palmerston Animal Management Advisory Committee (PAMAC) members was sought to inform Council's submission.
- This report presents a draft submission supporting the introduction of the Uniform Companion Animal Legislation in the Northern Territory (UCAL NT) - Discussion Paper.

RECOMMENDATION

1. THAT Report entitled Uniform Companion Animal Legislation in the Northern Territory - Discussion Paper be received and noted.
2. THAT Council endorse **Attachment 13.2.1.4** to Report entitled Uniform Companion Animal Legislation in the Northern Territory - Discussion Paper as its submission to the Northern Territory Government.

BACKGROUND

Currently, local governments in the Northern Territory have their own legislative arrangements for animal management, in particular dog registration, ownership requirements and management of dog attacks. These rules differ between jurisdictions and make consistency and cooperation between local governments difficult. There is also no consistent management of dangerous dogs. A recent example saw a dog which attacked another dog and a woman relocated from Palmerston to Litchfield and then

interstate following a court decision, however there was no mechanism for sharing information on the history of the dog. In that case, Council staff from Palmerston advised staff from Litchfield, however this will not be possible in all cases as dog relocations may not be known to the local government the dog has left.

A number of states like Queensland, South Australia and Western Australia have uniform legislation on animal management. The *Animal Management (Cats and Dogs) Act (Qld) 2008*, *Dog and Cat Management Act (SA) 1995* and the *Dog Act (WA) 1976* have been established to achieve several objectives including:

- consolidating requirements
- protecting the environment
- providing for the identification of dogs
- providing for the registration of dogs
- providing for the effective management of regulated dogs; and
- promoting the responsible ownership of dogs

This is achieved through placing several uniform requirements on local governments which also include the requirement to record and share information.

The aim of such legislation is to improve animal management in the Northern Territory and to improve consistency of legislation across Council's.

In September 2018, Council endorsed a motion to LGANT regarding uniform Northern Territory Animal Management Laws, **Attachment 13.2.1.2**.

The Top End Regional Organisation of Council (TOPROC) also endorsed advocacy for uniform Northern Territory legislation on animal management.

At the LGANT meeting in November 2018 member Councils endorsed the City of Palmerston motion.

The NTG has recently released its UCAL NT discussion paper and is seeking submissions by 28 March 2020.

At the Palmerston Animal Management Advisory Committee Meeting of 27 November 2019, the Committee made the following decisions:

Discussion Paper – Uniform Companion Animal Management Legislation

PAMAC9/026

1. *THAT Report Number PAMAC9/026 entitled Discussion Paper – Uniform Companion Animal Management Legislation be received and noted.*
2. *THAT Palmerston Animal Management Advisory Committee members provide any feedback on the Northern Territory Government Discussion Paper – Uniform Companion Animal Legislation to the City of Palmerston Chief Executive Officer by 31 January 2020.*

CARRIED PAMAC9/0176 – 27/11/2019

This report presents feedback received from PAMAC members and recommends a submission to the NTG for Council consideration.

DISCUSSION

The Discussion Paper has been developed by the NTG to inform and generate feedback about Territory-wide Companion Animal Legislation. The paper relates to management and control issues only as welfare matters are regulated by the *Animal Welfare Act 1999*.

The City of Palmerston currently has by-laws for the management of animals, these are currently under review.

The Discussion Paper identified several questions which were designed to guide discussion and consideration of issues. However, it was identified that parties may wish and can raise issues not covered in the Discussion Paper or by the questions. The questions with the paper were:

Question 1: Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?

Question 2: If not, what are the problems or issues with the current arrangements?

Question 3: Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?

Question 4: How would Territory-wide companion animal legislation solve those problems or issues identified under Question 2?

Question 5: Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?

Question 6: Can you think of any other models which may be appropriate for the Northern Territory?

Question 7: If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?

Question 8: If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?

Question 9: If Territory-wide companion animal legislation was to be introduced, what matters should be regulated?

Submissions are being invited from the Local Government sector and the public and conclude on 28 March 2020.

To assist and inform any submission made by Council, comments and feedback were sought from PAMAC members regarding the Discussion Paper, the identified questions and any other matter considered relevant for consideration of any Council submission. The answers have been collated, **Attachment 13.2.1.3**.

A submission has been drafted in response for Council consideration. The submission strongly supports the introduction of UCAL NT legislation and raises a number of issues including:

- The Northern Territory is the only jurisdiction in Australia not to have such legislation. Council does not perceive barriers to such legislation and believe that the Territory and Local Governments can work collaboratively to deliver improved outcomes for the Community.
- Under current practice, local governments in the Northern Territory have their own legislative arrangements for animal management, in particular dog registration, ownership requirements and management of dog attacks. These rules differ between jurisdictions and make consistency and co-operation between local governments difficult. There is also no consistent management of dangerous dogs or mechanism for outlawing breeds in the Northern Territory. A recent example saw a dog which attacked another dog and a woman relocated from Palmerston to Litchfield following a court decision, however there was no mechanism for sharing information on the history of the dog. In that case, Council staff from Palmerston advised staff from Litchfield, however this will not be possible in all cases as dog relocations may not be known to the local government the dog has left.
- Council's will still have the responsibility to develop, administer and enforce relevant legislation in their respective communities. This allows specific community issues to be addressed.
- Council notes that both the Local Government Association of the Northern Territory (LGANT) and Top End Regional Organisation of Councils (TOPROC) have endorsed advocacy for this form of legislation.
- It should be noted that Palmerston, Litchfield and Darwin Councils have agreed to streamline a number of animal management issues, namely relating to dog registrations. This process relies on the willingness of Councils.
- The City of Palmerston does not currently actively manage cat issues within the municipality. The Council is currently undertaking a review of its 'Animal Management By-laws' and as part of this review consideration will be given to implementation of cat management into the future. This will include community consultation.
The UCAL NT may address cat management issues and Council supports a consist approach across the NT in this area.
- Council does not believe the current structure is suitable to meet communities needs into the future and is of the view that the legislation will better position (animal management) responses and bring the Territory into line with the rest of Australia.
- In reviewing the Discussion Paper, Council considers that Model 2 being Local Government Councils having primary responsibility for enforcement and administration of the legislation is most appropriate.
- This model will provide Councils with flexibility to manage the legislation to suit specific community needs. Councils will be held accountable for the administration by their community.
- Council acknowledges that introduction of this legislation may present challenges for some Councils in particular regional areas, however this may be overcome by the ability to introduce declared enforcement area to be determined by the Councils. **Attachment 13.2.1.4.**

CONSULTATION PROCESS

PAMAC members were consulted, with feedback forwarded to the Chief Executive Officer. **Attachment 13.2.1.3.** The draft response has not been presented to a PAMAC meeting as their next scheduled meeting is 25 March 2020. Any final submissions will be presented to PAMAC for their information PAMAC is an Advisory committee.

The NTG Discussion Paper submissions period concludes on 28 March 2020. This is the last Ordinary Meeting prior to that date.

POLICY IMPLICATIONS

Should Government introduce Territory-wide legislation, Council may need to consider policies.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget or resource implications relating to this report.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

City of Palmerston currently has the *Palmerston (Animal Management) By-laws*. These by-laws are currently under review by Council. Council does not currently manage cat relate issues. If a UCAL is applied, Council may have to manage cats. The management of cats will form part of Councils By-laws review.

The Discussion Paper provides commenting regarding legislation.

Failure to provide a submission may result in poor outcomes for the Palmerston Community.

This report addresses the following City of Palmerston Strategic Risks:

- 1 Fails to effectively regain the trust from all stakeholders**

Context: Council needs to be credible and trusted by those within and external to the Council.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

1. Uniform Companion Animal Legislation in the NT Discussion Paper [13.2.1.1 - 13 pages]
2. City of Palmerston Endorsed - Motion [13.2.1.2 - 2 pages]
3. PAMAC feedback to Discussion Paper [13.2.1.3 - 4 pages]
4. City Of Palmerston - Proposed Letter of Comment [13.2.1.4 - 3 pages]

Uniform Companion Animal Legislation in the Northern Territory

Discussion Paper



Please submit written comments to:

Mail: Local Government and Community Development
Department of Local Government, Housing and Community Development
GPO Box 4621, Darwin NT 0801

Email: LGLaw.DLGHCD@nt.gov.au

Submissions close on 28 March 2020.

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1. Introduction

Since 1991, local government councils in the Northern Territory have been able to make their own by-laws and rules about companion animal management without a mandatory scheme applicable to all councils.

The management and control of dogs in the Territory was formerly regulated by the *Dog Act 1980* (the Act). This Act included:

- the requirements to register all dogs and for dogs to wear tags during the period of registration;
- licensing of premises where more than two dogs were to be kept;
- sterilisation of dogs;
- establishment of pounds;
- seizing, impounding and release or destruction of dogs; and
- the appointment of registrars, inspectors and pound managers.

The Act allowed local government councils to make rules (by-laws) in relation to:

- the management of pounds they established;
- the form and type of dog-tag that was to be worn by a registered dog ordinarily kept in their local areas;
- the manner in which sterilised dogs were to be marked; and
- the declaration of any area of vacant Crown land within their council areas as a public place for the purposes of the Act.

Of note, a local government council did not have the power to appoint a registrar unless it had established a pound. In practice, the Act only applied to urbanised areas of the Territory.

The Act was repealed in 1991 by the *Dog Act Repeal Act* (the Repeal Act). In the second reading speech for this legislation, it was noted that an Inter-Governmental Rationalisation of Functions Working Party had made recommendations as to which level of government was best suited to perform certain administrative functions of government to achieve 'maximum public economy and efficiency'. The rationalisation and passing of functions to local government during the 1990s was agreed between the Northern Territory Government and Local Governments and was not confined to divesting physical assets such as roads and parklands. It included resolving the administrative overlap and duplication with regard to dog control and management. According to the second reading speech, the *Dog Act 1980* was repealed because the *Local Government Act 1985*, while empowering councils to make by-laws, required that those by-laws not conflict with Northern Territory legislation. Therefore, there was no need for specific Northern Territory legislation. The Repeal Act removed barriers which prevented councils bringing in the measures they saw as necessary to manage dogs within their boundaries.

The repeal of the *Dog Act 1980* was requested by the then Darwin City Council and Palmerston Town Council. Those councils indicated their preference for stronger controls than those that were available at the time under the Act. Alice Springs Town Council also supported the repeal.

After repeal of the *Dog Act 1980*, dog by-laws were enacted in 1992 for the Alice Springs Town Council, Borroloola Community Government Council, Darwin City Council, Jabiru Town Council, Katherine Town Council, Mataranka Community Government Council, Palmerston Town Council, Pine Creek Community Government Council, Tennant Creek Town Council and Timber Creek Community Government Council. The then Litchfield Shire Council, with its then rural constituency, decided not to enact by-laws for dog control. The Litchfield Council Rural Dog Management By-laws commenced in March 2011.

It is worth noting that Part X of the *Law Reform (Miscellaneous Provisions) Act 1956* was introduced as part of the repeal of the *Dog Act 1980*. The Part provides that a dog owner is responsible for any actions of his or her dog which cause loss, damage or injury, that there is a prima facie defence for a person who kills or injures a dog if it is attacking them or another person or an animal or bird in the person's care and that a dog may lawfully be put down if it is so diseased or injured that it is humane to do so.

During the November 2018 Local Government Association of the Northern Territory (LGANT) general meeting, a resolution was passed that LGANT lobby the Northern Territory Government to introduce uniform domestic animal management legislation in the Northern Territory. In February 2019, Mr Damien Ryan, President of LGANT wrote to the Minister for Local Government, Housing and Community Development on this matter.

This paper has been developed to inform and generate feedback about Territory-wide Companion Animal legislation. The issues and questions identified in this discussion paper are provided as a guide. You are invited to address these issues and questions, as well as any other matter related to the management and control of companion animals in the Northern Territory.

Of note, the focus of this paper is the management and control of companion animals. Animal welfare matters are regulated by the *Animal Welfare Act 1999* and are outside the scope of this paper.

2. Companion Animal Legislation in the Northern Territory

The Northern Territory does not have Territory-wide Companion Animal legislation. However, section 188 of the *Local Government Act 2008* gives local government councils the power to make by-laws. Northern Territory local government councils which have dog management by-laws include:

- (i) Alice Springs Town Council;
- (ii) City of Darwin;
- (iii) City of Palmerston;
- (iv) Coomalie Community Government Council;
- (v) Katherine Town Council;
- (vi) Litchfield Council; and
- (vii) Tiwi Islands Regional Council.

The East Arnhem Regional Council, Roper Gulf Regional Council and Wagait Shire Council are in the process of making dog management by-laws for their respective council areas.

Central Desert Regional Council has resolved to develop a policy on dog management and control. The council believes that this will better suit the needs of the council and its communities.

Dog management by-laws for councils are usually similar but are drafted to suit each council's locally specific circumstances.

Cat management by-laws are also in place in the Alice Springs Town Council and City of Darwin council areas. In addition, East Arnhem Regional Council has begun reviewing a proposal to introduce new cat management by-laws.

The current arrangements provide local government councils with flexibility to make by-laws or adopt policies that suit their local areas, circumstances and resource constraints.

Apart from council by-laws, some Territory laws cover aspects of animal management. Section 75A of the *Summary Offences Act 1923* provides that the owner of a dog that attacks or menaces a person or animal is guilty of an offence. Also, a person who entices a dog to attack or menace a person or animal is guilty of an offence.

The same section provides that a member of the police force may seize, impound or destroy a dog that they believe has or may cause serious injury to a person or animal, and can enter any land to do so.

Section 32 of the *Law Reform (Miscellaneous Provisions) Act 1956* provides that the owner of a dog is liable for any loss, damage or injury as a result of the actions of the dog. Section 33 of that Act provides defences for killing or injuring a dog, such as where a person believes on reasonable grounds that they are about to be attacked by a dog.

Section 10 of the *Animal Welfare Act 1999* provides for offences of cruelty to animals and section 22 of that Act provides that if a vet is of the opinion that an animal is so severely injured, diseased or in such a poor physical condition that it is cruel to keep it alive, the vet may put it down.

Across the Territory there are different historical influences that affect the relationship between people and dogs. Aboriginal people have lived alongside dogs as companions for thousands of years. There are many communities in regional areas where dog ownership has never been regulated. It would be rare to see a dog on a leash in an Aboriginal community.

Issues for regional communities include prioritisation of resources, lack of infrastructure such as fences and pounds, lack of familiarity with registration practices and the availability and affordability of veterinary assistance.

3. Companion Animal Legislation in other Australian Jurisdictions

All other jurisdictions have state-level companion animal legislation which primarily regulates the management of dogs and cats. In the Australian Capital Territory, New South Wales, Queensland, South Australia and Victoria, the regulations are contained in one piece of legislation while Western Australia and Tasmania have separate pieces of legislation for the management and control of dogs and cats.

Of note, the New South Wales *Companion Animals Act 1998* defines companion animal to include a dog, cat and any other animal prescribed by regulations as a companion animal. Currently, there is no other prescribed animal in the *Companion Animals Regulation 2018* (NSW). In addition, the Victorian *Domestic Animals Act 1994* regulates pet shops as well as the sale of caged birds.

Local government councils in South Australia, Tasmania and Western Australia are primarily responsible for the administration and enforcement of state animal management legislation.

In the more densely populated states of New South Wales, Queensland and Victoria, the administration and enforcement responsibilities are shared between the relevant State departments and councils. In these States, councils have the administrative functions relating to identification, registration and control (in general) of dogs and cats, whereas there is a sharing of enforcement responsibility in relation to declaring and registering dangerous dogs and dogs of restricted breeds as well as seizure of dogs and cats.

In New South Wales, Tasmania and Western Australia, the Minister responsible for local government is responsible for Companion Animal legislation. In Queensland, Companion Animal legislation is the administrative responsibility of the Minister for Agricultural Industry Development and Fisheries; in South Australia, the Minister for Environment and Water; and in Victoria, the Minister for Agriculture. The Australian Capital Territory does not have local government councils and the equivalent legislation is the administrative responsibility of the Minister for City Services.

4. Consideration of Territory-wide Companion Animal Legislation

The introduction and implementation of any legislation, including companion animal legislation, usually confers duties, obligations and responsibilities on people and organisations. In these cases, the duties, obligations and responsibilities would mainly fall on local government councils. The Territory Government may also have disciplinary and/or enforcement responsibilities against a council which is not carrying out its duties, obligations or responsibilities under the legislation.

Section 188 of the *Local Government Act 2008* gives local government councils the power to make by-laws. The by-laws can be on any matter councils may wish to regulate, subject to the by-laws meeting certain principles including avoiding duplication of, or overlap with, other Territory legislation and not imposing unreasonable burdens on the community.

Currently, there are seven local government councils which have dog or cat management by-laws and three other councils are in the process of introducing new dog or cat management by-laws within their respective council areas. The remaining seven councils do not have any companion animal management by-laws.

The Department of Local Government, Housing and Community Development (the Department) currently provides on-going support to councils (free of charge) in the preparation of drafting instructions for the Office of the Parliamentary Counsel. The Department also assists councils through the drafting process. Amongst other things, this helps to promote consistency of by-laws across the Northern Territory.

In April 2018, the Top End Regional Organisation of Councils (TOPROC), wrote to the Minister for Local Government, Housing and Community Development seeking support from the Department to work together to develop common by-laws for all the TOPROC member councils to create consistency throughout the region. TOPROC is a group of six local government councils which surround the Darwin harbour, namely; Belyuen Community Government Council, City of Darwin, City of Palmerston, Coomalie Community Government Council, Litchfield Council and Wagait Shire Council. The Department continues to work with these councils towards harmonising by-laws.

While the local government sector has requested the introduction of Territory-wide companion animal legislation, it is unclear what the problems are with the current arrangements. The *Dog Act Repeal Act* was introduced because it was determined that control of companion animal management sits with local government because it provides greater flexibility to suit local areas, circumstances and resource constraints. In addition, it may be challenging to draft Territory-wide legislation that caters for all the different circumstances, particularly between urban and regional councils.

Question 1: Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?

Question 2: If not, what are the problems or issues with the current arrangements?

Question 3: Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?

Question 4: How would Territory-wide companion animal legislation solve the problems or issues identified under Question 2?

4.1. Model for Territory-wide Companion Animal Legislation

There are four models that could be adopted in the Northern Territory if companion animal legislation was to be introduced. These are:

- (1) Amendments to existing Territory Government legislation such as the *Local Government Act 2008* to require local government councils to have policies for dog and cat management, policies in relation to dangerous dogs and a requirement to notify other councils if a council is aware of the movement of a dangerous dog outside of its council area to another council area.

This retains the flexibility for councils to administer animal management in a way that suits their local areas, circumstances and resource constraints, while having basic requirements in uniform legislation. However, there may be inconsistencies between councils as different councils will adopt different policies on dangerous dogs and companion animal management.

- (2) Local government councils having primary responsibility for the administration and enforcement of the legislation, similar to Western Australia, South Australia and Tasmania.

This would provide councils with some flexibility to administer the law in a way that suits their local areas, circumstances and resource constraints. However, there may be inconsistencies between councils in regards to enforcement of the legislation depending on the approach adopted by each council.

- (3) Shared responsibilities between the Northern Territory Government and local government councils, with councils having the administrative functions relating to identification, registration and control (in general) of dogs and cats and a sharing of enforcement responsibility in relation to declaring dangerous dogs, dog attacks, nuisance dogs and cats and registering or restricting breeds of dogs.

This approach treats dog and cat management as a shared responsibility between the Territory Government and local government councils. However, there is potential for overlap and duplication of enforcement responsibilities between the two levels of government.

- (4) The Northern Territory Government being responsible for the administration and enforcement of the legislation.

This approach ensures uniformity in dog and cat management and control. However, it removes the flexibility for councils to choose to make by-laws that suit their unique circumstances.

Question 5: Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?

Question 6: Can you think of any other models which may be appropriate for the Northern Territory?

4.2. Resourcing of Territory-wide Companion Animal Legislation

Barkly Regional Council, Belyuen Community Government Council, Central Desert Regional Council, MacDonnell Regional Council, Victoria Daly Regional Council, West Arnhem Regional Council and West Daly Regional Council do not have council wide dog management and control by-laws. For other councils that currently have dog and cat management by-laws and those that are considering introduction of by-laws, their resourcing strengths and abilities differ.

If Territory-wide companion animal legislation is introduced, the model adopted for such legislation will have resource implications. For example, the companion animal legislation may, among other things, require the level of government responsible for administration and enforcement of the legislation to:

- have adequate authorised officers to register animals, license premises and carry out routine inspections;
- establish and maintain pounds as well as administer the procedures for seizing, impounding and releasing or destructing impounded animals; and
- prosecute breaches of the legislation.

4.3. Scope of Territory-wide Companion Animal Legislation

In other Australian jurisdictions, companion animal legislation generally requires that dogs and cats be registered. The registration of dogs and/or cats has resource implications for the public and the local government sector. It is possible to have a system which does not require registration. For example, legislation could simply require that all dogs/cats be microchipped, or require a collar and tag with the owner's contact details.

A microchip is a permanent method of electronic identification. The chip itself is very small (about the size of a grain of rice) and is implanted subcutaneously (just under the skin) between the shoulder blades at the back of an animal's neck. Each chip has a unique number that is detected using a microchip scanner. The microchip number is recorded on a microchip database registry with details about the animal and owner. Should an animal wander or become lost, animal shelters and local government councils can scan the animal for a microchip and contact the owner via the database.

Another option would be for the legislation to be at a less prescriptive level, not requiring individual identification of animals. It might provide only for certain offences in relation to ownership of dogs.

Question 7: If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?

Question 8: If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?

The *Dog Act 1980* contained provisions relating to the registration of dogs; the requirement for dogs to wear tags during the period of registration; licensing of premises where more than two dogs were to be kept; sterilisation of dogs; establishment of pounds; seizing, impounding and release or destruction of dogs; and the appointment of registrars, inspectors and pound managers.

In other Australian jurisdictions, the equivalent companion animal legislations have provisions relating to:

- registration of companion animals;
- licensing of premises where more than two companion animals are to be kept;
- sterilisation of companion animals;
- containment or confinement of companion animals within the property in which they are kept;
- disqualification of a person from owning or being in charge or control of a dog;
- restrictions or prohibition of certain breeds of dogs;
- declaration of restricted/prohibited areas for companion animals;
- exemptions for assistance animals;
- declaration of dangerous dogs (as a result of attacking or menacing a person or another animal);
- liability for injury or death caused by a dog;
- declaration of dog exercise or training areas;
- commercial breeding of companion animals;
- seizure, impounding and release or destruction of companion animals;
- sale and transfer of ownership of companion animals;
- keeping of greyhounds;
- regulation of implanters of microchips;
- boarding of companion animals;
- fostering of companion animals; and
- management fund for companion animals (sourced from a proportion of fees such as registration and licensing fees, received by councils).

While there may be merit in having the above topics included in companion animal laws or by-laws, it may be prudent to consider the applicability of each topic to the unique circumstances of the relevant area of the Territory.

For example, in remote and regional areas, it is not unusual to find properties that do not have any fencing, yet dogs are kept at such properties. In some cases, the occupiers of the properties might rent, rather than own the property, and might not be in a position to fence the property.

Consideration would need to be given as to whether a requirement to contain dogs would adversely affect Territorians who own dogs in remote and regional areas. Another example would be a requirement to contain cats. Cats are usually agile and not easily contained unless significant resources are used to confine the property and space in which the cat is kept.

Question 9: If Territory-wide companion animal legislation was to be introduced, what matters should be regulated?

5. Call for Submissions

Submissions are invited from the local government sector and the public on the proposal for the introduction of uniform companion animal legislation in the Northern Territory and any related matters.

5.1. Questions for Consideration

Questions included in this Discussion Paper, and listed below for convenience. These questions are designed to generate discussion and consideration of issues. You may also wish to raise matters not canvassed in the Discussion Paper and this would be appreciated.

- Question 1:** Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?
- Question 2:** If not, what are the problems or issues with the current arrangements?
- Question 3:** Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?
- Question 4:** How would Territory-wide companion animal legislation solve those problems or issues identified under Question 2?
- Question 5:** Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?
- Question 6:** Can you think of any other models which may be appropriate for the Northern Territory?
- Question 7:** If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?
- Question 8:** If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?
- Question 9:** If Territory-wide companion animal legislation was to be introduced, what matters should be regulated?

5.2. How to make a Submission

Written submissions can be sent by post or email to:

Mail: Local Government and Community Development
Department of Local Government, Housing and Community Development
GPO Box 4621, Darwin NT 0801

Email: LGLaw.DLGHCD@nt.gov.au

5.3. Closing date for Submissions

The closing date for submissions is 28 March 2020.



LGANT CALL FOR POLICY AND 'ACTION' MOTIONS

About this document

The purpose of this document is for it to be used as a template for member councils to submit motions to LGANT on issues so they can be considered for adoption as LGANT policy or as actions for LGANT to do at either the April or November General meetings each year or the monthly Executive meetings. The timeframes for submitting motions are ten days before an Executive meeting and six weeks for a General meeting (General meeting agenda has to be submitted 28 days before a meeting and Executive meeting agenda six days before a meeting). Motions can be submitted at any time and will be put to the first available meeting depending on when they are received.

LGANT will research and assess each policy or action proposal and if necessary discuss it with the proponent member council and the Executive will then later decide at one of its meetings whether to adopt the policy or not, or take the action or not, or to put it to a general meeting for decision.

Title: **Uniform Animal Management Laws**

1. What is your Motion?

THAT LGANT lobby the Northern Territory Government to introduce Northern Territory uniform animal management legislation.

2. How is the motion relevant to Northern Territory Local Government?

Animal management is the responsibility of local government in the Northern Territory, however unlike other states, there is no uniform legislation providing guidance and consistency between local government areas.

3. What are your key points in support of your motion?

Under current practice, local governments in the Northern Territory have their own legislative arrangements for animal management, in particular dog registration, ownership requirements and management of dog attacks. These rules differ between jurisdictions and make consistency and co-operation between local governments difficult. There is also no consistent management of dangerous dogs or mechanism for outlawing breeds in the Northern Territory. A recent example saw a dog which attacked another dog and a woman relocated from Palmerston to Litchfield following a court decision, however there was no mechanism for sharing information on the history of the dog. In that case, Council staff from Palmerston advised staff from Litchfield, however this will not be possible in all cases as dog relocations may not be known to the local government the dog has left.

Several states like Queensland, South Australia and Western Australia have uniform legislation on animal management. The *Animal Management (Cats and Dogs) Act (Qld) 2008*, *Dog and Cat Management Act (SA) 1995* and the *Dog Act (WA) 1976*,

including relevant regulations, have been established to achieve several objectives including:

- consolidating requirements;
- protecting the environment;
- providing for the identification of dogs;
- providing for the registration of dogs;
- providing for the effective management of regulated dogs; and
- promoting the responsible ownership of dogs.

This is achieved through placing several uniform requirements on local governments which also include to record and share information.

Each Council has the responsibility to administer and enforce the relevant legislation within their communities.

The Top End Regional Organisation of Councils (TOPROC) has also endorsed advocacy for uniform NT legislation on animal management at their most recent meeting.

The aim of introducing Territory legislation is to improve animal management in the Northern Territory and consistency of legislation across local government in the Northern Territory.

The City of Palmerston is therefore calling on LGANT to lobby the Northern Territory Government for uniform animal management legislation which exists in other states. Councils will then model their by-laws, processes and procedures on these by-laws to ensure consistency between jurisdictions. This legislative framework could also allow for the creation of a Territory-wide database on information concerning dogs, managed through microchipping records, which could be shared between local governments and could then ultimately be used as part of a national information sharing framework.

4. ***Is there a Council Resolution in support of this motion?*** Yes No
5. ***Should the motion be LGANT policy?*** Yes No
6. ***Contact Information***

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A Place for People

Palmerston Animal Management Committee Discussion Paper Feedback

Palmerston Animal Management Committee feedback to the Northern Territory Governments Discussion Paper – Uniform Companion Animal Management Legislation.

<p>Question 1: Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?</p>
<p>No</p>
<p>I don't think enough is being done regarding cats and cat related problems e.g. hunting and killing wildlife</p>
<p>Yes, I think that from a community responsibility aspect it is good governance, however when there is no legislation covering incidents or issues that occur in areas outside those regulated government areas it is a concern. How do we deal with it?</p>
<p>It would be more appropriate for councils such as Darwin, Palmerston, Katherine, Alice Springs and Litchfield (and possible others in close proximity) to have uniform by-laws as people do move between the councils to live and it make sense if people understood that the same animal management occurred across these councils. For example, able to take your dog off a lead in Darwin but not Palmerston. Registering your cat in Darwin but not Palmerston or Litchfield. It would also be a great education piece whereby if any Ranger was anywhere in the vicinity of all Councils (say Jeff happened to be in Darwin for the day) and they could educate an owner that had their dog off a lead as opposed to ringing a Ranger from that jurisdiction.</p>

<p>Question 2: If not, what are the problems or issues with the current arrangements?</p>
<ul style="list-style-type: none"> • There is a lack of consistency across municipal boundaries, the Top End, between Darwin, Palmerston and Litchfield. • It is incredibly tedious to change by-laws, with numerous councils having to wait for time with Parliamentary Council in order to progress their by-law reforms. • We have insufficient measures for dealing with unregulated breeding of dogs and cats. • It is too time consuming to deal with dangerous dogs or dogs that have attacked people and we require stronger laws for removing and destroying these animals. • There are no requirements • There are no provisions for other nuisance domestic animals, such as poultry, pet pigs, buffalo, etc. These can cause neighbourhood disturbances but there are no provisions for council to deal with these animals and the nuisances they cause such as smell, noise, attacking people.
<p>There are way too many stray cats and more needs to be done.</p> <p>A) compulsory sterilisation needs to be enforced</p> <p>B) escape proof yards for cats</p> <p>C) restricted numbers of cats per household</p>



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Palmerston Animal Management Committee Discussion Paper Feedback

D) compulsory microchipping of cats
E) Stray cats found without microchips to be euthanised if not claimed within 56 hours
As mentioned above, there may need be legislation created to cover those areas that aren't regulated while considering what already exists. Community safety needs to be managed effectively.
Different rates for registration, different laws for dogs (or even animals) off lead, different laws for how many animals you can keep before needing a licence, all councils working together and having one number people all relating to animal management concerns after hours and weekends and any Ranger could assist across the Council areas, inconsistency with cat management, the messages being communicated to owners is the same across Council areas instead of the current situation whereby they are all different, infringements are the same across all Council areas and how you treat incidents and declared/dangerous animals.

Question 3: Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?
Sure, each council could have by-laws, but this is not presently working well.
No, I'd like to see the laws re cats introduced Territory-wide. Cats are responsible for the decimation of many of our unique wildlife daily.
It may be possible if the territory wide legislation has an allowance to create subordinate laws under the overarching act which councils could use to administer.
I do not believe that you will be able to achieve Territory-wide companion animal legislation - regional Councils will not be able to adhere or even have the resources to educate / infringe animals (nor do they want to). Therefore, I believe that the legislation (or uniform animal management by-laws) should be for 'main' Councils (Darwin, Palmerston, Litchfield, Katherine, Alice Springs and possibly around if they choose to).

Question 4: How would Territory-wide companion animal legislation solve those problems or issues identified under Question 2?
The laws can be introduced once and then applied consistently for municipal councils, or as required by shire councils.
There are way too many stray cats and more needs to be done. A) compulsory sterilisation needs to be enforced B) escape proof yards for cats C) restricted numbers of cats per household D) compulsory microchipping of cats E) Stray cats found without microchips to be euthanised if not claimed within 56 hours



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Palmerston Animal Management Committee Discussion Paper Feedback

Already mentioned.

If you had the legislation or uniform by-laws as described in Question 3 above, it would mean that the communication to owners is the same no matter where they are or if they move to another council area. Having different ways of doing things even when you are moving 20 mins down the road is confusing and you can appreciate why owners get upset with being infringed or having their dog impounded/declared etc because the by-laws are different and so are the fines.

Question 5: Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?

Model 2 with Local Government administering the legislation. As mentioned, it gives flexibility for each council to implement the enforcement according to their needs.

-

Model 2 looks like an efficient approach to the problem with some shared responsibility. Model 3 could also work bearing in mind about duplicating legislation as a possible issue.

-

Question 6: Can you think of any other models which may be appropriate for the Northern Territory?

-

Question 7: If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?

I believe there is scope for regional councils to have designated areas for enforcement, such as within town boundaries, where registration would be mandatory. The designated area could be established and revoked by council resolution. This would then allow regional councils to adequately manage domestic animal issues within a town or community boundary if necessary but not have to apply it across vast areas where it is not necessary. Municipal Councils should not have the option to declare a designated area.

Yes



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Palmerston Animal Management Committee Discussion Paper Feedback

Yes, I think that would be a good initiative, the legislation may include regulation of pet shops, breeders etc where animals that are sold or given to new owners are microchipped and recorded on a database made accessible to the competent authorities.

If legislation/uniform by-laws across main Councils was introduced, yes dogs and cats should be registered and mandatory for people residing in these Council areas.

Question 8: If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?

Yes, microchipping should be mandatory. It's cheap, can be done during first vaccinations and is there for the life of the dog/cat.

Yes

Yes, as mentioned above, once you have a database or registry it assists with effective management of companion animals.

Same as question 7, microchipping is mandatory, means that your pet can be returned to you rather than them being either rehomed or even destroyed because the owners cannot be found (and a pet's life is no more because of poor ownership).

Question 9: If Territory-wide companion animal legislation was to be introduced, what matters should be regulated? Submissions are being invited from the Local Government sector and the public and conclude on 28 March 2020.

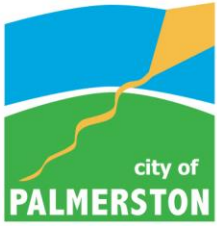
I acknowledge that there are some areas that regional councils may not be able to implement, however I still believe this can be managed by regional councils by declaring an enforcement area, when they require to do so. For example, a regional council may decide to require registration and containment within a designated area/boundary of a town or community, while leaving the remaining council area unenforced.

Cats should be regulated across the NT and contained. They cause significant problems in our environment. However, if this is not appealing to all councils for some aspects, like registration, this can be on an "Opt-in" basis. Microchipping should be mandatory in order to identify cats that have owners, even if registration is not mandatory. Councils should be able to trap and destroy cats, particularly if owners cannot be identified.

-

Managing dangerous dogs and their movement between municipalities, nuisance dogs and cats, pounds, seizure and destruction of savage dogs, controlling cat numbers/colonies. There is no current NT legislation that relates to the regulation of animal rehoming agencies/shelters.

Given my responses above, the regulation should be with the Councils, but they need to work together in the first instance to put in place standardised by-laws, fees and registration. Do not believe it should be regulated by NTG.



ID: *****-LC:ch

10 March 2020

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Dear Sir/Madam

Uniform Companion Animal Legislation in the Northern Territory

Thank you for the opportunity to comment on the Uniform Companion Animal Legislation in the Northern Territory (UCAL NT) Discussion Paper.

Council strongly supports the introduction of this type of legislation to assist in delivering contemporary and consistent animal management of animals across Australia.

The Northern Territory is the only jurisdiction in Australia not to have such legislation. Council does not perceive barriers to such legislation and believe that the Territory and Local Governments can work collaboratively to deliver improved outcomes for the Community.

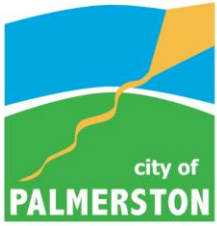
Under current practice, local governments in the Northern Territory have their own legislative arrangements for animal management, in particular dog registration, ownership requirements and management of dog attacks. These rules differ between jurisdictions and make consistency and co-operation between local governments difficult. There is also no consistent management of dangerous dogs or mechanism for outlawing breeds in the Northern Territory. A recent example saw a dog which attacked another dog and a woman relocated from Palmerston to Litchfield following a court decision, however there was no mechanism for sharing information on the history of the dog. In that case, Council staff from Palmerston advised staff from Litchfield, however this will not be possible in all cases as dog relocations may not be known to the local government the dog has left.

Several states like Queensland, South Australia and Western Australia have uniform legislation on animal management. The Animal Management (Cats and Dogs) Act (Qld) 2008, Dog and Cat Management Act (SA) 1995 and the Dog Act (WA) 1976, including relevant regulations, have been established to achieve several objectives including:

- consolidating requirements;
- protecting the environment;
- providing for the identification of dogs;
- providing for the registration of dogs;
- providing for the effective management of regulated dogs; and
- promoting the responsible ownership of dogs.

This is achieved through placing several uniform requirements on local governments which also include to record and share information.

Council's will still hold the responsibility to develop, administer and enforce relevant legislation in their respective communities. This allows specific community issues to be addressed.



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Council notes that both the Local Government Association of the Northern Territory (LGANT) and Top End Regional Organisation of Councils (TOPROC) have endorsed advocacy for this form of legislation.

It should be noted that Palmerston, Litchfield and Darwin Councils have agreed to streamline a number of animal management issues, namely relating to dog registrations. This process relies on the willingness of Councils.

Council does not believe the current structure is suitable to meet communities needs into the future and is of the view that the legislation will better position responses and bring the Territory into line with the rest of Australia.

In reviewing the Discussion Paper, Council considers that Model 2 being Local Government Councils having primary responsibility for enforcement and administration of the legislation is most appropriate.

This model will provide Councils with flexibility to manage the legislation to suit specific community needs. Councils will be held accountable for the administration by their community.

Council acknowledges that introduction of this legislation may present challenges for some Councils in particular regional areas, however this may be overcome by the ability to introduce declared enforcement areas to be determined by the Councils.

Council acknowledges that this is a compliance issue requiring further consultation of the community, however considers this to be an important issue that needs to be addressed.

We thank the Northern Territory Government for preparing the Discussion Paper and encourage the Government to endorse the introduction of UCAL NT legislation in the Northern Territory.

Council looks forward to working with Government on this important matter.

Should you wish to discuss Council's comments further, please contact me on (08) 8935 9902 or via lucio.cercarelli@palmerston.nt.gov.au.

Regards

Luccio Cercarelli
Chief Executive Officer

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