

CITY OF PALMERSTON

ANIMAL MANAGEMENT BY-LAWS REVIEW

DISCUSSION PAPER

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1. INTRODUCTION

City of Palmerston is committed to providing quality animal management services to our community. A set of by-laws govern the way we manage animals in our municipality and a review is needed to improve our service delivery and meet the changing needs of the Palmerston community.

Council's current animal management by-laws were enacted in 1999 and have had no significant change since their enactment. While they have served their purpose, they are no longer reflective of the community's needs or modern legislative drafting.

Council has identified an update of the current animal management by-laws to meet community expectations as a priority action. In order to do this, there is a process we need to follow, including consulting with the community to understand people's views, opinions and appetite for change.

Developing this Discussion Paper is a key component of community engagement and has been designed as a communication tool to gauge feedback from the community about Council's current and proposed animal management practices.

This Discussion Paper includes a series of feedback prompts throughout which you can answer by taking our [online survey](#). To access the survey or for more information on how you can provide feedback on Council's Animal Management By-Laws, visit palmerston.nt.gov.au. A hard copy survey can also be mailed out to you upon request by emailing palmerston@palmerston.nt.gov.au.



2. BACKGROUND

The City of Palmerston 2020 Community Survey found animal management is considered a key service provision by our community.

Council's animal management capabilities continue to improve with the introduction of service initiatives including after hour animal patrols, the employment of an Animal Education Officer and the introduction of several proactive, community-based programs.

In 2019-20, Council's educational events included responsible pet ownership, understanding animal behaviour, registration incentives and microchip awareness. These events received positive feedback from the community.

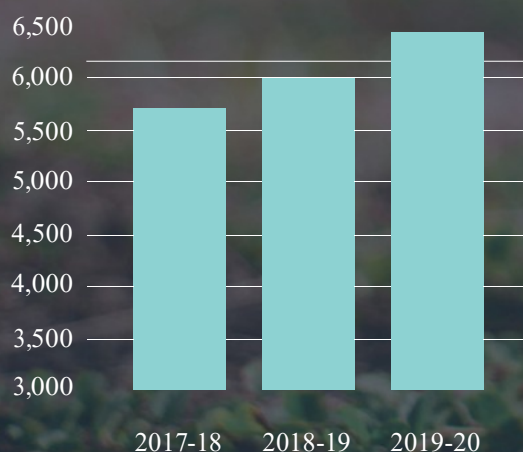
Animal management has scope to further improve, particularly given increasing levels of pet ownership in the municipality. In 2019-20, 6429 dogs were registered in Palmerston with a number of additional unregistered dogs identified in the community. This compares to 5931 dogs registered in 2018-19 and 5696 dogs registered

in 2017-18. City of Palmerston's population is expected to increase by 1.2 per cent annually and we anticipate dog ownership and registration will also subsequently continue to grow.

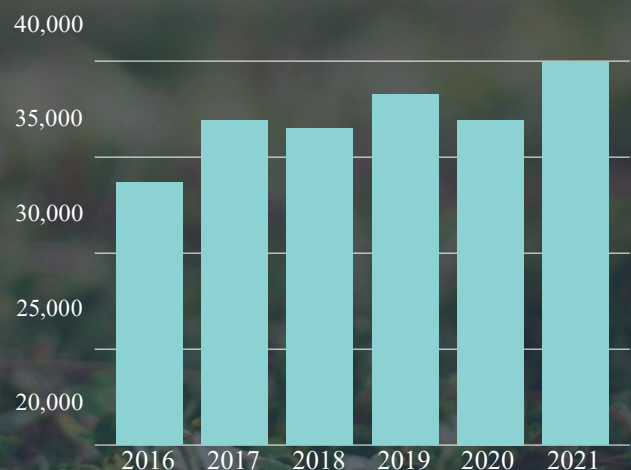
Increased dog ownership has seen an increase in animal management concerns by the community, including an increase in reports of dogs at large, barking complaints and dog attacks / menaces. Council has also received complaints regarding cats, birds and poultry, including noise complaints (roosters and birds), damaging local fauna (cats), excessive pet ownership and associated nuisance smell complaints.

We need to review and update our by-laws to continue delivering effective animal management to protect public health, safety and amenity in the City of Palmerston.

DOG REGISTRATIONS



POPULATION GROWTH



2.1 By-Laws

A municipal by-law is a piece of legislation which Councils use to respond to issues and community needs within their respective municipalities.

City of Palmerston, as with all municipal councils within the Northern Territory, derives its power to pass by-laws from the Local Government Act 2008 (NT). By-laws must comply with the principles set out in section 189 of that Act and, as a matter of law, can only be made within the by-law making power provided for in the Act.

The City of Palmerston has enacted by-laws in policy areas such as public places, signs, hoardings and animal management.

The development of new Animal Management By-Laws must follow a number of key steps which is mandated by legislation.

The high-level steps in making a by-law are as follows:

1. Council undertakes consultation on the by-law with key stakeholders.
2. Council works with the Office of Parliamentary Council to draft the by-law.
3. The by-law is signed by the authorised person.
4. The by-law is forwarded to the responsible Minister for approval and signing of the Gazette notice.
5. The signed notice is published in the Northern Territory Government Gazette.
6. The by-law is tabled in the Legislative Assembly within three sitting days after the by-laws have been notified in the Gazette.
7. The by-law comes into effect.

The full process of by-law preparation and enactment can take quite some time; around 18-24 months from initial and ongoing consultation, drafting, publication and enactment.

Council is committed to working in partnership with the community to make this process as efficient as possible.

2.2 Palmerston (Animal Management) By-Laws

The Palmerston (Animal Management) By-Laws have controlled and regulated animals within the municipality since they were first enacted in 1999. While reasonably fit for purpose, the by-laws face a number of challenges including issues such as:

- They do not address animal management issues relating to cats, birds, poultry or other animals,

- They do not allow for the declaration of dangerous dogs after an identified and established dog attack or dog menace; and
- Existing infringements may not be an adequate deterrent as penalties have not increased in more than 20 years and are no longer comparable to other jurisdictions. The by-laws do not adopt the penalty unit regime established under the Penalty Units Act 2009 (NT) which allows for reasonable inflation and to remain consistent with one another.

The Palmerston (Animal Management) By-Laws have existed with only minor amendments since they were enacted. Good governance suggests that legislation, including by-laws, should be regularly reviewed in order to remain relevant to evolving community standards and expectations.

A review will ensure that by-laws remain current, are fit for purpose and remain consistent with similar jurisdictions and developments in the law.

Council will work with and listen to community concerns to address animal management issues and challenges as we start the process of updating our by-laws.

2.3 By-Law Changes

To reach model and contemporary by-law standards which will allow for effective application of regulatory powers, Council will be making the following changes to the current by-laws:

- Classification of by-law offences as strict liability offences,
- By-law penalties to be aligned with the Penalty Units Act 2009 (NT)
- 'Tightening' of the nuisance barking definition; and
- Other administrative changes.

3. COUNCIL RESOURCING

Council services provided for the community are predominately funded by rates. Rates are Council's main source of income and are used to provide essential infrastructure and services. This income is also used to improve services and for the provision of facilities, programs, activities and capital works.

Animal management is considered a key service provision by our community. While dog registration fees generate some funding for this area, animal management is largely supported by rates. Animal management is therefore a subsidised service as not all rate payers are pet owners. Council subsidises this service for the benefit of the wider community. Effective animal management enhances local amenity which creates a safe and enjoyable place to live.

Any change to the animal management by-laws will impact the way Council's regulatory services provisions work. If the by-laws are expanded to cover other animal categories or existing regulations are changed it will more than likely require more regulatory control and enforcement which will cost Council more money. In this sense, additional resources may result in additional costs. We must therefore carefully consider changes to the by-laws especially during community consultation so you can be fully informed about the financial impact on Council services and resourcing.

4. ANIMAL MANAGEMENT REVIEW AREAS

The following sections detail the animal management areas that are subject to review. The information is included to provide details about concerns within the topic area and proposed improvements.

4.1 Dog Barking

Many people keep animals for companionship however noisy animals may greatly reduce the quality of life for neighbours and increase neighbourhood tensions. In Australia, each state or territory has its own laws on how domestic animals are to behave and be controlled by their owners. These laws extend to acceptable levels of noise created by animals so they do not unreasonably interfere with the peace, comfort or enjoyment of a person in their home or property.

Excess dog barking is a complex issue. People have different work / rest requirements (i.e. nine to five day jobs verses night time shift work) as well as varying tolerance levels for neighbourhood noise. The trend towards smaller residential block sizes and dwellings may also exacerbate the issue of barking dogs with alleged offenders in closer ear-shot to their neighbours. It may also be the case that smaller block sizes and dwellings are not suitable for multiple animals.

While regulations can be tightened and improved, there is no 'one size fits all' for barking complaints which continues to be a challenging area for local authorities Australia-wide.



CURRENT SITUATION

Dog barking complaints within the City of Palmerston have increased. 221 dog barking complaints were received by Council in 2020. This increased from 165 complaints in 2019 and 160 in 2018.

Dog owners can be fined for noise amounting to nuisance, however it can be quite challenging to substantiate a case of nuisance barking through the use of barking diaries and ranger patrols. Currently Council does not have the ability to order the installation of a barking monitor device on the relevant animal or at the owner's property to investigate the complaint. There are also no additional measures Council can implement that could better help resolve the core issue.



PROPOSED CHANGES

Council could have the power to order the fitting or installation of a barking monitor to an animal or at a property to effectively monitor nuisance barking complaints. Council could also implement additional measures to support owners dealing with excessive barking including animal education sessions and further penalties for consistent barking issues including amended registration conditions, cancelled registration and seizure of the offending animal.



QUESTIONS

Do you agree with Council having the ability to implement additional enforcement measures for nuisance barking listed below?

- Council should have power to order the installation of a barking monitoring device
- The number of dogs allowed to be kept on a property / dwelling should correlate to the lot size
- Amended registration conditions for nuisance barking
- Cancelled registration for nuisance barking
- Compulsory animal education attendance for nuisance barking.

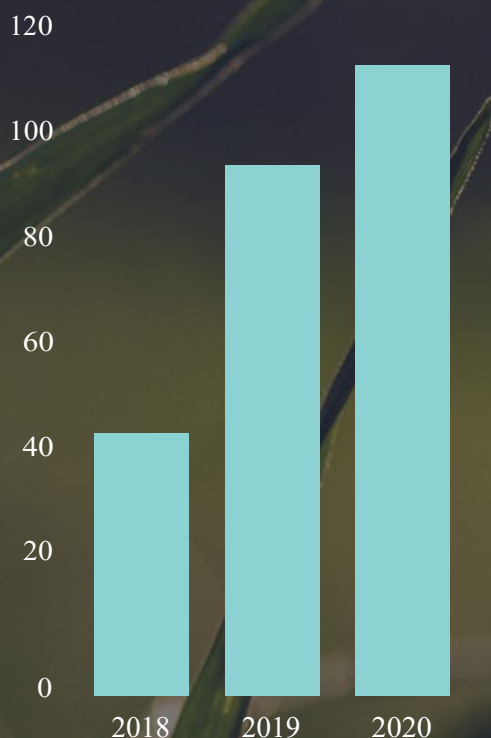
4.2 Dog Attacks / Menaces

It is the responsibility of pet owners to ensure their dog does not bite or act aggressively towards other people or animals. Dog attacks can be frightening for all involved (including owners) and may result in serious injury to people and can be fatal for animals.

Within the City of Palmerston, there were 120 dog attack complaints received in 2020. This was an increase from 101 complaints received in 2019 and 50 in 2018.

Different jurisdictions in Australia apply various penalties when a dog attack occurs depending on its severity.

Dog Attacks / Menaces



CURRENT SITUATION

Currently, when a dog attack occurs within the municipality, an investigation takes place and depending on the outcome, cancellation of existing registration or penalty infringements may apply. The owner may also voluntarily elect to surrender their dog to the City of Palmerston.



PROPOSED CHANGES

Council is looking to include a range of new penalties that can be used independently or in conjunction depending on the severity of the attack, including:

- A fine scale so the penalty is suited to the severity of the attack
- Officially registering the dog as a 'Declared Dangerous Dog' with conditions attached such as wearing a muzzle
- Ordering the owner to remove their dog to a different jurisdiction – in other words, to find the dog a new home in another community
- Euthanising the dog.

QUESTIONS



Do you agree there should be a 'sliding fine scale' used for dog attacks to reflect the severity of the incident i.e. \$250-1000?

Do you support Council having the ability to implement the additional penalties listed below if a dog is declared as dangerous?

- Officially registering the dog as a Declared Dangerous Dog with conditions attached such as wearing a muzzle
- Ordering the owner to remove their dog to a different jurisdiction – in other words, to find the dog a new home in another community
- Euthanising the dog.



4.3 DECLARED DANGEROUS DOG

All residents have the right to feel safe in our community. Many people keep a dog to deter trespassers and burglars. There is no problem with this providing that it does not become a danger to other people or animals, excluding vermin (e.g. rats and mice).

CURRENT SITUATION

Council does not currently have the ability to register dogs as Declared Dangerous Dogs. Other jurisdictions apply this in instances where a dog aggressively attacks a person or other animal causing physical injury or death, the dog has menaced a person, or displayed unreasonable aggression. Declaring a dog as dangerous means Councils can better protect the community's safety and wellbeing while also helping improve the animal's wellbeing.

QUESTIONS

Do you agree Council should be able to declare dogs as dangerous?

Do you agree with Council having the ability to implement the specific controls listed below for dangerous dogs?

- Being desexed and microchipped
- Confined to a special enclosure within the owner's property
- Undertaking behaviour modification and/or training
- Wearing a muzzle and lead when being exercised
- Affixing a visible 'dangerous dog' sign to their property
- Mandatory notification to Council if the owner intends to keep the dog at a different location for an extended period of time
- Compulsory reporting to Council if the dog has attacked or been involved in an attack
- Compulsory notification to Council if the dog is missing, dies or if ownership is transferred
- Prospective purchasers to be informed of the dog's status.

Do you agree that owners should pay more for initial and ongoing registration of dogs who have been declared dangerous?

Do you agree that in some instances more than one penalty should apply i.e. a fine in line with the attack severity and registering the dog as a declared dangerous dog?

PROPOSED CHANGES

Under revised by-laws there is the potential to introduce provisions relating to a dangerous dog declaration. This declaration can apply where a dog aggressively attacks a person or other animal, causing physical injury or death.

Where a dog has been shown to behave in a way that fits the dangerous dog description, it can be subject to a local government ruling and be declared as a dangerous dog. This means that the dog is subject to a range of specific controls including:

- Being desexed and microchipped
- Confined to a special enclosure within the owner's property
- Undertaking behaviour modification
- Wearing a muzzle and lead when being exercised
- Affixing a visible 'dangerous dog' sign to the property
- Mandatory notification to Council if the owner intends to keep the dog at a different location for an extended period of time
- Compulsory reporting to Council if the dog has attacked or been involved in an attack
- Compulsory notification to Council if the dog is missing, dies or if ownership is transferred
- Prospective purchasers to be informed of the dog's status.

In addition, the owner may also be required to undertake specific animal education training.

In the case of the dog being particularly aggressive and / or the owners do not comply with control orders, the council may be given the power to euthanise the dog.

4.4 NUISANCE ANIMALS

While barking dogs are the most common problem, other animals such as birds and poultry can also cause a noise nuisance. Animal nuisance may also extend to offensive odours or behaviour.



CURRENT SITUATION

Our current by-laws only address noise issues due to dogs. Resident feedback suggests this category of nuisance could be extended to cover noises from other animals that occurs or continues to such a degree or extent that it has a disturbing effect on the state of reasonable mental, physical or social well-being of a person. Examples include a neighbour's pet bird persistently screeching or a cat persistently fighting or mewing.

Council received 19 noise complaints concerning poultry in 2020 which has increased from 16 in 2019 and three in 2018. Council received two nuisance noise complaints for birds in 2020 and there are no recorded bird complaints from previous years.



PROPOSED CHANGES

If Council expands into this regulatory area more resourcing would be needed which may result in an increase to rates. Council needs to consider this resourcing challenge carefully while also assessing whether Council is the best placed body to govern nuisance animals other than dogs given the available expertise in other agencies such as the Environment Protection Authority (EPA) or the Department of Health.

ANIMAL MANAGEMENT REQUESTS



QUESTIONS

Have you experienced problems relating to cat noise?

Have you experienced problems relating to bird/poultry noise?

Have you experienced nuisance behaviour from other animals? If so, what were the major issues?

Would you be prepared to pay additional rates to cover the expansion of this service?



4.5 LICENSING

According to the Australian Companion Animal Council (the peak body representing pet ownership and the pet industry in Australia), the national average of dog ownership per hundred people in Australia is 18 dogs per hundred people. The Northern Territory has the highest ownership of dogs with 20 dogs per hundred people. In 2019/20, 6429 dogs were registered in the City of Palmerston. With a current population of approximately 37 000 people in Palmerston, this equates to approximately 19 dogs per hundred people.

CURRENT SITUATION

Under our existing by-laws, people that wish to keep more than two dogs, but no more than six, must apply to Council for a licence. After receiving an application, Council then works with the applicant to assess the ability of the owner to look after the dogs. All immediate neighbours of the applicant's property are contacted by Council for comment. Council then makes a determination on whether to grant the licence based on the evidence from the assessment and outcomes of the consultation with the neighbours.

Council issued 48 licences for residents to keep more than two dogs at a property in 2020 which is a notable increase from 23 in 2019 and nine in 2018.

An issue for the City of Palmerston in this area is the trend for smaller residential development block sizes and changes to dwelling types i.e. more townhouses, units and flats. Arguably the number of dogs kept at one property should be proportionate to and dependant on the owner's block size in order to safeguard the animals' welfare.

City of Palmerston does not currently limit how many cats can be kept at a premises.

PROPOSED CHANGES

Council is considering reviewing its licensing requirements to state:

- Licences for more than two dogs / cats is dependant on block size and dwelling type
- Licence holders must request a re-issued licence if their living arrangements change.

QUESTIONS



Should the applicant's size of property be a key consideration in whether a licence should be granted to home between 2-6 dogs?

Should the applicant's dwelling type be a key consideration in whether a licence should be granted?

Should a licence holder have to reapply if they move properties?

Should licensing provisions be extended to cats?

4.6 ANIMALS AT LARGE (STRAY CATS)

An animal is considered at large when it is found wandering outside of its premises without its owner i.e. a dog that has escaped from a property or has become separated and is roaming some distance away. An animal is also considered at large when it is not under effective control by the owner. For instance, if a dog is being walked off lead in a non-designated off lead area, it is considered roaming free and uncontained.

CURRENT SITUATION

Council's current by-laws only apply to dogs at large. Council received 1115 complaints about dogs at large in 2020. This was a decrease from the 2019 figure of 1178 complaints but an increase from 917 complaints in 2018. Trend analysis indicates that approximately 57 per cent of all dogs at large are impounded at Council facilities.

In other jurisdictions, if a cat is found at large outside the premises of the owner at any time, the owner is guilty of an offence. This policy is in place to encourage responsible pet ownership and to minimise any nuisance or risk to fauna from wandering cats.

The number of complaints Council receives about cats at large fluctuates. Council received 11 complaints for cats at large in 2020, 27 complaints in 2019 and only two in 2018.

PROPOSED CHANGES

Council can consider extending its by-laws to include penalties for cats at large. If this by-law area is expanded, there will be the need for additional resources in Council's Regulatory Services to allow for increased Rangers for education and enforcement. This may result in increased Council rates to cover these services.

QUESTIONS



Do you think the animals at large offence should also include cats?

Do you think any other category of animal should be included in an at large by-law provision?

4.7 REGISTRATION OF CATS

Under the current by-laws, all dogs over the age of three months must be registered in the City of Palmerston. Registration provides Council with a description of the dog, identifies the owner and provides their contact information in case the dog gets lost or goes wandering. In some councils in Australia, the requirement for registration has now been extended to cats. This has been introduced in an attempt to control cat numbers and help protect wildlife in a local area.

CURRENT SITUATION

Registration of pets currently only applies to dogs in the City of Palmerston.

PROPOSED CHANGES

City of Palmerston is considering making it a requirement for cats to be registered and is analysing the implications. Council may require more resources to regulate this additional area which could increase the cost of pet registration or subsidise the increased service cost through a rate increase for all residents.

QUESTIONS



Do you think cat registration should be introduced?

Would you be prepared to pay additional rates to cover the expansion in this service?



4.8 MICROCHIPPING

Animal microchipping for identification purposes is strongly encouraged for all dog owners by the City of Palmerston. 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 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.

CURRENT SITUATION

There is currently a \$10 reduction in annual registration costs for dogs that have been microchipped, however it is not a compulsory requirement for registering your dog.

PROPOSED CHANGES

Council is considering the benefits and implications of making microchipping compulsory to register a pet in City of Palmerston. Microchipping a dog gives them the best chance of being identified and returned to their owner if they become lost or stolen.

QUESTIONS



Do you think microchipping should be compulsory for dogs prior to registration?

Do you think microchipping should be compulsory for cats if they were required to be registered within the municipality?

5. FURTHER QUESTIONS / FEEDBACK

We want to hear what you think about our current and proposed changes to the animal by-laws. You can answer our feedback prompts by taking our online survey, available at palmerston.nt.gov.au. To request a hard copy of this document and the survey, contact Regulatory Services on (08) 8935 9977 or email palmerston@palmerston.nt.gov.au.

6. NEXT STEPS

Community consultation for the review of the Palmerston (Animal Management) By-laws will take place over an eight-week period. Once consultation has ended Council will analyse and collate the feedback in a consultation report. This feedback will be used to inform a set of guiding principles for the drafting of new by-laws. Council will work with the Office of Parliamentary Council during this drafting process and the new Animal Management By-Laws will come into effect once all legal requirements are finalised.

