

AGENDA

PALMERSTON ANIMAL MANAGEMENT ADVISORY COMMITTEE

Wednesday 25 November 2020

The Palmerston Animal Management Advisory Committee Meeting will be held in Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston commencing at 5:00pm.

COVID-19 Statement of Commitment

The Palmerston Seniors Advisory Committee Meeting will be open to the public and Palmerston Recreation Centre holds a Statement of Commitment to adhere to:

- Physical distancing measures
- Health and hygiene principles

A stylized, handwritten signature in black ink, appearing to read "Luccio Cercarelli".

LUCCIO CERCARELLI
CHIEF EXECUTIVE OFFICER

PALMERSTON ANIMAL MANAGEMENT

ADVISORY COMMITTEE **AGENDA**

CITY OF PALMERSTON

Notice of Palmerston Animal Management Advisory Committee Meeting
To be held in Council Chambers
Civic Plaza, Palmerston
on Wednesday 25 November 2020 at 5:00pm.

1 ACKNOWLEDGEMENT OF COUNTRY

2 OPENING OF MEETING

3 APOLOGIES

- 3.1 Apologies
- 3.2 Leave of Absence
- 3.3 Leave of Absence Request

4 DECLARATION OF INTEREST

- 4.1 Committee Members
- 4.2 Staff

5 CONFIRMATION OF MINUTES

- 5.1 Confirmation of Minutes

RECOMMENDATION

THAT the minutes of the Palmerston Animal Management Advisory Committee Meeting held Wednesday, 26 August 2020, pages 111 to 115 be confirmed.

6 CORRESPONDENCE

Nil.

7 OFFICER REPORTS

- 7.1 Receive and Note Reports
 - 7.1.1 Animal Management By-Law Update and Public Consultation Discussion Paper PAMAC9/32
 - 7.1.2 Animal Management – November Update PAMAC9/33
 - 7.1.3 Marlow Lagoon Dog Park Improvements PAMAC9/34
- 7.2 Actions Reports
 - Nil

8 OTHER BUSINESS

9 NEXT MEETING

10 CLOSURE OF MEETING

PALMERSTON ANIMAL MANAGEMENT ADVISORY COMMITTEE **AGENDA**

PALMERSTON ANIMAL MANAGEMENT

ADVISORY COMMITTEE **REPORT**

AGENDA ITEM:	7.1.1
REPORT TITLE:	Animal Management By-Laws Update and Public Consultation Discussion Paper
REPORT NUMBER:	PAMAC9/032
MEETING DATE:	25/11/2020
AUTHOR:	Manager Regulatory Services, Jocelyn Cull
APPROVER:	Director Lifestyle and Community, Amelia Vellar

COMMUNITY PLAN

Family and Community: Palmerston is a safe and family friendly community where everyone belongs.

PURPOSE

This report outlines the proposed process to review and undertake community consultation for possible repeal and replacement of the current *Palmerston (Animal Management) By-Laws*.

KEY MESSAGES

- The Council's current animal management by-laws were enacted in 1999 and have had no major content change since their enactment.
- While the by-laws have done the job they were intended to do, they are no longer considered reflective of the community's needs, nor of modern legislative drafting.
- Good governance practices support regular and timely by-law review to ensure modern and contemporary rules.
- An update of the current animal management by-laws has been identified by Council as a priority action.
- Council requires effective animal management by-laws to protect public health, safety and amenity in the City of Palmerston as well as achieving strategic policy objectives.
- The animal management by-laws will be drafted by the Office of the Parliamentary Counsel in conjunction with and under instructions from Council's Regulatory Services team.
- The Northern Territory Government has identified the Litchfield Council (Dog Management) By-Laws 2017 as model by-laws for the jurisdiction. Those by-laws deal effectively with issues around the management of dogs in a municipality and reflect modern legislative drafting practices (including, for example, current policy around the issue and enforcement of infringement notices).
- Council will leverage from Litchfield Council's by-laws in the by-law development process by using them as a base for community consultation and subsequent drafting instructions to the Office of Parliamentary Counsel. It is proposed that Council's new animal management by-laws would be broader in scope to capture the management of animals other than dogs (including cats and birds for example).
- Council proposes to undertake a process where there is the development of an animal management discussion paper for public consultation, presentation of the consultation paper to Council, development of drafting instructions and the drafting of the by-laws by the Office of the Parliamentary Counsel.
- The Palmerston Animal Management Advisory Committee will be consulted throughout the development process of the By-Laws to gain their views and input.

PALMERSTON ANIMAL MANAGEMENT ADVISORY COMMITTEE **REPORT**

RECOMMENDATION

THAT Report Number PAMAC9/032 entitled Animal Management By-Laws Update and Public Consultation Discussion Paper be received and noted.

BACKGROUND

A municipal by-law is subordinate legislation which applies to a certain area. Councils use by-laws 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.

By-laws are capable of including penalties for non-compliance. The current *Palmerston (Animal Management) By-Laws* do provide for penalties, but these are somewhat out of date and inconsistent with penalties for corresponding offences in other municipalities due to the passage of time since their enactment.

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

The *Palmerston (Animal Management) By-Laws* were introduced in 1999 and 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 ensures that by-laws remain current and suitable to the purpose for which they were originally made, and remain consistent with developments in the law as well as in other similar jurisdictions. In some Australian jurisdictions, by-laws have a 10-year life unless they are revoked sooner or renewed. This is not the case in the Northern Territory where by-laws that are made under the *Local Government Act 2008* do not have a stipulated life span.

The *Palmerston (Animal Management) By-laws* have controlled and regulated animals within the municipality since they were enacted. 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 are less compared to other jurisdictions. The by-laws do not adopt the penalty unit regime established under the Penalty Units Act 2009 (NT) which helps penalties under various Northern Territory legislative instruments keep pace with inflation and to remain consistent with one another.

At a high level, the steps in making a by-law are as follows:

1. Drafting instructions are prepared by Council in consultation with the Department of Chief Minister and Cabinet (DCMC).
2. Council resolves to approve the drafting instructions, and to have the by-laws drafted. Once approved, the drafting instructions cannot be amended without a further resolution of Council.

PALMERSTON ANIMAL MANAGEMENT

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3. The approved drafting instructions and Council's resolution are provided to the Office of Parliamentary Counsel, through DCMC. Draft by-laws or rules are prepared by OPC and a process of review, redrafting and finalisation occurs whereby the draft by-laws are finalised.
4. A "plain English" public information paper is produced by Council's Regulatory Services team, to be approved by DCMC and used by Council in its public consultation on the draft by-laws.
5. The draft by-laws must go back to Council for approval to commence public consultation.
6. The draft by-laws, together with the public information paper, must be published on Council's website not less than 21 days before the meeting of Council at which Council proposes to make the By-laws. In addition, Council must make copies of the draft by-laws available for public inspection at Council's office and must give notice in a newspaper circulating in Council's area of the availability of the by-laws for inspection and of their general nature and effect.
7. Council must consider any representations made in writing by members of the public about the by-laws.
8. After consultation, any final tweaks required to the draft by-laws should be made by Parliamentary Counsel under instruction from Council's Regulatory Services team through DCMC.
9. Once the draft by-laws are finalised, Parliamentary Counsel must certify that the by-laws may be made consistently with the principles set out in part 13.1 of the Local Government Act 2008 (NT).
10. Once certified, the draft by-laws must be provided to Council to pass a special resolution to make the by-laws and, once resolved, the by-laws must be signed by the authorised person (usually Council's CEO).
11. The signed by-laws are forwarded, through DCMC, to the Minister for Local Government for approval and signing of the Gazette notice prepared by OPC.
12. The Department of Local Government, Housing and Community Development arranges for the signed notice to be published in the Gazette and at the same time provides Cabinet Office and Secretariat Services with a copy of the notice and the by-laws or rules so that Cabinet Office and Secretariat Services may arrange for their tabling in the Legislative Assembly.
13. Cabinet Office and Secretariat Services, of DCMC, arranges for the by-laws or rules to be tabled in the Legislative Assembly within three sitting days after the by-laws or rules have been notified in the Gazette.
14. The by-law comes into effect on the date of notification in the Gazette unless a later date is specified in the Gazette notice.

The full process of by-law preparation and enactment can take quite some time, from initial and ongoing consultation, drafting, publication and enactment. In some instances, the full process can take 18 months or longer.

DISCUSSION

At the 2nd Ordinary Council Meeting of 17 November 2020, Council endorsed the following recommendations:

Animal Management By-Laws Update and Public Consultation Discussion Paper

1. *THAT the report entitled Animal Management By-Laws Update and Public Consultation Discussion Paper be received and noted.*
2. *THAT Council endorses a review of the Palmerston (Animal Management) By-Laws 1999 to ensure that they are modern and reflective of the community's needs, utilising the process outlined in the report entitled Animal Management By-Laws Update and Public Consultation Discussion Paper.*

PALMERSTON ANIMAL MANAGEMENT ADVISORY COMMITTEE **REPORT**

3. THAT a Council workshop be held in early February 2021 regarding the discussion paper for community consultation regarding the animal management by-laws.
4. THAT a report be presented on the outcomes of the community consultation outlining key findings and recommendations in regard to animal management by-law requirements to Council at the Secondary Ordinary Meeting in May 2021.

CARRIED 9/1386 – 17/11/2020

In terms of process, Council will utilise the *Litchfield Council (Dog Management) By-Laws 2017* as a base to work from which should expediate the by-law drafting and enactment process. Council will also instigate public consultation at a preliminary stage to inform relevant and appropriate content. These measures seek to ensure that new animal management by-laws can be enacted in the most timely and efficient method possible.

The Northern Territory Government has identified the *Litchfield Council (Dog Management) By-Laws 2017* as model animal management by-laws for the jurisdiction. The by-laws are considered modern and contemporary, meeting community needs in this key area. While the subject area is restricted to dogs, many by-law provisions are highly relevant including registration conditions, time periods, dangerous dog provisions, strict liability offences and reviewed penalty provisions.

A major advantage in utilising Litchfield's model by-laws is that it is a relatively recent piece of work that has already undergone the rigour and scrutiny of the Office of Parliamentary Counsel process. This aspect combined with the Northern Territory Government's level of comfort with regards to the model by-laws provides Council with a very good base to work from. Nevertheless, it is proposed to expand the operation of City of Palmerston's new animal management by-laws to cover issues arising from animals other than dogs (including cats and birds for example).

Council has conducted a thorough comparative analysis of the *Palmerston (Animal Management) By-Laws* to those of Litchfield. A summary analysis of key findings is contained in **Attachment 7.1.1.1**.

To some extent, issues that can arise from the mismanagement of animals are already considered and dealt with under existing legislation. An example would be foul and offensive odours emanating from a poultry chicken pen into a neighbouring property. To the extent that noise, dust and odours may constitute an environmental nuisance, these issues may be captured under the *Environment Protection Act 2019*. To the extent these issues pose a risk to community health, the issues may be covered by the *Public and Environmental Health Act 2011*. However, to the extent these issues do not constitute an environmental nuisance or a public health risk (that is, to the extent they may constitute a general nuisance, but not meet the more specific tests of environmental nuisance or public health risk), they are not sufficiently covered and do not clearly fall within the jurisdiction of any regulator. It has become apparent that community expectation is that Council should play a role in managing nuisance caused by animals including, but not limited to, dogs.

Council will adhere to the standard by-law development process but will diverge from it in that it will engage with the community prior to the commencement of drafting instructions. This approach will ensure an effective means of community consultation with key community needs identified and addressed early in the process.

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A key component to the community consultation is the development of an animal management discussion paper. The paper will be developed to inform and generate feedback on contemporary community animal management issues in the City of Palmerston. The issues and questions contained in the discussion paper will be provided as a guide. The community will be invited to address these issues and questions, as well as any other matter related to animal management in the community.

The discussion paper will be similar in style to the discussion paper on *Uniform Companion Animal Legislation in the Northern Territory* which was issued by the Department of Chief Minister and Cabinet in 2019 – see **Attachment 7.1.1.2**.

Examples of questions considered through the discussion paper may include:

- support for the compulsory microchipping of dogs prior to registration, and problems or issues with this practice;
- support for the introduction of licencing requirements for the total number of cats that can be kept at a single property, and problems or issues with this practice; and
- extension of categories of nuisance in the by-laws to cover other nuisances than the noise created by dogs.

The questions will be carefully crafted to ensure that they are non-leading and neutral in tone for the reader.

Next Steps

In early February 2021, a workshop will be held with Council Members to review content of the discussion paper prior to its finalisation. This activity will help ensure that key community animal management issues that have been broached with Members are included and addressed to an appropriate level. Following the workshop, the discussion paper will be finalised and made ready for public consultation. Council will ensure that an appropriate media and communications strategy is put in place to assist and promote the consultation process.

In mid-February 2021, the discussion paper will be officially launched by Council. The community consultation will commence and extend for an eight-week period. Once the consultation has concluded, Council will collate and analyse the consultation data and investigate any follow up areas.

In May 2021, a brief will be presented to Council Members outlining the key findings and commentary on animal management issues as evidenced from the analysis of the discussion paper. It is envisaged that the analysed feedback will inform the development of drafting instructions that will be submitted to the Office of the Parliamentary Counsel.

Drafting instructions will be forwarded to the Office of the Parliamentary Counsel. The Minister's approval for the proposal will be obtained, the Preliminary Regulation Impact Assessment undertaken and a PRIS Certificate issued if required.

CONSULTATION PROCESS

The Palmerston Animal Management Advisory Committee will be consulted throughout the development process of the By-Laws to gain their views and input. This will include regular update reports to the Committee.

The following City of Palmerston staff were consulted in preparing this report:

PALMERSTON ANIMAL MANAGEMENT ADVISORY COMMITTEE **REPORT**

- Chief Executive Officer;
- Regulatory Services Lead; and
- Governance Lead.

In preparing this report, the following external parties were consulted:

- Supervisor Regulatory Services, Litchfield Council;
- Manager, Legislation and Corporate Services Unit, Office of the Parliamentary Counsel;
- Manager, Legislation and Policy, Local Government and Community Development, Department of the Chief Minister and Cabinet; and
- Partner, Jacobs Krajsek Wauchope (JKW Law).

POLICY IMPLICATIONS

There are no policy implications for this report.

BUDGET AND RESOURCE IMPLICATIONS

The preparation of the discussion paper, council workshop, consultation brief and preparation of drafting instructions will be undertaken using existing operational budgets.

Specific expert legal advice will be necessary for the development of by-laws drafting instructions and a local firm has been engaged for this purpose.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

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.

The timeframe from preliminary community consultation through to the forwarding of drafting instructions and ultimate enactment of by-laws can be extensive. This may result in community frustration, scepticism and mistrust of the legitimacy of the activity. Extensive timeframes can be mitigated somewhat by the utilisation of the model by-laws for content and structure, particularly so given the level of familiarity that the Office of Parliamentary Counsel has with that body of work.

Another area of risk is the high likelihood of diverse and potentially conflicting views from the community in relation to the discussion paper. This may result in unclear direction or means by which to proceed in reference to animal management areas. This potential can be alleviated by effective engagement through clear and effective communications outlining key areas and possible implications, and also any limitations on the ambit of the proposed by-laws to manage community expectations.

The development of by-laws and investigation of key risk areas is a specialist area. As such, legal expertise will be procured as is needed.

ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

PALMERSTON ANIMAL MANAGEMENT ADVISORY COMMITTEE **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. Attachment 7.1.1.1

2. Attachment 7.1.1.2

Comparison of By-Laws – Litchfield Council (Dog Management) By-Laws 2017 and Palmerston (Animal Management By-Laws) 2008 - Summary

The Litchfield Council (Dog Management) By-Laws were enacted in 2017 and place an emphasis on public safety and maintaining a congenial living environment in the rural area.

In adopting and implementing By-Laws and dog control and management policies, Council takes into account the following:

- The importance of allowing members of the public to utilise roads, streets and public facilities without fear or apprehension of aggressive, feral or stray dogs.
- The importance of reducing dog nuisances to the general community.
- Reducing the number of dogs wandering in public areas, recreational areas and places frequented by children.
- The recreational and exercise needs of dogs and their owners.
- The cost of establishing and the ongoing operational costs of all aspects of animal control and management.

The City of Palmerston (Animal Management) By-Laws were first introduced in 1999 and have had minor amendments since their enactment. The purpose of the By-Laws is to 'provide for the keeping of animals within the municipality in a manner compatible with the enjoyment by residents of a congenial living environment.'

The major differences between the two municipalities' By-Laws are in the following areas:

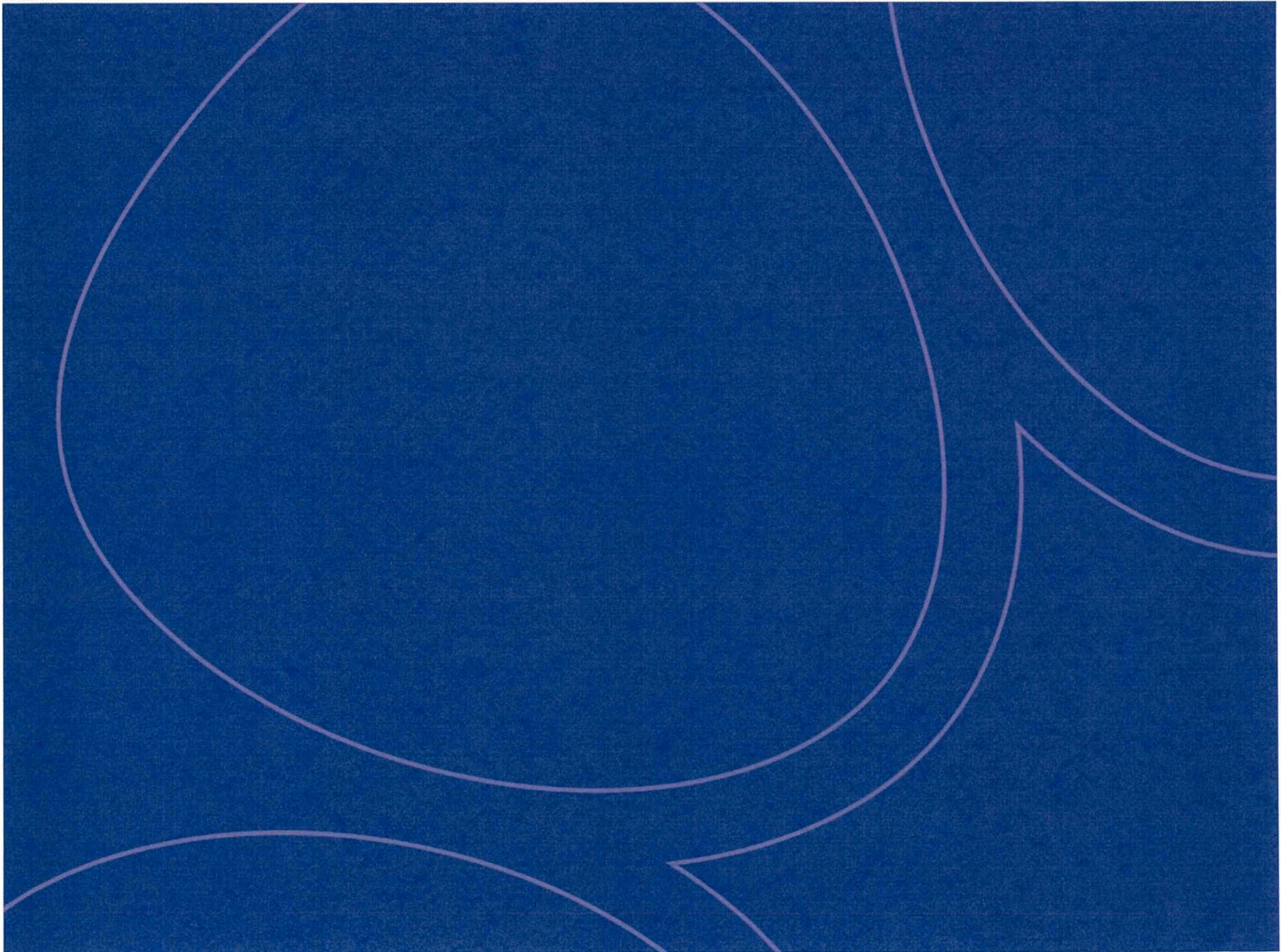
- **Timing** – Litchfield has a much tighter and more restrictive time period in reference to registration of a dog and related registration or licencing conditions. An example includes refusal by Council to register a dog if it has been found guilty by a court of more than 2 offences against the By-Laws within a 12-month period. Palmerston in comparison, provides for a two-year time period for similar refusals and restrictions.
- **Offence of Strict Liability** – Litchfield stipulates that by-law offences are classified as an offence of strict liability. This means that by-law offences do not require proof of fault, it merely needs to be established that an offence has occurred. It does however, provide for a defence of an honest and reasonable mistake of fact. It is generally considered justified to impose strict liability to protect public health, safety and the environment. It may also be imposed for regulatory offences. Palmerston in comparison, for liability in reference to general penalties relies on a finding of guilt.
- **Dangerous Dog Declaration** – Litchfield provides for the declaration of dangerous dog by an authorised person if a dog attacks a person or animal, the dog menaces a person or animal or the authorised person believes the dog is destructive, dangerous, savage or a threat to the community. The owner of the dog may also apply to Council for revocation of the declaration. Palmerston's By-Laws do not contain these provisions.
- **Registration of a Dangerous Dog** – Litchfield has a number of conditions of registration that pertain to dangerous dogs including that the owner must ensure the dog is properly contained at the premises; erect signage on the premises with the words 'warning Dangerous Dog' clearly visible and legible from the front boundary, mandatory notification to Council if the owner

intends to keep the dog at a different location for a period exceeding 14 days and compulsory 24 hours reporting to Council if the dog has attacked or allegedly been involved in an attack and notification if the dog is missing, dies or if ownership is transferred. A prospective purchaser must also be informed of the dog's status. Palmerston does not have these provisions within its current By-Laws.

- **Failure to Comply With a Condition of Registration** – Litchfield stipulates that a registered dog owner commits an offence if the dog has been registered subject to conditions and the conditions have been contravened by the owner. The offence in this instance is one of strict liability. Whilst Palmerston does have similar provisions a contravention is not deemed a strict liability offence.
- **Containment of Dog** – Litchfield has a provision that the dog owner commits an offence if the dog is not properly contained on premises. It stipulates that the time of which the dog is not properly contained or the owner's ability to contain the dog is immaterial to the fact. Palmerston does not have such a provision within its By-Laws.

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.

PALMERSTON ANIMAL MANAGEMENT ADVISORY COMMITTEE **REPORT**

AGENDA ITEM:	7.1.2
REPORT TITLE:	Animal Management - November Update
REPORT NUMBER:	PAMAC9/033
MEETING DATE:	25/11/2020
AUTHOR:	Animal Education Officer, Lynelle Young
APPROVER:	Director of Lifestyle and Community, Amelia Vellar

COMMUNITY PLAN

Family and Community: Palmerston is a safe and family friendly community where everyone belongs.

PURPOSE

The purpose of this report is to provide an update of Animal Education activities from August to October 2020.

KEY MESSAGES

- The City of Palmerston promotes responsible pet ownership.
- We seek to empower the community through education about responsible pet ownership.
- Further development and delivery of a purposeful education program.

RECOMMENDATION

THAT Report Number PAMAC9/033 entitled Animal Management - November Update be received and noted.

BACKGROUND

The City of Palmerston promotes responsible pet ownership. Pets are an important part of people's lives and contribute to their wellbeing by providing companionship. The effective management of companion animals requires commitment from the entire community.

Statistically, Australia is one of the top 20 countries in the world for pet ownership. 83% of Australians have had a pet at some time in their lives, with 39% of pet-owning Australians owning a dog and 29% owning cats.

With the ever-changing climate we currently live in, the City of Palmerston's animal education programs are always evolving to meet the developing needs of the community.

DISCUSSION

Due to COVID-19 pandemic restrictions, some of Council's planned programs and events in animal education were cancelled. Many desired outcomes however were still achieved.

PALMERSTON ANIMAL MANAGEMENT

ADVISORY COMMITTEE **REPORT**

The 2019/2020 registration period saw 6,500 dogs registered in the municipality. This is the highest number of registrations received historically in the City of Palmerston. This high level of registration was accomplished by numerous communication and education methods including:

- Phone audits of any outstanding registrations;
- Physical audits with Rangers going door to door; and
- Introduction of the Councils de-sexing and microchipping scheme.

The 2020/2021 registration period started in September with Council implementing an early registration incentive where owners registering their dogs could win vouchers. There are currently 3,500 renewed registrations to date. As part of The Top End Regional Organisation of Councils (TOPROC), a joint registration campaign was developed to inform residents that all top end councils have aligned registration dates and free registration transfers are available.

In late 2019, the de-sexing scheme opened for quotes to be submitted. The objective of this scheme was to encourage responsible animal ownership through de-sexing and microchipping of cats and dogs. This also helps address environmental sustainability through the reduction of unwanted cats and dogs within our municipality. The scheme runs for three years with \$15,000 allocated for each of the three years. The expression of interest was placed out to providers in the community with The Ark Animal Hospital winning the quotation process. Residents that had their dogs currently registered and held a valid concession card were offered full cost coverage of their pets de-sexing surgery and those without a valid concession card were eligible to receive \$120 off their pets de-sexing surgery.

Marketing of the scheme in the community was done via numerous strategies including:

- Northern Territory Housing passing on information to housing officers and tenants;
- Residents referred and contacted by the Regulatory Services team;
- Placement of the scheme on the Council's website;
- Distribution of marketing material at events; and
- Customer Service speaking to residents when they attended the Council office to register their dog.

The 2019/2020 allocation was successful in achieving 39 animals being de-sexed, with 30 of those animals receiving full coverage of costs, and nine receiving part funding of their de-sexing procedure.

The 2020/2021 allocation of the scheme to date has seen 40 animals placed in the scheme with 30 of those being fully covered, and 10 of the fully covered animals being cats. The positive short term effects of the scheme are that Council are meeting the community's expectations and gaining compliance with dog registration. The long term effects of the scheme are unlikely to be seen for a few years. We can however expect a decrease in unwanted animals going through the pound and rehoming shelters.

The introduction of 'Chip Your Pet Month' encouraged pet owners to microchip their pets to ensure their quick and safe return. The campaign was a timely reminder for the community to register their dogs and check that microchip details are up to date. During May, 35 pets were microchipped. The scheme continued beyond May 2020 and an additional 55 pets have been microchipped.

PALMERSTON ANIMAL MANAGEMENT ADVISORY COMMITTEE **REPORT**

In August, when COVID-19 restrictions lifted, an animal first aid session was held with the assistance of The Ark Animal Hospital. This session encouraged pet owners to think ahead, be prepared and provide first aid to their pets in an emergency. Discussion topics included wound management, learning how to control bleeding and how to administer first aid to a pet that is heat stressed. A pet first aid kit was given out as a lucky door prize on the night. Residents from Palmerston and other municipalities attended the event and positive feedback was received.

Also in August, the Animal Education Officer attended 'Seniors Day'. This day was run as a workshop style event at the Recreation Centre. Numerous guest speakers presented throughout the day. This event provided an opportunity to engage with senior residents within the community to discuss any animal management ideas or issues. A highlight for seniors attending the event was connecting with "Diva", a Belgian Shepherd.

In September, 'National Dog Day' was included in the 'FlicNics' program with the screening of the popular dog movie 'Marley and Me'. 'FlicNics' is an event which is run by Community and Library Services. This event is a dry season event where residents can come down to Goyder Square to watch a movie on the big screen for free. The 'National Dog Day' event involved members from Train with PAWS Darwin engaging the community and their pets in training them how to do a trick. Train with PAWS Darwin is the dog training section of PAWS Darwin rehoming. Various prizes were on offer including treats, toys, and dog food. PAWS and Top End Rehoming Group Inc – Darwin NT were on site to provide information to the community about rehoming opportunities. The event was well received with approximately 50 people in attendance for the film.



Photo: FlicNics – Marley and Me 29th August 2020

October saw the Animal Education officer attend a number of events. The Smith Family run an annual event called 'Girls Step up'. This event seeks mentors in the local community to talk about their journey from school to work. This event is an aspiration building event for girls in Year Nine and Year 10 to start thinking about career paths.

The Animal Education Officer attended Bakewell Primary School to present to Year One students about responsible pet ownership. The presentation was part of a writing unit in persuasive text. Discussions

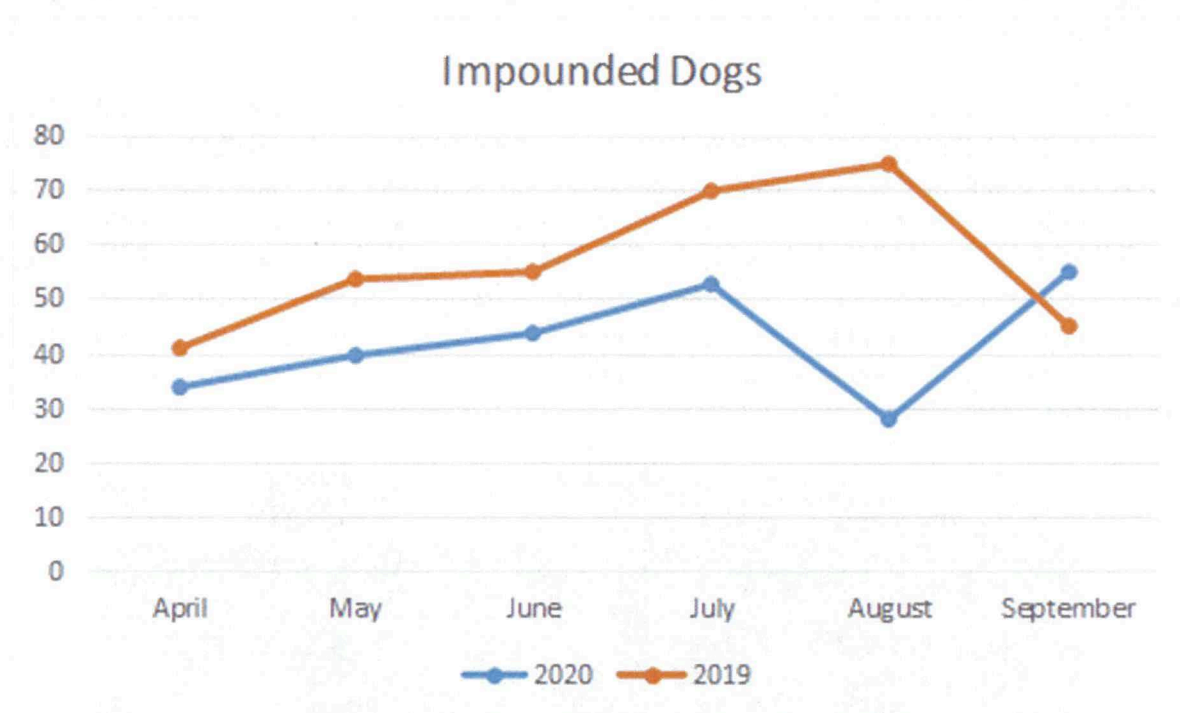
PALMERSTON ANIMAL MANAGEMENT

ADVISORY COMMITTEE **REPORT**

were around general animal husbandry, how to choose an appropriate pet and information about how to keep safe around dogs.

The annual Children's Week event was held at the Recreation Centre. The Animal Education Officer engaged with the community about safety around dogs, children and pets as well as any other animal management enquiries. Regulatory Services stickers were well received as were leads and frisbees.

The Statistics for animal management in July to September quarter show that there was a total of 136 dogs impounded with only 28 of those dogs being registered. The graph below shows a comparison for the same time last year of impounded dogs going through the pound.



Infringements issued for the July- September quarter show an increase across all infringement types in comparison to the previous quarter. The increase is likely due to the COVID-19 pandemic and a lot of community members working from home during the April- June quarter.

Infringement Type	April-June	July-September
Unregistered Dog	14	31
Dog at Large	46	55
Dog Attack	7	12
Dog Menace	1	2
No Permit to keep more than 2 dogs	1	1

PALMERSTON ANIMAL MANAGEMENT ADVISORY COMMITTEE **REPORT**

CONSULTATION PROCESS

The following City of Palmerston staff were consulted in preparing this report:

- Regulatory Services Manager
- Regulatory Services Lead
- Senior Ranger
- Ranger

POLICY IMPLICATIONS

There are no policy implications for this report.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget and resource implications for this report.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

There are no risk, legal and legislative implications relating to this report.

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

There are no attachments for this report

PALMERSTON ANIMAL MANAGEMENT

ADVISORY COMMITTEE **REPORT**

AGENDA ITEM:	7.1.3
REPORT TITLE:	Marlow Lagoon Dog Park Improvements
REPORT NUMBER:	PAMAC9/034
MEETING DATE:	25/11/2020
AUTHOR:	Manager Regulatory Services, Jocelyn Cull
APPROVER:	Director Lifestyle and Community, Amelia Vellar

COMMUNITY PLAN

Future Focused: Palmerston is an innovative city that sustains itself through the challenges of the future.

PURPOSE

This report seeks approval to commence staged works for improvements to the Marlow Lagoon Dog Park.

KEY MESSAGES

- Marlow Lagoon Dog Park is the only permanent pet park in the municipality and is highly valued by users.
- It is important given the community value of this facility that appropriate and adequate consultation is undertaken to inform decisions.
- Council sought feedback from the community on the proposed improvements to the Marlow Lagoon Dog Park in February 2020.
- Due to the COVID-19 restrictions imposed by the Australian and Territory Governments the consultation process was suspended in April 2020.
- There was a limited number of responses received from the online survey prior to suspension.
- In accordance with the Council's recommendation, the consultation recommenced on Monday 31 August until Monday 12 October 2020 for a six-week period with appropriate COVID-19 precautions in place.
- Council undertook an extensive online and face-to-face consultation process.
- People were offered a range of options to provide feedback resulting in 336 people providing feedback or engaging with the consultation events.
- The survey asked people to rate the level of importance / priority of the six proposed improvements. General enhancements notably additional shade tree plantings were the highest priority, while the education / agility circuit was rated as the lowest priority.
- Staff recommend staging the improvements, with the Stage One to commence as soon as possible.
- Council is working with the Northern Territory Government to secure crown land within Zuccoli or Johnson for the purpose of an additional dog park/off leash dog area.

RECOMMENDATION

THAT Report Number PAMAC9-34 entitled Marlow Lagoon Dog Park Improvements be received and noted.

PALMERSTON ANIMAL MANAGEMENT

ADVISORY COMMITTEE **REPORT**

BACKGROUND

At the 1st Ordinary Council Meeting of 1 September 2020 Council made the following decisions:

Marlow Lagoon Dog Park Update - August 2020

1. *THAT Report entitled Marlow Lagoon Dog Park Update - August 2020 be received and noted.*
2. *THAT Council receive and note the recommencement of community consultation to gauge the communities support for the Marlow Lagoon Dog Park Improvements with a report on the outcomes of the consultation to be presented to Council at the 2nd Ordinary Meeting in November 2020.*

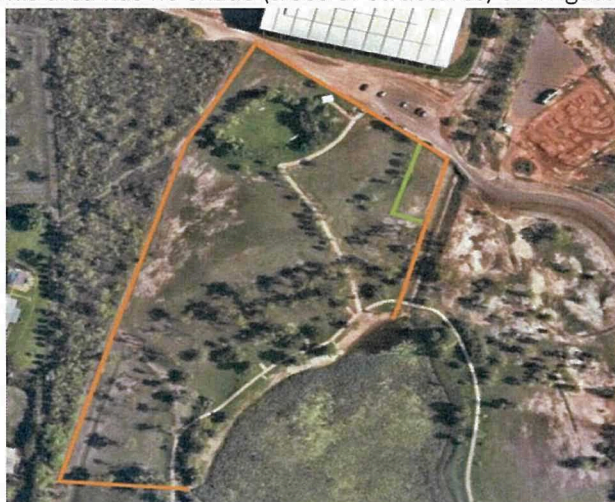
CARRIED 9/1279 - 01/09/2020

Marlow Lagoon Dog Park is the only permanent pet park in the municipality and is highly valued by users. It is a popular area for people to exercise their dogs off-leash.

In July 2019, Council received a petition requesting a designated area be created at the park that is suitable and safe for small dog breeds. A total of 325 people signed the petition. As a result of the petition, Council engaged experts in open space design and dog behaviour to develop a concept plan for improvements to the park.

Current Facility

The current facility comprises a large 'common' area for all dogs of approximately 32,000 square metres (3.2Ha) at the northern end of the Marlow Lagoon Reserve. Within the common area there is a grassed area with a dog agility course, a shaded BBQ area, several pathways, shaded trees, park bench seats and frontage to the lagoon. The facility is a fenced area sometimes used to separate dogs from one another. This area has no shade (trees or structures) or irrigated grass.



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ADVISORY COMMITTEE **REPORT**



Photos: Current features at the Marlow Lagoon Dog Park.

The Park has many features considered good practice such as its size (giving dogs room to roam), natural features including the lake, as well as agility fixtures and space for dog owners to engage in the area.

It is important given the community value of this facility that appropriate and adequate consultation is undertaken to inform decisions. Local consultation company True North Strategic Communications were engaged to prepare a consultation strategy with the following methodology: Meet with stakeholders with a high level of interest in the project. The original timeframe aimed for community consultation to be completed by 24 April 2020. Due to the COVID-19 restrictions imposed by the Australian and Territory Governments the consultation process was suspended.

In response to initial community feedback about the dog park, Council engaged specialists to design a concept plan in line with Council's vision of 'A Place for People', while catering for the needs of people's canine companions.

The Concept Plan, designed by open space and animal behaviour specialists LMH Consulting/Paws4Play, has been available for community feedback. The elements included in the concept plan are not fixed and will be refined based on community feedback.

The Concept Plan includes options for zones and sensory elements to help manage dog behaviours and ensure all users can enjoy the park. Proposed elements include:

- A quiet and small dog area
- An education/agility circuit
- Landscaping and sensory areas
- An open run area
- Lake edge improvements
- General enhancements.

Council sought the community's opinions on each of the elements of the Concept Plan, the importance and priority for each of the proposed improvements and any other feedback. The project can be developed in stages, with each stage able to be adjusted based on feedback and available funding.

A copy of Marlow Lagoon Dog Park Improvements Fact Sheet has been included as **Attachment 7.1.3.1** to this report which includes the proposed concept plan.

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Consultation on the Concept Plan was over a six-week period, commencing on Monday 31 August until Monday 12 October 2020, with several ways to provide feedback. Using the *International Association for Public Participation (IAP2)* principles that guide good community engagement, this engagement was conducted at the levels of inform and consult.

The objectives of the consultation were to:

- gauge the level of community support generally for the park concept plan;
- understand the community priorities for each of the proposed items in the concept;
- help Council plan the stages and funding for the project;
- get specific feedback on elements of the plan;
- continue to demonstrate Council's commitment to community engagement.

DISCUSSION

At the 2nd Ordinary Council Meeting of 17 November 2020, Council made the following decisions:

Marlow Lagoon Dog Park Improvements

1. *THAT Report entitled Marlow Lagoon Dog Park Improvements be received and noted.*
2. *THAT Council endorse the commencement of Stage One works to upgrade the Marlow Lagoon Dog Park as outlined in report entitled Marlow Lagoon Dog Park Improvements, noting this stage includes:*
 - *a dedicated small dog breed area with associated items*
 - *shade tree planting and irrigation*
 - *Provision of a quiet dog area*
 - *artificial shade and*
 - *double gated entry points*

CARRIED 9/1387 - 17/11/2020

The consultation approach focused on targeting stakeholders through existing channels, groups and organisations, visiting the park to provide information and discuss the project with current users of the dog park, and promoting the consultation via display signage, online information, social media, fact sheets and a presence in the park.

People were offered a range of options to provide feedback resulting in 336 people providing feedback or engaging with the consultation events, including via online and hard copy surveys, phone, email, social media and face-to-face discussions in the park.

The survey was the most popular option for providing feedback, with 178 people completing a survey.

Almost everyone who provided feedback either liked the whole concept or liked parts of the concept. More than half of the survey respondents said they like the whole concept. Many people were impressed with the design concept and were grateful that Council wants to improve the park.

The key themes that came across all feedback channels were:

- the need for additional shade, trees, shelter, green grass and seating;

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ADVISORY COMMITTEE **REPORT**

- the need for a dedicated small dog area, with shade / shelter, trees, green grass and seating;
- double-entry gates at every point, including for the small dog area;
- a separate fenced area suitable to socialise large dogs;
- a variety of different activities separated over different areas;
- the location for the small dog area.

The survey asked people to rate the level of importance / priority of the six proposed improvements. General enhancements were the highest priority, while the education / agility circuit was rated as the lowest priority.

Other feedback frequently raised was:

- fence heights – ensuring that they are high enough that dogs can't jump over;
- rocks – don't include jagged rocks in the sensory areas and only have smooth rocks on the lake edge;
- drinking water for both humans and dogs;
- large, open areas were viewed as important so design should ensure this feature is not negatively impacted; and
- water features, water troughs, swimming areas and similar.
- Small breed dog area should just be for small dogs not also large quiet or elderly dogs.

Next Steps

Using the community consultation to inform inclusions and order of works, Council staff recommend staging the upgrades to the park in the following order:

Stage One

- Plant additional shade trees and green grass and provide for year-round irrigation of grassed areas;
- Install double-gated entry points at all entries;
- Create a dedicated area for small dog breeds with shade, seating, drinking water and a separate double-gated entry.
- Provision of a quiet dog area
- Artificial shade such as over bench seats.

Future Stages will include:

- Additional seating and drinking water for dogs and humans in key locations around the park;
- Shelters for shade and protection from rain;
- Lake edge improvements;
- Create a walking track / loop;
- Provide troughs or areas for dogs to cool off;
- Landscaping and sensory areas; and
- Education / agility circuit.

Timing and elements in future stages will be subject to budget.

Council will further consider the design of the small dog breed area so that it doesn't impact on the existing larger dog park area.

Council will look to develop, implement and promote protocols for the Marlow Lagoon Dog Park. This is likely to include information on the frequency of irrigation, guidance on accessing different areas, and

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managing dog behaviours, rules and obligations for those using the park. The development and installation of appropriate signage and communication about these will also be required.

Council is working on the general amenity of Marlow Lagoon including currently upgrading the car park with a reseal and line marking.

Concurrent to progressing improvements at Marlow Lagoon Dog Park, Council is working with Government to secure crown land within Zuccoli or Johnson for the purpose of an additional dog park/off leash dog area.

CONSULTATION PROCESS

The approach for the Marlow Lagoon Dog Park consultation focused on:

- targeting stakeholders through existing channels, groups and organisations
- providing general information and the concept plan to all stakeholders
- providing information sessions at the park to inform community members about the project detail and to invite questions and feedback
- meeting with any key stakeholders with a high level of interest in the project
- visiting the park to conduct one-on-one discussions and surveys
- promoting the consultation via display signage, online information, fact sheets or through presence at the park
- encouraging stakeholders to complete an online survey.

Tools and tactics

Fact sheet

A fact sheet was prepared with information on the project, including the proposed concept plan, a summary of the design rationale and information on how the community could provide feedback. The fact sheet was included on the City of Palmerston website, emailed to stakeholders and distributed at the information sessions at the park. The fact sheet is included at **Attachment 7.1.3.1**.

Supporting materials

A topic guide was prepared to guide conversations at the information sessions and for the pop-up surveys in the park, to ensure all stakeholders were provided with the same messaging. Outdoor signs and posters were developed and displayed at key locations in Palmerston and at Marlow Lagoon Dog Park to increase awareness about, and participation in the consultation.

Online survey

A survey was developed to be used online and as hard copy. The survey sought general feedback about the concept plan and asked people to prioritise and rate the value of each of the proposed features. The survey was available on the City of Palmerston website and hard copies were distributed at community information sessions and a pop-up survey visit in the park.

City of Palmerston website

The project was listed on the Council's website under Have Your Say as Marlow Lagoon Dog Park Improvements and included background on the project, the design rationale, the concept plan and details

PALMERSTON ANIMAL MANAGEMENT

ADVISORY COMMITTEE **REPORT**

about the consultation and how people could provide feedback. Dates for the information sessions, and links to the online survey and the fact sheet were also included on the website.

Social media

City of Palmerston posted information on the consultation in five separate posts on the City of Palmerston Facebook page to encourage community feedback. The posts advertised that the consultation had opened, encouraged people to attend the two information sessions and prompted people to fill out the survey before consultation completed.

Pop-up surveys in the park

Staff attended a pop-up survey session in the park between 5.30pm and 7pm on Thursday 24 September to engage with people using the dog park.

Information sessions at the park

Two information sessions were held at the Marlow Lagoon Dog Park at:

- 9am – 12pm, Saturday 12 September 2020
- 3pm – 5.30pm, Sunday 20 September 2020

At the information sessions, large format concept plans were displayed to illustrate the proposed changes, fact sheets were distributed, and people were invited to ask questions and provide feedback either via survey or general comments. People were encouraged to fill in the surveys with Council pet and general merchandise as an incentive.



Dedicated email address and phone number

A dedicated email address and phone number were provided for people to call or email and provide feedback.

Emails and phone calls

A key approach to engaging stakeholders was to seek support from key stakeholder groups to share the information with their contacts, clients and members. A stakeholder database was developed and included Palmerston and local veterinarians, dog breeders, dog trainers and puppy schools, boarding kennels, dog walkers and dog sitters, pet supply stores and pet groomers. A total of 32 stakeholders were contacted by phone and sent a follow-up email and were asked to share the information with their contacts either by displaying information, distributing hard copies of the fact sheet or poster or sharing via social media or email. These stakeholders were also invited to provide feedback.

Face-to-face stakeholder meeting

As the Marlow Lagoon Small Dog Playgroup had initiated a petition for City of Palmerston to create a dedicated small dog area at the Marlow Lagoon Dog Park before the project and concept plan had been devised, this group was considered a key stakeholder and has 335 members on Facebook. A representative

PALMERSTON ANIMAL MANAGEMENT

ADVISORY COMMITTEE **REPORT**

of the Marlow Lagoon Small Dog Playgroup attended a face-to-face meeting to discuss the project and provide feedback.

Stakeholder register

People were also able to register to be kept updated about the project via the survey and at the community information sessions. A total of 104 people registered to be kept updated by Council about decisions on the improvements as well as any future construction activities.

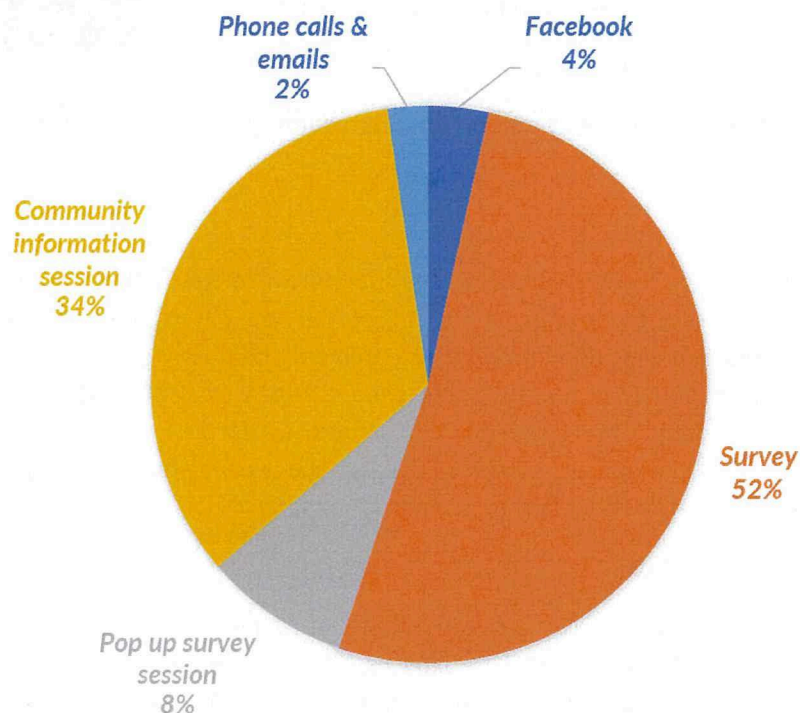
Stakeholders

The consultation targeted the following stakeholders:

- dog owners who currently use Marlow Lagoon Dog Park
- dog owners who don't use Marlow Lagoon Dog Park
- City of Palmerston residents
- animal behaviour specialists including vets, dog training and dog minding businesses, dog breeders, animal rescue groups
- pet supply stores and groomers.

Feedback

Stakeholders were invited to provide feedback via online survey, hard copy survey, email, phone call, in person at an information session or pop-up survey session, or at a face-to-face meeting. People also provided feedback via the City of Palmerston Facebook page. Most feedback was via the online and hard copy survey.



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Communication of Outcome

As part of the consultation process, 104 community members asked to stay informed on the project. Council staff will write to these people thanking them for their contribution and advise them of the outcome.

The following City of Palmerston staff were consulted in preparing this report:

- Regulatory Services

In preparing this report, the following external parties were consulted:

- City of Palmerston community members;
- True North Strategic Communications

The Palmerston Animal Management Advisory Committee (PAMAC) will be informed on the progress of the project at their next scheduled meeting.

POLICY IMPLICATIONS

There are no policy implications for this report.

BUDGET AND RESOURCE IMPLICATIONS

Council has allocated \$130,000 in its approved 2020/2021 budget to improve Marlow Lagoon Dog Park. Upon endorsement this will be allocated to Stage One. The total estimated costs of all stages of improvements is in the order of \$500,000. Future stages can be considered “shovel ready” and external funding opportunities will be explored.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

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.
- 6 Fails to create and deliver the strategic vision for the City
Context: Ensuring a vision is enduring and clear to all relevant stakeholders, guiding future decision making, delivered effectively and efficiently, and that progress is measurable and celebrated.

The Concept Plan has been developed by advisers who are expert in open space planning and dog behaviours. Consideration has been given to controls and risk mitigation measures for the various elements. For example, controlled use of space breakers and natural elements to ensure safety for small and large dogs, and dog owners.

Failure to progress the dog park improvements including the feedback gained from the community may result in reduced trust from the community and less engagement in future consultation processes.

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ENVIRONMENT SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this report.

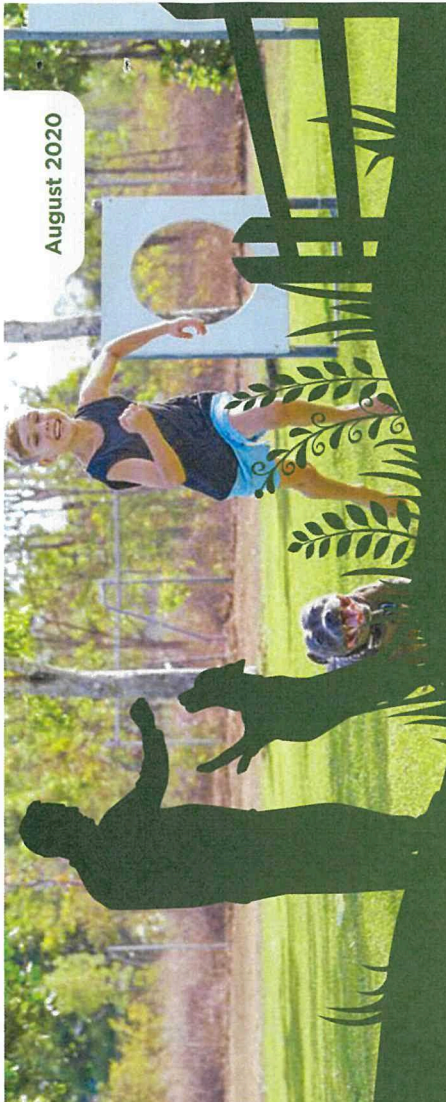
COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

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

ATTACHMENTS

1. Attachment 7.1.3.1

August 2020



CITY OF PALMERSTON

Marlow Lagoon Dog Park Improvements

city of
PALMERSTON
'A Place for People'

Feedback

You can provide feedback on the Marlow Lagoon Dog Park proposed improvements via:

- online survey www.palmerston.nt.gov.au
- information sessions at Marlow Lagoon Dog Park
- email: palmerston@palmerston.nt.gov.au
- phone: (08) 8935 9922

Consultation

The Marlow Lagoon Dog Park Consultation is open for six weeks, closing on Monday 12 October 2020.

Following the community consultation, a report on the outcomes of the consultation will be prepared for Council, to be considered by Council. The final Concept Plan will be subject to the community consultation outcomes.

Design

The Concept Plan, designed by open space and animal behaviour specialists LMH Consulting/Paws4Play, includes options for zones and sensory elements to help manage dog behaviours and ensure all users can enjoy the park.

The design takes into consideration safety; separating activity areas and maintaining pedestrian access points. The dog park has been designed to:

- help disperse dog activity across the park
- help distract dogs from a continued focus on play with other dogs
- provide areas where dogs can retreat, or where owners can take elderly or timid dogs
- help distract dogs from activity at the entry/exits
- expose dogs to a range of sensory and educational environments.

Following feedback from the community, the City of Palmerston has developed a Concept Plan for potential improvements to the Marlow Lagoon Dog Park.

The Concept Plan was developed after Council received a petition about creating a dedicated small dog area at the park.

The park already has a number of amenities available, including a large common area for all dogs, a dog agility course, a shaded BBQ area, pathways, shade trees, a smaller fenced area to separate dogs, park benches and lake frontage.

Suggested improvement works will ensure the park is designed in line with Council's vision of 'A Place for People', while catering for the needs of their canine companions.

The elements included in the Concept Plan are not fixed and will be refined based on community feedback.

Council would like the community's opinions on each of the elements of the Concept Plan, the importance and priority for each of the proposed improvements, suggestions and any other feedback.

city of
PALMERSTON
'A Place for People'

Marlow Lagoon Dog Park

Proposed Concept Plan



Quiet and small dog area

A fully-fenced quiet area for small and other quiet/elderly dogs, which includes an existing shelter, additional trees, space breakers, rock-scape features, small water feature and seating.



Education/agility circuit

Relocating the existing education/agility circuit closer to the entrance but away from the main activity areas to allow for more formal dog training activities, with a small shelter, equipment storage and additional trees and shrubs to help training focus.



Landscaping and sensory areas

Landscaping to include a sensory area with rock insets to create climbable mounds, a possible digging pit and rock-scape area or dry creek bed, to create as many space breakers to separate dogs as possible.



Dry creek bed



Open run area

An open run-about area for ball play with additional trees planted throughout and new seating.



Lake edge improvements

Using flat-topped rocks to stabilise the lake edge and minimise disturbance of the area by dogs entering and exiting the water, and installing a new shelter, seating and drinking fountain for both people and dogs.



New double gate entry



Sensory area



Dog digging pit



General enhancements

General enhancements to the area by extending current irrigated lawns so there is green grass year-round, more seating and shade trees, a fitness/walking loop pathway, landscaping at the entrance of the park and a new double-gated entry on a concrete pad with signage and bins.