

Companion Animals Policy

Purpose

To encourage and reinforce the responsible management of pets for the benefit of the community through education and information, consistent with the City’s responsibilities under the Companion Animals Act 1998 (NSW).

Scope

The Policy applies to the City of Sydney’s local government area including public parks and open spaces. The Policy is also applicable to privately owned areas where complaints about companion animals may be generated.

Definitions

Term	Meaning
Assistance animal	A dog or other animal: (a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or (b) accredited by an animal training organisation prescribed by the Disability Discrimination Regulations 2019 for the purposes of this paragraph; or (c) trained: (i) to assist a person with a disability to alleviate the effect of the disability; and (ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.
Authorised Officer	An employee of the City authorised to perform regulatory functions for the purposes of the CA Act.
CA Act	Companion Animals Act 1998 (NSW)
CA Regulation	Companion Animals Regulation 2018 (NSW)
City	The Council of the City of Sydney
Companion animal	A dog, a cat, or any other animal that is prescribed by the CA Regulation as a companion animal.
Dangerous dog	A dog for the time being the subject of a declaration by an Authorised Officer of a council or a court under the CA Act that the dog is a dangerous dog.
Dog attack	The act of a dog rushing at, attacking, biting, harassing or chasing any person or animal (not vermin), whether or not any injury is caused to the person or animal.

<p>Menacing dog</p>	<p>A dog for the time being the subject of a declaration by an Authorised Officer of a council under section 34 (1A) or a court under section 45 (1A) of the CA Act that the dog is a menacing dog.</p>
<p>Nuisance cat</p>	<p>A cat is a nuisance if the cat: (a) makes a noise that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or (b) repeatedly damages anything outside the property on which it is ordinarily kept.</p>
<p>Nuisance dog</p>	<p>A dog is a nuisance if the dog: (a) is habitually at large, or (b) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or (c) repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, or (d) repeatedly runs at or chases any person, animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, or (e) endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock), or (f) repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.</p>
<p>Off-Leash Area</p>	<p>A public place that is declared to be an off-leash area by order of council.</p>

<p>Restricted dog</p>	<p>The following dogs are restricted dogs for the purposes of this Policy as prescribed by the CA Act:</p> <ul style="list-style-type: none"> (a) American pit bull terrier or pit bull terrier, (b) Japanese tosa, (c) dogo Argentino, (c1) Perro de Presa Canario or Presa Canario, (d) fila Brasileiro, (d1) any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the Customs Act 1901 (Cth), (e) any dog declared by an Authorised Officer of a council under Division 6 of Part 5 of the CA Act to be a restricted dog, (f) any other dog of a breed, kind or description prescribed by the CA Regulation.
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Policy Statement

The City recognises that effective management of domestic pets needs a balanced approach, due to the significant social and health benefits of pet ownership. The City’s Companion Animals Policy intends to achieve this by:

- Striving to rehome every healthy, sociable, and treatable animal impounded by the City, in accordance with the rehoming procedure set by the *Companion Animals Act 1998*.
- Promoting the importance of companion animals to the wellbeing of people living in an urban environment and encouraging responsible pet management.
- Promoting responsible pet ownership through education, information and encouraging pet owners to register, microchip and desex their cats and dogs.
- Reducing the number of lost and wandering cats and dogs by educating pet owners about the importance of identifying, registering and maintaining control of their animals.
- Meeting the requirements of the CA Act in relation to dogs which may be considered a nuisance, menacing, or dangerous, as well as restricted dogs.
- Identifying, promoting, and periodically assessing the suitability and sufficiency of off-leash parks and open space areas for dog exercise relative to changes in population demographics and community demand.
- Monitoring compliance with the CA Act and CA Regulation and using enforcement sanctions where appropriate.

Community Education

Education and awareness are critical to achieving responsible pet ownership and community harmony. This will be achieved by a range of innovative, non-regulatory approaches that focus on community engagement.

The City will implement ongoing, effective and community-sensitive education strategies to encourage and reinforce responsible pet ownership. The City’s Companion Animals Liaison Officer and Authorised Officers will be at the forefront of this community education strategy.

Identification and registration of cats and dogs

Cats and dogs must be microchipped by 12 weeks of age and be registered by 6 months of age.

This system helps the City and other councils in returning pets to their owners if the pets are lost, hurt or stolen.

If registration details change, companion animal owners must inform the City.

Annual Permits

Owners of certain types of Companion animals are required to apply for and obtain an annual permit to lawfully own those animals.

The requirement to hold an annual permit arises, in the case of:

- a cat which is not desexed – upon the cat reaching 4 months of age
- a dog which has been declared to be a Dangerous dog – seven days after the relevant declaration takes effect
- a dog which is a Restricted dog:
 - if the dog is an American pit bull terrier, pit bull terrier, Japanese tosa, dogo Argentino or fila Brasileiro, Perro de Presa Canario or Presa Canario – upon the dog reaching 6 months of age
 - in all other cases – 21 days after the dog, or dogs of that breed, kind or description become ‘restricted dogs’ within the meaning of section 55(1) of the CA Act.

A new permit must be obtained every year, unless otherwise specified in the conditions of the permit.

Applications for annual permits may be submitted online via the NSW Pet Registry Website – petregistry.nsw.gov.au or submitted to the City. Application fees apply as set by the CA Act and CA Regulation, in addition to any registration fees payable. Late payment of permit fees will attract a late fee. A permit may be revoked if the fee is not paid in accordance with the CA Act and CA Regulation.

An owner commits an offence if they do not have a permit in force in relation to the relevant Companion animal on or after the date from which the permit becomes required, and commits another, separate, offence each calendar month the permit remains outstanding.

For more information regarding annual permits, and applicable exemptions please contact the City at council@cityofsydney.nsw.gov.au or consult the [NSW Pet Registry](http://www.petregistry.nsw.gov.au).

Desexing

Desexing helps to reduce aggressive behaviour in animals and helps owners control their cats and dogs. It is preferable that pets be desexed unless they are intended for breeding.

Desexing greatly assists in reducing the number of abandoned companion animals and serves to prevent unnecessary suffering of unwanted animals. The City is working on making desexing more available and affordable to pet owners who need it most. Residents who are pensioner or

health care card holders are eligible for subsidised desexing for their pets.

Dangerous dogs, Menacing dogs and Restricted dogs are required to be desexed as part of the control requirements prescribed by the CA Act.

Lost, seized or surrendered pets

The City will exercise its best endeavors to return a lost pet to its owner, rather than having the animal impounded. Returning a pet safely home, rather than impounding it, is much easier if the animal is microchipped and the registration details are up to date, and if the animal is wearing a tag on its collar with the owner's current contact phone number.

Owners have 14 days to claim impounded microchipped pets or 7 days to claim non microchipped pets, before the animal may be re-homed.

The City is unable to accept surrendered pets from owners who no longer wish to have them. The City can provide the names and contact details of organisations who may accept surrendered pets.

The City is not authorised to accept animals seized under the Prevention of Cruelty to Animals Act 1979 (NSW), or seized when there is no-one available to care for the animal. In these circumstances, it is appropriate to contact the Royal Society for the Prevention of Cruelty to Animals or another animal welfare organisation.

Cat management

Cats must be identified by a form of identification that enables council to ascertain the name of the cat and the address or telephone number of the owner of the cat.

Cats are prohibited from wildlife protection areas and food preparation areas. Cats found in prohibited areas may be trapped and removed.

The City encourages cat owners to keep their pets indoors to minimise the opportunity for injury to the animal, protect wildlife and to reduce instances of nuisance.

Assistance Animals

The City recognises the important role assistance animals play in helping those living with a disability. They provide an important service that helps people to more fully participate in personal and public life activities with more confidence and independence. The City will support those residents who depend on assistance animals to alleviate the effects of a disability.

Dog collars

A dog must have a collar around its neck with a name tag attached showing the name of the dog and the address or telephone number of the dog's owner.

Control of dogs

Dogs must always be under the effective control of their owners, including when they are let off the leash in designated off-leash areas. A dog is not considered to be under the effective control

of a person if that person has more than four dogs under his or her control.

The City encourages all dog owners to enroll their dogs in a training course if they are not able to effectively control their dog.

Off leash areas

In a high density, inner city area such as the City of Sydney, public spaces to walk or run the dog are very important. Off-leash exercise helps to relieve boredom and reduce incidences of unacceptable nuisance behaviour such as uncontrolled barking. The City may designate areas to be off leash at all times or restricted times.

To maximise opportunities for off-leash exercising and socialising of dogs, the City will provide suitable designated off-leash parks with open space areas and proactively explore opportunities for additional off-leash areas in response to changing demographics and/or following community feedback. Designation of off-leash areas require the approval of the City's Chief Executive Officer.

Effective, welcoming and informative signage will be used to identify off-leash areas within parks and open spaces. Dog-tidy stations will be installed and maintained in off-leash parks.

Prohibited areas

Dogs are prohibited from some public places at all times. These include:

- Children's playgrounds and other facilities where children play including skate parks and children's cycling tracks
- Sport and recreation areas, such as sports fields, ovals, pitches and courts (subject to Council determination and signage).
- School grounds.
- Childcare centres.
- Shopping areas (subject to Council determination and signage).
- Wildlife protection areas (subject to Council determination and signage).
- Public bathing areas (subject to Council determination and signage).
- Food preparation and consumption areas, such as public barbeque facilities, although there are some exemptions to this as detailed below-
 - When in an on-leash area, a dog may be in a food preparation and consumption area if it is under the effective control of a person, restrained, kept on the ground and not fed,
 - When in an off leash area, a dog may also be in a food preparation and consumption area. However, the dog does not need to be restrained, it can be fed provided it is on the ground, or it can sit on a person's lap.

A person with a disability is entitled to be accompanied by an assistance animal into or onto any building or place open to the public, including public transport.

Dog waste

Owners have a legal responsibility to pick up after their dogs.

The City will provide dog tidy stations (including dog litter bags) at off-leash parks and other suitable locations. The City recommends that owners deposit their bagged dog waste into general waste bins provided in parks and public spaces.

The City's Authorised Officers and the Companion Animals Liaison Officers will work with dog owners in promoting awareness of these responsibilities to encourage owners to clean up after their dogs.

Barking

Persistent barking can be a nuisance for the neighbourhood and a source of community complaints.

To address dog barking the City will pursue positive and proactive approaches such as:

- providing off-leash areas for dogs to socialise
- providing community education and targeted training for dog owners
- investigating reports of persistently barking dogs and taking appropriate action to remedy any nuisance caused by barking.

Nuisance orders

If the City becomes aware of any dog behaviour that may be considered a nuisance, an investigation will be undertaken by the City's Authorised Officers, as a result of which the Authorised Officer may issue a nuisance order requiring the owner of the dog to prevent the behaviour that is alleged to constitute the nuisance.

Dog attacks

Dog attacks should be reported to the City as soon as practicable so that they may be investigated. A dog attack can be reported by contacting the City at cityofsydney.nsw.gov.au/report-issue, on 02 9265 9333 or at council@cityofsydney.nsw.gov.au.

Menacing or dangerous dogs

An Authorised Officer may declare a dog to be a Dangerous dog or Menacing dog after giving notice to the owner. The Authorised officer must consider any objection made by the owner within 7 days of notice being given before proceeding to make the declaration.

An owner has 28 days to appeal to the Local Court against a declaration that a dog is a Dangerous dog. An owner cannot appeal to the Court against a declaration that a dog is a Menacing dog.

Applications seeking to revoke a declaration that a dog is menacing or dangerous

Once a declaration has been in place for 12 months, the dog owner can apply to the City to revoke the declaration that their dog is menacing or dangerous. Such applications will be reviewed on a case by case and merit basis. Any revocation is at the full discretion of the City. In making its determination on revocation applications, the City will take into account the following:

- a) the circumstances under which the dangerous or menacing dog declaration was issued
- b) the dog's current circumstances and behaviour in relation to the original declaration, including any behaviour modification training that may have been undertaken
- c) any behavioural assessment obtained by the owner from an animal behaviour specialist or other qualified professional.

An owner has 28 days to appeal to the Local Court against a refusal by City to revoke a declaration that a dog is a Dangerous dog.

Control requirements for Menacing, Dangerous and Restricted Dogs

Menacing Dogs

The owner of a menacing dog must comply with a number of control requirements:

- the dog must be desexed
- the dog must not be in the sole charge of someone under 18 years of age
- signs must be displayed on the property showing the words "Warning Dangerous Dog"
- the dog must wear a distinctive collar as prescribed by the CA Regulation
- whenever the dog is outside the property it is ordinary kept at, it must be on a leash and must also be muzzled.

Dangerous and Restricted Dogs

The owner of a dangerous or restricted dog must comply with a number of control requirements:

- the dog must be desexed
- the dog must not be in the sole charge of someone under 18 years of age
- signs must be displayed on the property showing the words "Warning Dangerous Dog"
- the dog must wear a distinctive collar as prescribed by the CA Regulation
- while the dog is on the property where it is normally kept, it must be kept in an enclosure that complies with the requirements prescribed by the CA Regulation
- whenever the dog is outside its enclosure it must be on a leash and must also be muzzled.

Restricted dogs may also include cross-bred dogs.

A dog owner may request a review of the breed classification applied to their animal. If so, the owner will be asked to provide an independent breed assessment report. This report and any other submissions made by the owner will be considered by qualified personnel in determining whether a reclassification is required.

Privacy

City staff will respect the confidentiality of complainants where requested, except where disclosure is authorised by law.

Records will be kept of all complaints for future reference and will be referred to if further complaints about the particular dog or cat are received.

Staff qualifications

City staff who are directly involved in the implementation of this Policy, such as community education, reviewing complaints about the behaviour of a dog or cat, or reviewing applications for the revocation of declarations issued under the CA Act, have a comprehensive understanding of the relevant legislation, as well as associated guidelines issued by the Office of Local Government.

References

Laws and Standards

- Local Government Act 1993 (NSW)
- Companion Animals Act 1998 (NSW)
- Companion Animals Regulation 2018 (NSW)
- Disability Discrimination Act 1992 (Cth)
- Public Spaces (Unattended Property) Act 2021 (NSW)
- Prevention of Cruelty to Animals Act 1979 (NSW)

Policies and Procedures

- Compliance Policy

Review period

This policy will be reviewed every 3 years.

Approval Status

The Chief Executive Officer approved this policy on 22/12/2022.



Monica Barone, Chief Executive Officer

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	23 June 2014	Approved by Council. Endorsed by the Executive. Authority delegated to CEO to make minor amendments to policy as required from time to time.	2013/041695
Reviewed	13 May 2019	Full review. Changes to reflect amendments to the companion animals' legislation. Approved by Council/ Endorsed by the Executive.	2019/290815
Reviewed	19 April 2021	Minor update. Full review scheduled for December 2022. Approved by CEO.	2019/290815
Reviewed	22 Dec 2022	Review completed. Changes include 'assistance animals', declarations reviews and minor updates.	2019/290815
Commence Review Date	22 March 2025		
Approval Due Date	22 Dec 2025		

Ownership and approval

Responsibility	Role
Author	Companion Animals Liaison Officer
Owner	Manager City Rangers
Endorser	City of Sydney Executive
Approver	Chief Executive Officer