



# DOMESTIC ANIMAL MANAGEMENT PLAN

2021-25





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# 1. INTRODUCTION AND CONTEXT



## 1.1

# PURPOSE OF DOMESTIC ANIMAL MANAGEMENT PLAN

Under Section 68A of the *Domestic Animals Act 1994* (the Act), Council is required to prepare and implement a Domestic Animal Management Plan (The Plan) every four years.

The purpose of The Plan is to evaluate and monitor if Council animal management strategies and services are meeting community needs and adequately addressing the requirements of the Act and the Domestic Animal Regulations 2015.

### **A domestic animal management plan prepared by a Council must—**

- a. set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations
- b. outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district
- c. outline programs, services and strategies which the Council intends to pursue in its municipal district—
  - i. to promote and encourage the responsible ownership of dogs and cats
  - ii. to ensure that people comply with this Act, the regulations and any related legislation
  - iii. to minimise the risk of attacks by dogs on people and animals;
  - iv. to address any over-population and high euthanasia rates for dogs and cats
  - v. to encourage the registration and identification of dogs and cats
  - vi. to minimise the potential for dogs and cats to create a nuisance
  - vii. to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with the Act and the regulations.

- d. provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable
- e. provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary
- f. provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

### **Every Council must—**

- a. review its domestic animal management plan annually and, if appropriate, amend the plan
- b. provide the Secretary with a copy of the plan and any amendments to the plan
- c. publish an evaluation of its implementation of the plan in its annual report.

## 1.2

# PROCESS APPLIED IN DEVELOPING THE PLAN

The Benalla Rural City Domestic Animal Management Plan was developed as an operational document by Authorised Officers of the compliance team, over-viewed by the Manager Development, utilising current data and statistic available through Council and publicly accessible research and reporting.

The draft document was subject to a community consultation process and Council review for further evaluation and adjustment before presentation to Council for approval and adoption before submission to the Minister.

### 1.3 DEMOGRAPHIC AND PROFILE OF COUNCIL

Benalla Rural City is located approximately 214 kilometres north east of the city of Melbourne, Victoria’s capital, making it easily accessible by road or rail in about two hours. Benalla Rural City Council comprises 235,059 hectares covering 41 localities, in whole or in part. It has a population of approximately 14,000 with an average median age of 49 years, and approximately 9,000 people living in the Benalla urban area (2016 census data).

Benalla Rural City includes the towns and rural districts of Archerton, Baddaginnie (part), Barjarg (part), Benalla, Boho South (part), Boweya (part), Boxwood (part), Bridge Creek (part), Broken Creek, Bungeet, Bungeet West, Chesney Vale, Creek Junction (part), Devenish,

Glenrowan (part), Glenrowan West, Goomalibee, Goorambat, Lima, Lima East, Lima South, Lurg, Major Plains (part), Molyullah, Moorngag, Mount Bruno, Myrree (part), Samaria, Stewarton (part), Strathbogie (part), Swanpool, Taminick, Tarnook, Tatong, Thoona, Tolmie (part), Upper Lurg (part), Upper Ryans Creek, Warrenbayne, Winton and Winton North.

Benalla Rural City was formed in 2002, following the de-amalgamation of Delatite Shire into Benalla Rural City and Mansfield Shire. Benalla Rural City is predominantly a rural area but has substantial residential areas in and around the city of Benalla.

Most of the City’s retail space is in shopping strips in central Benalla. There is some industrial land use to the north-east and east of the city. Most of the rural area is used for agricultural purposes, including wool and meat production, dairying and cropping.

### 1.4 CONTEXT AND CURRENT SITUATION

PROGRAM/SERVICE	SERVICE LEVEL
Education programs by means of media releases, community notices, mailing of renewal notices and placement of A-frame signs in high-risk areas.	Number of dogs and cats per year.
Monitor registration renewals and follow up enquiries for previously registered animals.	Desktop audit and follow up (phone or visit) commencing in June.
Enforcement activities for unregistered animals when located via complaint or impounded strays.	All impounded animals must be registered prior to reclaim and enforcement action taken upon receipt of reclaim reports.
Dog attack complaints.	Procedures manual requires response to dog attack complaint within 30 minutes.
Routine street patrols.	Dedicated “dog truck” vehicle for regular daily patrols during business hours and in response to after-hours callouts.
Pound.	Contracted Municipal Pound facility (RSPCA Wangaratta) open for public between 8:00am and 5:00pm Weekdays. Officers have access for after hours impounds.
Advertise located animals on social media and hold locally for up to 24 hours before transport to pound facility.	All animals found at large are posted on Council social media pages to try and identify owner and kept in holding pens locally for reclaim for up to 24 hours if not registered or owner unable to be identified through microchip.
Policy of one free return per year for any registered animal located at large without penalty.	Currently registered pets returned to owner without release fee and warning only once per year if located at large.
After hours emergency service.	Officers on rotational roster for on call duties between 5.00pm and 8.00am Monday to Friday and 24 hours over weekend.

## 1.5

# DOMESTIC ANIMAL STATISTICS

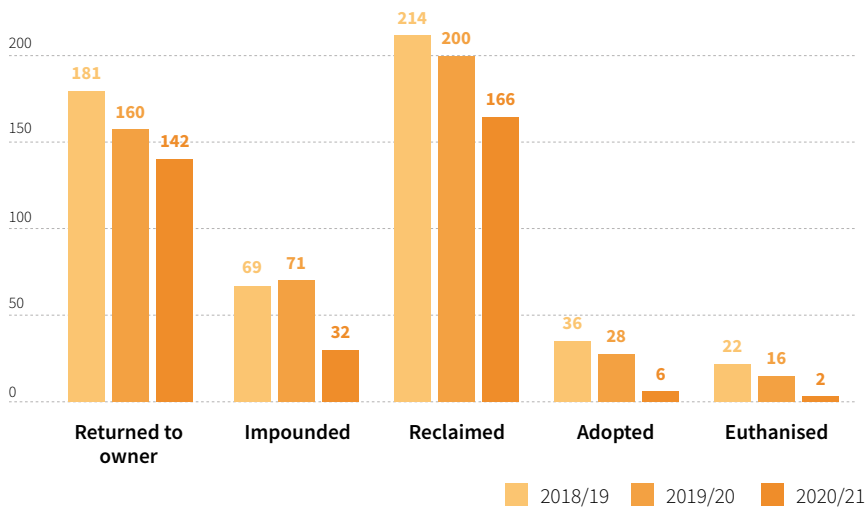
## DOGS

	2018/19	2019/20	2020/21
Number registered	3,489	3,687	3,069
Declared dogs (dangerous, menacing, restricted)			3 (menacing)
Stray returned to owner (not impounded)	181	160	142
Impounded by Compliance Officers	69	71	31
Collected by public (stray)	0	0	1
Collected by public (surrender)	25	15	2
<b>Total</b>	<b>275</b>	<b>246</b>	<b>176</b>
Adopted	36 (13%)	28 (11%)	6 (3%)
Euthanised	22 (8%)	16 (7%)	2 (1%)
Reclaimed	214 (78%)	200 (81%)	166 (95%)

## CATS

	2018/19	2019/20	2020/21
Number registered			
Impounded by Compliance Officers	113	95	70
Collected by public (stray)	1	0	0
Collected by public (surrender)	34	23	33
<b>Total</b>	<b>148</b>	<b>118</b>	<b>103</b>
Adopted	105 (71%)	84 (71%)	72 (70%)
Euthanised	20 (13%)	16 (14%)	13 (13%)
Reclaimed	16 (11%)	11 (9%)	9 (9%)
Domestic Animal Businesses			6

## DOGS



### Return to owner

Owner identified and dog returned without impound

### Stray

Animal unregistered or unidentified and impounded at RSPCA Wangaratta

### Reclaimed

Animal reclaimed by owner (includes dogs returned to owner)

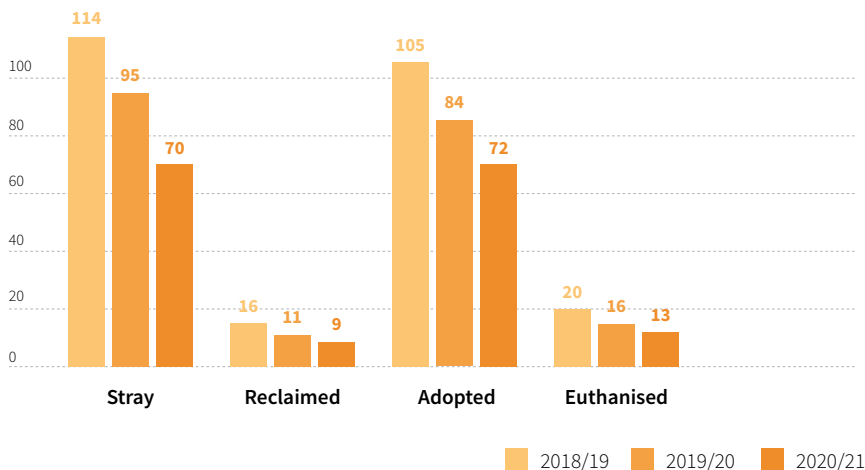
### Adopted

Animal adopted after 8 days impound and not reclaimed

### Euthanised

Animal assessed as feral, suffering untreatable illness or injury

## CATS



Registration figures for dogs and cats climbed slightly from 2019 to 2020, but have dipped sharply in 2021, which could be attributed to the global pandemic limiting Council's ability to publicise the registration renewal period or make follow up enquiries by doorknock to chase up renewals.

There has also been a gradual decline for impound of stray dogs and cats in the RSPCA facility, dropping from 94 dogs down to 34, and 148 cats down to 103. This can be attributed to public education and social media posts about keeping pets securely contained and not feeding wild or unowned cats, although the dramatic drop for the 20/21 period is likely influenced by the pandemic and lockdown conditions as well.

The practice of holding dogs in Benalla for 24 hours whilst trying to locate owners, has also resulted in many animals being repatriated without having to be transported to RSPCA Wangaratta, with animals returned to owner statistics also dropping from 184 to 182.

Euthanasia rates for dogs have fallen over the last 3 years from 8% down to 1%, whilst reclaims have climbed from 78% to 95%. The statistics for cats have remained fairly constant with euthanasia rates steady around 13% and reclaims between 14% and 9%, although adoptions remain high at 71% of all impounded cats.



## 2. TRAINING OF AUTHORISED OFFICERS



## 2.1

# CONTEXT AND CURRENT SITUATION

The Benalla Rural City Council's Compliance Department consists of a Compliance Coordinator, two full-time Compliance Officers (CO), one combination Compliance officer/Administration Officer and three casual animal emergency after hours Officers.

As well as Animal Management, the compliance team are responsible for investigation and enforcement in several areas, including EPA complaints, Litter Enforcement, Planning Enforcement, Building Enforcement, Local Laws, and prosecutions for the Development Department. Officers work on a weekly rotational roster, supplemented by selected trained depot staff, to cover Council's animal after hours call out service.

The Compliance department is responsible for providing an animal management service, for the Council, which includes:

- Seizure and impounding of domestic animals and livestock
- Managing of complaints relating to domestic animals and livestock
- Promoting responsible pet ownership in the community
- Investigating dog attacks and nuisance complaints
- Enforcement and ensuring compliance with legislation and various codes of practice relevant to domestic animals and livestock
- Domestic animal registration process
- Investigating animal welfare issues
- Management and inspection of domestic animal businesses
- Providing advice to owners and the general community in relation to domestic animals
- After hours animal emergencies.

## 2.2

# OUR PLANNED TRAINING FOR AUTHORISED OFFICERS

A variety of training is available for all authorised Officers. Training options are annually reviewed to ensure relevant and up to date material is provided.

Training options include:

- Animal handling and behaviour
- Dog and cat management
- Investigation and statement taking
- Enforcement and prosecution
- Conflict management
- Information technology

Officers are also eligible to attend industry related seminars, conferences and briefings from Animal Welfare Victoria (DEDJTR), Municipal Association of Victoria MAV), Australian Institute of Animal Management (AIAM) and other relevant Associations.

## 2.3

# OUR PLAN

### OBJECTIVE 1

Develop and maintain a training register for Compliance Officers to enhance skills and knowledge.

ACTIVITY	WHEN	EVALUATION
a. Record each officers name, completed training along with proposed additional training opportunities.	Ongoing	Annually review, to ensure accuracy and to determine whether proposed training goals have been met for each Officer.
b. Staff attendance at industry related seminars such as RSPCA training, Animal Welfare Victoria training and animal specific training as opportunities present.	As available	Annually review to see if training objectives are being met.
c. Membership of professional bodies within the animal industry, such as Australian Institute of Animal Management and attendance at conferences and discussion groups as they become available.	Ongoing	Annually review to see if training objectives are being met.

### OBJECTIVE 2

Develop existing authorised officers to multi-skill to ensure adequate backfilling or additional staffing when necessary.

ACTIVITY	WHEN	EVALUATION
a. Identify minimum level of experience and training required to build skill set.	Ongoing	Review and ensure all criteria are met prior to commencement of Officer out in the field.
b. Allocate a “buddy” to the Officer being developed and to ensure accurate information and training is being provided whilst on the job.	Ongoing	Review feedback from both Officers regularly to ensure effective development.
c. Allocate a variety of tasks for the Officer to have completed during the development period.	Ongoing	Review each completion of task to ensure Officer is developing adequate skill sets required.
d. Officers to follow up complaints and provide feedback to improve skills and systems.	Ongoing	Review on a Monthly basis at Compliance team meetings.

### 3. PROGRAMS TO PROMOTE AND ENCOURAGE RESPONSIBLE PET OWNERSHIP AND COMPLIANCE WITH LEGISLATION



### 3.1

## CONTEXT AND CURRENT SITUATION

Council use several methods to promote and encourage responsible pet ownership and compliance with legislation within the Benalla Rural City.

These methods include, but are not limited to:

- Provision of an internally resourced after hours emergency animal service
- Installation and stocking of poo bag dispensers at strategic locations within the township
- Regular media releases regarding benefits and requirements for dog and cat registration
- Use of Facebook and social media to advertise unidentified impounded animals to assist with speedy return to owners

### 3.2

## OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

### CURRENT ORDERS

Benalla Rural City does not currently have any orders under Section 25 or 26 of the *Domestic Animals Act*.

### CURRENT LOCAL LAWS

#### Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

TYPE OF ANIMAL	MAXIMUM ALLOWED IN RESIDENTIAL AREAS
Dogs	2
Cats	2

*\*Actual list contains other animals and birds but has been edited for this document to improve clarity*

- (2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding;
- (3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth.; and
- (4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

#### Local Law No. 53 - Accommodation for Animals

An owner or occupier of land must ensure that all animals on that land are housed:

- (1) in a clean, inoffensive and sanitary condition;
- (2) so as not to cause nuisance; and
- (3) in an adequate and appropriate manner for the type of animal being housed.

#### Local Law No. 58 - Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats

### **Local Law No. 60 - Dog Excrement**

A person in charge of a dog on a road or in a municipal place must:

- (1) not allow the excrement of the dog to remain on that road or in that municipal place;
- (2) carry a device suitable for the removal of any excrement that may be deposited by the dog; and
- (3) produce the device on demand by an Authorised Officer.

## **CURRENT POLICIES AND PROCEDURES**

### **Cats and Dogs at Large**

The procedure for dealing with domestic animals found at large are designed to allow owners to retrieve their impounded animals with the minimal amount of stress to the animal.

When a dog or cat is found at large and impounded, it is first checked for registration and microchip details. If the owner is able to be identified, and the animal is currently registered with Council, the officer will attempt to contact the owner and have them collect the animal directly. A registered animal is able to be returned to the owner without penalty once per year.

If the dog or cat is not registered or the owner is unable to be identified, the animal is taken to the Council holding pen, where it is lodged and may be held for up to 24 hours, whilst attempts are made to locate an owner and have the animal registered and returned locally.

If an owner is unable to be located or contacted, the animal is transported to the Council contracted pound facility at Wangaratta RSPCA and held for 8 days or until an owner is identified and the animal claimed. If no owner is identified or the animal remains unclaimed, it goes up for adoption.

The owner of any reclaimed dog may be dealt with by way of infringement for failing to securely contain the dog where it is kept (wander at large). As cats are not currently subject to any orders under Section 25 of the *Domestic Animals Act 1994*, owners that reclaim may be dealt with by Notice of Objection if requested by the occupant of the affected property.

If repeat offenders for wandering dogs or trespassing cats are found and the issuing of infringements and relevant impound release fees have not encouraged the pet owner to adequately secure the cat or dog to its property, Council may withdraw any outstanding infringements and pursue the matter in the Magistrates' Court to seek an order from the Court to surrender the animal or require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.

### **After Hours Service**

Council provides a 24 after hour's call out service to respond to urgent calls for service outside of normal business hours. The service is monitored and controlled by the Customer Relations Coordinator. Officers are rostered for after-hours call out duties on a one week rotational basis. The on-call officer will have custody of the compliance animal collection vehicle during their time rostered for after-hours call out and will ensure they remain physically and legally able to respond to calls for service during their roster period.

The officer on call must utilise the Council compliance vehicle, supplied PPE and take all reasonable steps to ensure the safety of themselves and others when attending to out of hours calls for service. The on-call officer must call for assistance from other officers and/or authorities where, in the opinion of that officer, the situation warrants assistance.

The officer is to acknowledge all calls received through the after-hours paging service, contacting the customer to advise what action is to be taken and/or by turning out within 15 minutes of the phone call.

The officer on duty must act upon the following after-hours situations reported on the emergency paging service:

- Any Victoria Police call requesting an Officers assistance
- Dog attack
- Where a dog is at large
- A dog is causing an immediate danger to the safety of people or other animals
- Stray dog that has been securely confined for collection
- Injured animals
- Livestock at large and/on the road
- Any other situation(s) that the Compliance Coordinator, Manager Development, General Manager Corporate or the Chief Executive Officer instructs the officer to attend to.

### 3.3 OUR PLAN

#### OBJECTIVE 1

Reduce the number of compliance actions and complaints by educating the community about their legislative obligations.

ACTIVITY	WHEN	EVALUATION
a. Develop engaging fact sheets and web content regarding legislative obligations.	Ongoing	Monitor complaints and enforcement actions quarterly.
b. Interchangeable magnetic signs project for Council vehicle for targeted campaigns.	2022	Assess if number of registrations and renewals increase.
c. Explore opportunities for educational “pop up” stalls at community events and expo’s to deliver responsible pet ownership and educational material to pet owners.	As opportunities present	Community engagement and material distributed.

#### OBJECTIVE 2

Encourage dog owners to clean up after their pets and maintain effective control when in public areas.

ACTIVITY	WHEN	EVALUATION
a. Continue to maintain poo bag dispensers in areas with high dog walker presence.	Ongoing	Amount of dispensers requiring change weekly.
b. Continue to identify changing demographics for areas where new dispensers and patrols may be required.	Quarterly	Monitor complaints regarding failing to pick up after animals and patrol observations.
c. Explore options for branded poo bag holders to go out with registration packs.	2022	Public satisfaction.
d. Education campaign on meaning of effective control in public areas via webpage and social media.	2023	Monitor complaints regarding dog behaviour in public places.

# 4. PROGRAMS TO ADDRESS OVER-POPULATION AND HIGH EUTHANASIA RATES





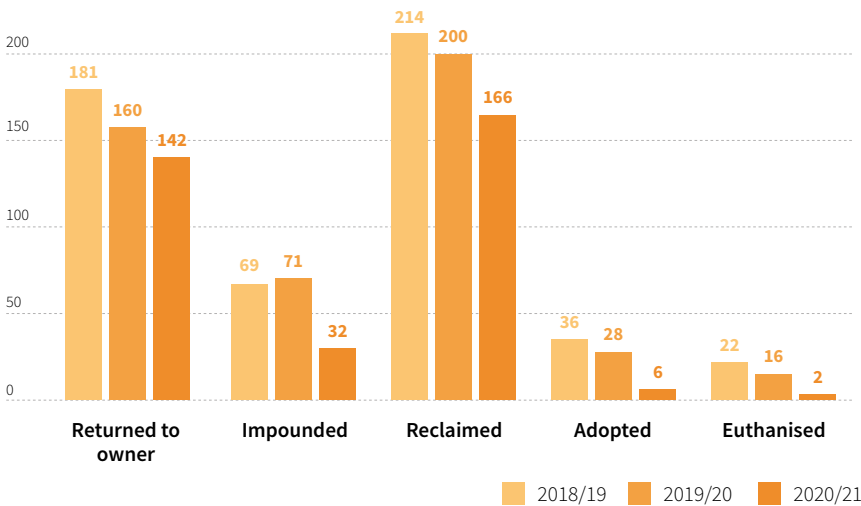
## 4.1

# CONTEXT AND CURRENT SITUATION

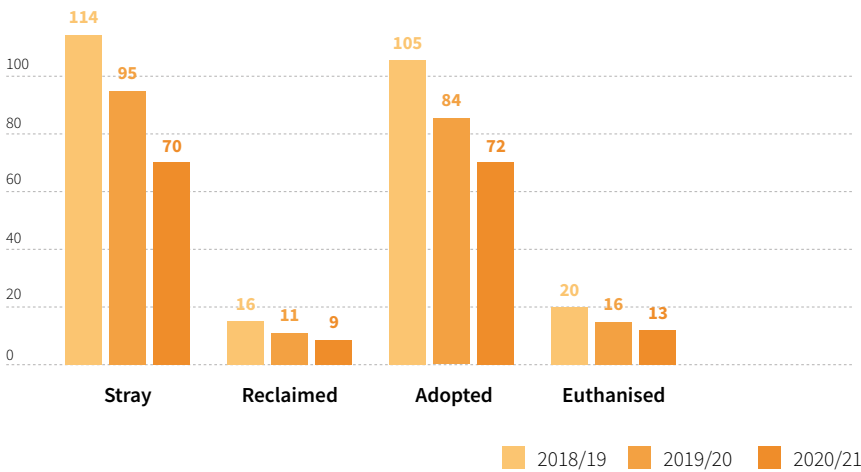
There has also been a gradual decline for impound of stray dogs and cats in the RSPCA facility, dropping from 94 dogs down to 34, and 148 cats down to 103. This can be attributed to public education and social media posts about keeping pets securely contained and not feeding wild or unowned cats, although the dramatic drop for the 20/21 period is likely influenced by the pandemic and lockdown conditions as well. The practice of holding dogs in Benalla for 24 hours whilst trying to locate owners, has also resulted in many animals being repatriated without having to be transported to RSPCA Wangaratta, with animals returned to owner statistics also dropping from 184 to 182.

Euthanasia rates for dogs have fallen over the last 3 years from 8% down to 1%, whilst reclaims have climbed from 78% to 95%. The statistics for cats have remained fairly constant with euthanasia rates steady around 13% and reclaims between 14% and 9%, although adoptions remain high at 71% of all impounded cats.

## DOGS



## CATS



## 4.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

### CURRENT ORDERS

There are currently no orders in place for Benalla Rural City.

### CURRENT LOCAL LAWS

#### Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

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Dogs	2
Cats	2

*\*Actual list contains other animals and birds but has been edited for this document to improve clarity*

- (2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding;
- (3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth; and
- (4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

#### Local Law No. 58 - Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats

## CURRENT POLICIES AND PROCEDURES

### Cats

The seizure of cats is regulated by the provisions of the DAA. There is no general offence of “at large” for domestic cats, unless Council passes an order under Section 25 of the DAA to declare a “cat curfew” for the municipality or specific areas. There is currently no Section 25 order in place for Benalla.

Residents may use an approved cat trap, or hire a free cat trap from Council, in order to trap cats trespassing on their property. Authorised Officers may conduct trapping programs on behalf of residents if circumstances dictate or a problem area is identified.

When a cat is trapped or seized by a person on private property, the officer must check for Council tag and scan for microchip details. If an owner is identified and the cat is registered, it should be returned to the owner, who is advised to keep the cat contained and not allow it to trespass onto other person’s property. If the cat is not registered or has no microchip details, it should be impounded and transported to the Council pound facility. If the cat is injured, unwell or obviously feral, it should be taken to Council’s contracted vet for assessment.

Any unidentified cat should be photographed (not through cage wire or bars) and the photograph sent to the Compliance Coordinator along with the location time and date of seizure. The animal will be posted on Councils social media pages to try and identify an owner.

Owned cats trespassing on private property are to be handled as per the instructions for Notice of Objection as detailed below.

Owners of cats that are impounded without microchip or registration and are later claimed should be infringed for failing to apply to register.

## Hire of Cat Cages

1. The Compliance Department receive requests to hire cage
2. File with other requests
3. When cage becomes available, ring and offer cage to person waiting. There is no fee attached to the hiring of a cat cage.

When delivering cage:

- ensure you offer to show the person how to use the cage
- have 'Contract for use of Cat Cage' form signed (ensure all details are provided on form)
- provide person with 'Use of Cat Cage' information.

After 7 days the Compliance Officer should call the person and arrange pick up. An authorised officer may allow the cage to be kept for a longer period using their discretion after considering the circumstances.

After the pick-up of a cage, the Compliance Officer must fill in 'Contract for use of Cat Cage' form and ensure that the return date has been submitted. Remove the page from the 'Signed' section of the cat cage forms folder and file with 'Returned'.

Officers may also be required to collect surrendered cats confined by their owner or injured cats (see above). In this case, officers should ensure that the surrendering owner fills out a surrender form and acknowledges that the ownership of the animal passes on to Council and that they cannot claim prior ownership if they later change their mind.

Officers should also ensure that they explain to a person surrendering a cat that if it is not adopted or assessed unsuitable for adoption, it may be euthanised. Cats must be assessed by the Council's contracted veterinarian or RSPCA prior to being euthanized.

## Excess Animal Permits

Benalla Rural City Council Community Local Law 2017 restricts the number and type of animal/s that may be kept in a residential area. Generally speaking, residential areas are limited to two dogs and/or two cats whilst rural areas are allowed five dogs or three cats. Refer to Clause 52 (1) of the Community Local Law 2017 for the complete table.

A person who wants to keep more than the permitted number of or type of animals on a property must apply for an excess animal permit. The form can be obtained from customer service or be posted to the applicant upon request.

When the completed application and fee are received, a survey should be conducted with neighbouring properties who might reasonably be affected by the keeping of excess animals. This can be done by door knock or the delivery of written survey forms for completion and return within a specified time frame. The officer must also undertake an inspection of the property to ensure the animals can be kept in accordance with the permit conditions, the requirements of POCTA and address any reasonable and verifiable issues raised by the neighbourhood survey. The officer shall advise the applicant of the result of the inspection as soon as reasonably practicable.

If granted, a permit remains valid for twelve months subject to compliance with conditions. A permit may be reviewed, suspended or revoked if the permit conditions are not adhered to. Each individual permit granted is subject to a separate fee and registration.

In the event the animals cannot be kept in accordance with Council's requirements, the officer must advise the applicant of the reasons and allow sufficient time for the applicant to make representation or remove the animal/s if they are already housed on the property.

Follow-up inspections may be required to ensure compliance with permit conditions.

If a permit holder is found in default of any conditions, an officer may issue a Notice to Comply directing the permit holder to remedy a situation.

Where the officer believes the permit has been breached beyond remedy and should be withdrawn, the officer should prepare a report and make recommendations to the Compliance Coordinator.

## 4.3

# OUR PLAN

### OBJECTIVE 1

Encourage de-sexing of animals and facilitate affordable de-sexing programs.

ACTIVITY	WHEN	EVALUATION
a. Discount registration fees for cats and dogs that are de-sexed to encourage registration of animals over 3 months of age.	2023	Promotes compliance and the importance of registration.
b. Discount initial registration for cats and dogs that are both micro-chipped and de-sexed under 6 months of age.	2023	Promotes compliance and the importance of registration.
c. Report to Council in relation to conducting a cost/benefit analysis regarding; free initial registration fees for cats that participate in the AVA subsidised de-sexing voucher scheme.	2023	Number of new cat registrations per year.
d. Explore grant opportunities to provide free or discounted microchipping and desexing for pets of disadvantaged or low income members of municipality.	2023	Number of public feedback.

### OBJECTIVE 2

Reduce number of impounded unregistered cats and reports of wild/unowned cats.

ACTIVITY	WHEN	EVALUATION
a. Education campaign regarding semi-owned and wild cats.	2022	Public feedback.
b. Conduct targeted trapping operations in areas identified as cat nesting areas, particularly in areas of high bio-diversity.	Ongoing	Impound statistics (quarterly).
c. Promote health and safety benefits for containing cats to property.	Ongoing	Impound statistics (quarterly).
d. Explore options for education on building or installation of low cost cat containment systems.	Ongoing	Impound statistics (quarterly).
e. Circulate safe Cat, Safe Wildlife education material throughout municipality (Find out more: <a href="http://www.safecat.org.au">www.safecat.org.au</a> ).	Ongoing	Public feedback.

The Victorian Government allocated a further \$7.5 million boost to animal welfare grants in the 2020–21 State Budget. This targeted funding commitment includes \$1.5 million over three years to enable delivery of free or low-cost desexing programs for cats and dogs owned by vulnerable and disadvantaged Victorians. Councils are eligible to apply.

For more information visit:

[www.agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/community-and-education/animal-welfare-fund-grants-program](http://www.agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/community-and-education/animal-welfare-fund-grants-program)

### **Cat containment**

Cat containment (whether through curfews and associated legislation or as part of responsible pet ownership) can be supported through providing cat owners with resources and information to assist with transitioning their cat to a stay at home lifestyle. Many cat owners don't believe they are able to provide their cats with what they need at home (or know what those needs might be), presenting a large barrier to undertaking the behaviour and meaning that enforcement alone is unlikely to result in the desired change.

### **Safe Cat, Safe Wildlife**

Safe Cat, Safe Wildlife is a campaign run by Zoos Victoria and RSPCA Victoria that provides cat owners with these resources, helping them give their cat the safest and happiest life. The website [safecat.org.au](http://safecat.org.au) contains information articles and short tips and tricks for an indoor lifestyle, as well as helping highlight the benefits to cats staying at home (welfare and safety for the cat and a safer neighbourhood for local wildlife). Individuals can join a Safe Cat community, with quarterly emails that contain new engaging content and offers/discounts for cat enrichment items, supporting cat owners and helping to build a social norm of pet cats staying at home rather than being left to roam the streets.

### **Councils, breeders, vets and other organisations**

Councils, breeders, vets and other organisations can register and receive free resources (such as physical postcards and brochures as well as digital resources) to share with their audiences as required, such as with renewal notices, after de-sexing, shelter pick-ups, nuisance calls). Find out more: [www.safecat.org.au](http://www.safecat.org.au).

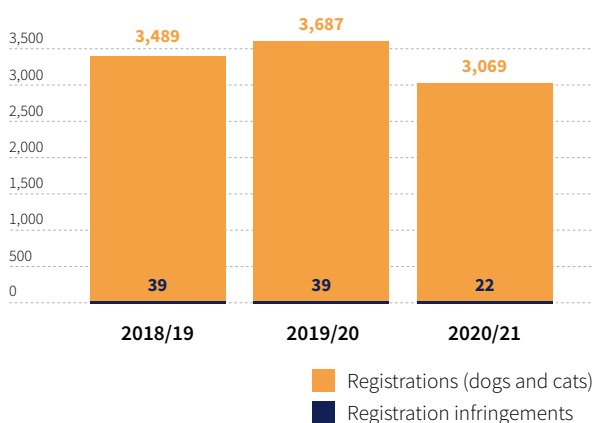
# 5. REGISTRATION AND IDENTIFICATION



## 5.1 CONTEXT AND CURRENT SITUATION

All dogs and cats over the age of 3 months must be registered with the Benalla Rural City Council as per Section 10 (1) of the Act; newly registered animals must also be micro-chipped before registration can be accepted.

	2018/19	2019/20	2020/21
Dogs and Cats registered	3,489	3,687	3,069
Fail to register infringements	30	32	20
Fail to renew infringements	9	7	2



### Summary

Registration figures for dogs and cats climbed slightly from 2019 to 2020, but have dipped sharply in 2021, which could be attributed to the global pandemic limiting enquiries by doorknock to chase up renewals. Infringements for failing to register or renew have remained constant.

The Australian Companion Animal Council, in their report (7th Edition), found that the overall pet population (including all pets such as birds and fish etc) in Australia was approximately 33 million. The report showed that there are 3.41 million dogs, or 36% of households owning a dog and 2.35 million cats, or 23% of households. With an estimated population of 14,000 people, Benalla has 3,069 dogs and cats registered within the municipality, a percentage of 22% registered pets per population. This would indicate that registrations are slightly below the average number of dogs and cats currently kept in Australia.

## 5.2 OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

### CURRENT ORDERS

There are no current local laws for registration in Benalla Rural City. We rely on Section 10(1) of the Domestic Animals Act for enforcement of registration.

### CURRENT LOCAL LAWS

#### Local Law No. 52 (1) - Keeping of Animals in Residential Areas

An owner or occupier of land must not, without a permit, keep, allow to be kept or remain on any land, any more animals or birds than is stated in the following table:

TYPE OF ANIMAL	MAXIMUM ALLOWED IN RESIDENTIAL AREAS
Dogs	2
Cats	2

*\*Actual list contains other animals and birds but has been edited for this document to improve clarity*

- (2) Sub clause (1) does not apply where a planning permit has been obtained for land used for the purposes of animal boarding or breeding;
- (3) For the purpose of calculating the maximum number of dogs or cats kept on any land, any progeny may be lawfully kept, without a permit, for 12 weeks after birth; and
- (4) An owner or occupier of land in a residential area may apply to Council for a permit to keep more than the maximum number of animals referred to in sub clause (1).

#### Local Law No. 58 - Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats

## CURRENT POLICIES AND PROCEDURES

Current education/promotion of registration and identification activities includes:

- Publicising the requirement to register pets over the age of three months in the Benalla Ensign, Benalla Rural City Community Connect, Benalla Rural City website and the Council's on hold phone messages
- A-frame signs placed at high traffic intersections and areas reminding pet owners of requirement to register and renew
- Animal registration renewal notices are mailed out in late February or early March each year for currently registered animals
- Lifetime registration tags are issued to pet owners upon registration of dogs or cats
- Brochures included in newly registered animal notices to provide information regarding the importance and requirements of registration.

## CURRENT COMPLIANCE ACTIVITIES

Current compliance activities for registration and identification include:

- A door knock or telephone audit conducted each year for animal registrations that have lapsed
- Enforcement through infringement or prosecution where animals kept within the municipality are not registered or renewed
- Ensuring impounded and unregistered animals are micro-chipped and registered prior to release
- Investigating Domestic Animal Business (DAB) notifications of animals being sold or given away to residents in the municipality
- Monitoring advertisements relating to animals for sale to ensure microchip numbers or DAB numbers are provided
- Proactive and reactive park and street patrols to follow up registration and ensure identification tags are being worn.

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

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

Registration fees help fund the services provided by the Council in relation to animal management and the BAW's responsible pet ownership campaigns and programs provided within the municipality.



## 5.3

### OUR PLAN

#### OBJECTIVE 1

To minimise the number of properties required for the desktop and door knock audit and increase numbers of registrations and renewals in the municipality.

ACTIVITY	WHEN	EVALUATION
a. Educate residents of the animal registration renewal period by means of advertising/media releases, mailing of renewal notices and by placing A Frame signs in areas where high levels of un-registered animals are kept.	March – May annually	Demonstrate increase or decrease in numbers of pets registered with council following annual registration and renewal period.
b. Ensure each property is audited and issued infringements where animals found to be unregistered.	July – August annually	Infringements issued.
c. Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to each release	Registrations.
d. Proactive door knocking in areas believed to have high number of unregistered animals via impound stats, to check for unregistered and un-identified dogs and cats. Effective advertising prior audit commencing.	Annually	Enforcement actions.
e. Utilise Council social media to promote benefits of registration, microchipping and desexing.	Ongoing	Registrations.

#### OBJECTIVE 2

Facilitate registration for lower socio-economic areas and increase awareness among culturally and linguistically diverse communities of pet registration requirements.

ACTIVITY	WHEN	EVALUATION
a. Brochures and articles explaining registration requirements and benefits in languages other than English for the CALD community.	February – April annually	Annual registrations and renewals.
b. Offer responsible pet ownership rewards to pet owners found doing the right thing.	Ongoing	Public feedback.
c. Explore options for grants and subsidies for discounted microchipping and desexing programs for pension card holders.	As opportunities arise	Annual registrations.
d. Consider engaging local Vet clinics to act as agents for registrations on behalf of Council under section 12 of the Act.	2023	Annual registrations.

## 6. NUISANCE

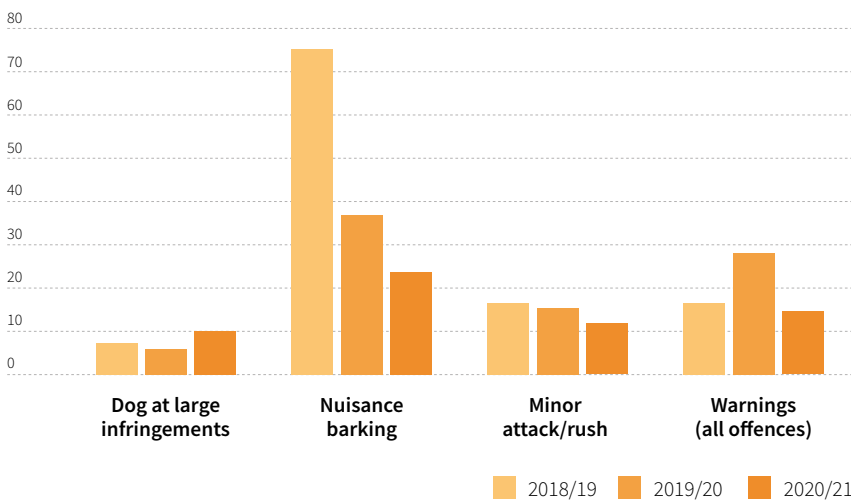


## 6.1

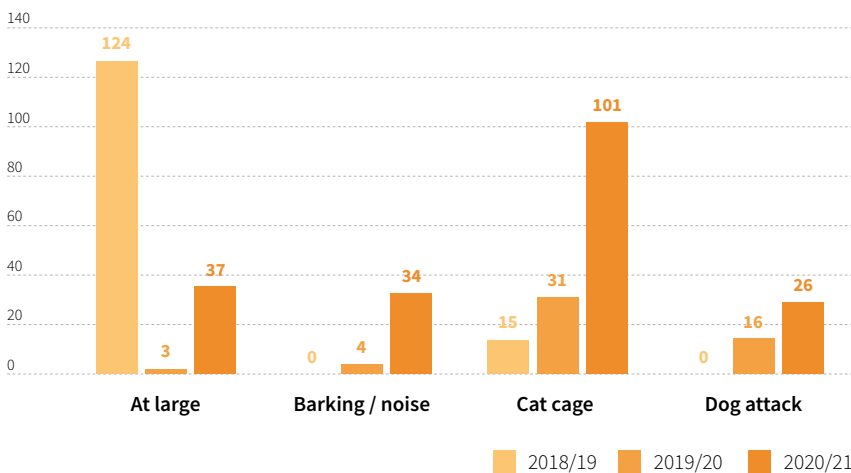
# CONTEXT AND CURRENT SITUATION

Council's current policies and procedures regarding nuisance animals are positively weighted encouraging a community based resolution before involving Council enforcement. To this end, nuisance barking complaints are required to discuss the issue with neighbours or utilise a dispute settlement service, prior to reporting the matter to Council. Council offer a 24/7 call out service for collection of lost and wandering dogs and will return registered dogs and cats to their owners without penalty once a year, in order to encourage prompt registration and renewal.

	2018/19	2019/20	2020/21
Dog/Cat at large infringements	8	6	10
Nuisance barking complaints	75	37	24
Minor attack/rush offences	16	15	11
Official warnings	16	28	14



## Nuisance



## 6.2

# OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

## CURRENT ORDERS

There are currently no orders issued under the *Domestic Animals Act 1994* for Benalla Rural City.

## CURRENT LOCAL LAWS

### Section 60. Dog Excrement

A person in charge of a dog on a road or in a municipal place must:

- (1) Not allow the excrement of the dog to remain on that road or in that municipal place;
- (2) Carry a device suitable for the removal of any excrement that may be deposited by the dog; and
- (3) Produce the device on demand by an authorised officer.

## CURRENT POLICIES AND PROCEDURES

### Nuisance Barking

The Council has a standard operating procedure for barking dog complaints to ensure all complaints received are handled in the same consistent manner by all authorised Officers. The procedure steps out the required processes involved to investigate the complaint, including neighbourhood mediation, noise logs, statements and an approach to encourage compliance at the earliest stage possible.

Where nuisances is found to exist pursuant to section 32 of the Act, Council will take enforcement action that may include negotiation, warnings, infringements, notice to comply and prosecution to obtain orders from the Magistrates Court as a last resort.

This procedure is regularly reviewed and updated as legislation and community expectations evolve over time.

### Cats and Dogs at Large

The procedure for dealing with domestic animals found at large are designed to allow owners to retrieve their impounded animals with the minimal amount of stress to the animal.

When a dog or cat is found at large and impounded, it is first checked for registration and microchip details. If the owner is able to be identified, and the animal is currently registered with Council, the officer will attempt to contact the owner and have them collect the animal directly. A registered animal is able to be returned to the owner without penalty once per year.

If the dog or cat is not registered or the owner is unable to be identified, the animal is taken to the Council holding pen, where it is lodged and may be held for up to 24 hours, whilst attempts are made to locate an owner and have the animal registered and returned locally.

If an owner is unable to be located or contacted, the animal is transported to the Council contracted pound facility at Wangaratta RSPCA and held for 8 days or until an owner is identified and the animal claimed. If no owner is identified or the animal remains unclaimed, it goes up for adoption.

The owner of any reclaimed dog may be dealt with by way of infringement for failing to securely contain the dog where it is kept (wander at large). As cats are not currently subject to any orders under Section 25 of the *Domestic Animals Act 1994*, owners that reclaim may be dealt with by Notice of Objection if requested by the occupant of the affected property.

If repeat offenders for wandering dogs or trespassing cats are found and the issuing of infringements and relevant impound release fees have not encouraged the pet owner to adequately secure the cat or dog to its property, Council may withdraw any outstanding infringements and pursue the matter in the Magistrates' Court to seek an order from the Court to surrender the animal or require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.

## 6.3 OUR PLAN

### OBJECTIVE 1

Explore the option of implementing a Council Order relating to the control of dogs in public places pursuant to Section 26 of the Act.

ACTIVITY	WHEN	EVALUATION
a. Submit a draft Council Order relating to restraint and control of dogs in public places for public comment and consultation. Identify and nominate possible off leash areas.	2024	Review public feedback and comments to ascertain requirements and inclusions for order.
b. Resolve Council Order by gazetting and publicly advertising Council Order.	2024	Documentation to be finalised and approved by Council before implementation.
c. Educate dog owners in public areas and include brochures in animal registration renewal notices.	Ongoing	Ensure appropriate time and level of education has been provided before enforcement of order.
d. Update signs in parks, reserves and municipal places identifying dogs off and on leash areas.	Ongoing	Regular audits to be conducted of parks, reserves and municipal places to monitor placement and effectiveness of signs.

### OBJECTIVE 2

Consider the appropriateness of cat containment orders or initiatives (e.g. cat curfews, specified areas) pursuant to Section 26 of The Act.

ACTIVITY	WHEN	EVALUATION
a. Submit a report relating to restraint and control of cats in public places for public comment and consultation.	2024	Review public feedback and comments to ascertain requirements and inclusions for order.
b. Submit a draft order to Council dependant upon community support for a Council Order.	2024	Review public feedback and comments to ascertain requirements and inclusions for order.
c. Resolve Council Order by gazetting and publicly advertising Council Order.	2024	Documentation to be finalised and approved by Council before implementation.
d. Educate cat owners and include brochures in animal registration packs and renewal notices.	Ongoing	Impounded cats.
e. Explore grants and subsidies available to assist residents to have cats desexed to prevent wandering and spraying nuisance.	Ongoing	Grants awarded.
f. Provide education material about cat enclosures and provide a DIY cat enclosure workshop.	2024	Grants awarded.
g. Circulate Safe Cat, Safe Wildlife education material throughout municipality (Find out more: safecat.org.au)	Ongoing	Impounded cats.

\*Council, either directly or in partnership with an eligible organisation (e.g. landcare, conservation, education organisations), may be able to apply for grant funding to support cat containment initiatives within their municipality. Regularly check this Department of Land, Water and Planning's biodiversity funding page to determine if suitable streams of funding become available: [www.environment.vic.gov.au/grants](http://www.environment.vic.gov.au/grants)

# 7. DOG ATTACKS



## 7.1 CONTEXT AND CURRENT SITUATION

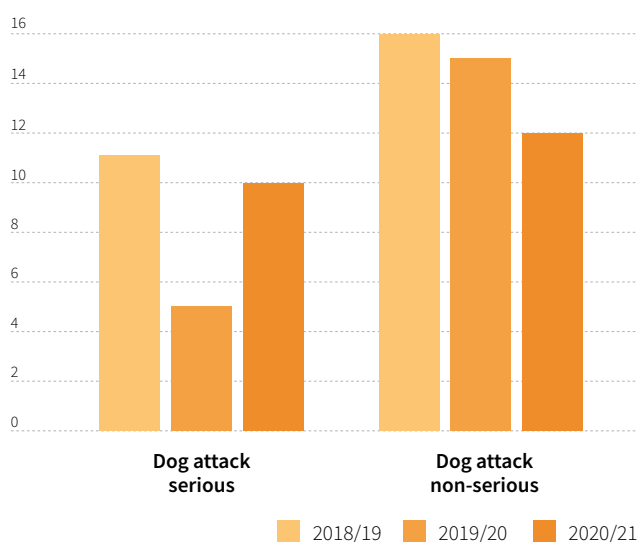
Incidents of dog attacks in Benalla Rural City are at the lower end statistically and have remained constant, declining slightly, over the last 3 years. It is important to note that only attacks reported to Council are recorded, which tend toward attacks by dogs at large and not those that occur in the home by dogs known to or owned by the victim. This is explained in the report, “Dangerous dogs, a sensible solution” published by the Australian Veterinary Association in 2012, which states:

*“Dog bite incidents generally occur either in domestic settings where the animal is known to the victim, or by dogs at large . . . unknown to the victim. While dogs at large are responsible for a minority of dog bites, they attract disproportionate media and political interest. They are the public face of the dog bite problem, and most legislation is designed to control this part of the problem. However, most bites occurred in the dog’s own home and involve victims bitten by their own dog (Kizer 1979 cited in Overall and Love 2001). In Australia, 73% to 81% of attacks occur in the domestic environment (Ashby K 1996 quoted in Ozanne-Smith et al 2001)”*

*“Not surprisingly, Council data report that 62% of dog attacks occurred in public places (Anon 2012) because few people will report bites by their own dog to council. Research has shown that owned dogs delivered more bites, were larger, bit more victims on the head and neck, delivered more bites needing medical treatment, and, in short, were more dangerous than strays (Harris et al 1974 cited in Overall and Love 2001).”*

Dog attacks in Benalla are generally directed at other animals, dogs and cats, and particularly attacks on farming stock, such as sheep, cattle, poultry and alpaca. Attacks on livestock can be particularly brutal, often resulting in the death or euthanising of valuable stock animals. Attacks on livestock are not just restricted to large or packs of animals, as even a smaller dog can cause terrified sheep or horses to run into fencing, causing injuries resulting in the animal being put down.

	2018/19	2019/20	2020/21
Dog attack serious	11	5	10
Dog attack non-serious	16	15	12



## 7.2

# OUR ORDERS, LOCAL LAWS, COUNCIL POLICIES AND PROCEDURES

## CURRENT ORDERS

Benalla Rural City does not have any current orders in place under the *Domestic Animals Act 1994*.

## CURRENT LOCAL LAWS

### Keeping of Dogs and Cats on Rural Land

An owner or occupier of rural land must not, without a permit, keep or allow to be kept on that rural land more than:

- (1) five (5) dogs; or
- (2) three (3) cats.

### Adequate Fencing

- (1) An owner or occupier of land on which an animal is kept must ensure that the land is adequately fenced so as to prevent the animal's escape from the land.
- (2) An owner or occupier of land must remove any animal/s from that land if an Authorised Officer forms the opinion and advises the owner or occupier that sub clause (1) is being contravened and that any fencing cannot be effectively repaired as a temporary measure to secure the animal/s prior to full repair or replacement of the fence as deemed by the Authorised Officer.
- (3) Where an owner or occupier of land does not remove an animal in accordance with sub clause (2) the Authorised Officer may, without first serving a written notice, impound the animal in accordance with the provisions of clause 73(1).

## CURRENT POLICIES AND PROCEDURES

A report of a dog attack is regarded as a priority job and should receive an immediate response with an officer attending at the scene to assess, take details and seize the attacking dog if warranted. Dog attacks are entered onto the CRMS system by the officer taking the initial report.

Upon arrival, officers should take details of all persons involved, including dog owners, victims and witnesses, including best contact numbers. If possible, a basic statement should be taken from the victim or witnesses at the time, or at least a brief description of the incident, where and when it took place. Photographs should be taken of the scene, any injuries and dogs involved (there is no such thing as too many photographs).

When deciding if the offending dog should be seized, an officer should consider the following:

- The seriousness of the attack. Were there serious injuries (as defined in the Act) involved or an element of intentionally setting the dog to attack or reckless indifference
- Is the dog still at the scene and acting aggressively or not under control
- Is the dog registered or does it have a history of attacks or aggressive behaviour
- Is the dog able to be securely contained at the owners residence and is the owner responsible to keep the dog securely contained
- Any other details relevant to public safety or community expectations.

If the dog is to be seized, the officer should follow the instructions for impounding, and a Notice of Seizure must be issued to the dog owner within 4 days after the dog is seized.



The officer should obtain signed statements from the victim, complainant, witnesses and a veterinary or medical report as soon as possible after the attack. It is often advisable to wait until after any necessary medical or veterinary attention is completed before taking a statement so that all relevant details are able to be included. The officer should note on the file if the owner of the offending dog has reimbursed or offered to reimburse the victim for expenses as a result of the attack.

When all the preliminary information is obtained and signed, the officer should offer the owner or person in charge of the offending dog, the opportunity to take part in an electronically recorded formal interview. This offer should be made in writing and recorded on the CRMS. If the owner accepts the offer, they should be interviewed as per the interview procedure. If the owner declines the offer, then the officer should proceed with the information at hand.

When the file is completed, the officer should make a decision to proceed with prosecution or take no further action. The investigating officer must be able to justify their decision with reference to the facts obtained in the investigation and the likelihood of a successful prosecution.

Non serious attack or rush offences may be dealt with by way of infringement or prosecution, depending on the circumstances as per Section 85 of the DAA.

If an attack involving serious injury or death is to be prosecuted, it must be heard and determined by a Magistrate and is not able to be dealt with by infringement.

## CURRENT COMPLIANCE ACTIVITIES

- Investigating dog attacks promptly upon report
- Seizing and holding dogs responsible for serious injury attack
- Providing an afterhours service to respond to reports of aggressive or attacking dogs
- Prosecuting matters pursuant to the Act
- Issuing infringements for wandering dogs
- Issuing infringements for rush and attacks where non serious injury sustained
- Declarations for Menacing or Dangerous Dogs
- Seeking destruction Orders from Magistrates' Court where necessary
- Seeking confinement Orders from Magistrates' Court for dogs continually found wandering or not confined to property
- Proactive patrols of parks and streets for wandering dogs
- Proactive patrols for guard dogs on non residential premises
- Recording data of reported dog attacks in the municipality.

## 7.3

### OUR PLAN

#### OBJECTIVE 1

Provide targeted education and compliance campaigns in areas where data reporting shows incidents of dog attack against stock and other animals.

ACTIVITY	WHEN	EVALUATION
a. Collate and record data for dog attacks reported including, date/time, suburb, animal type, stock attacked, dog unsecured/off lead, dog unregistered, sex, entire/de-sexed.	Ongoing	Evaluate data annually to determine areas requiring specific education/compliance activities.
b. Initiate education and compliance activities in targeted areas to encourage reduction of roaming or uncontrolled dogs to prevent attacks occurring.	Annually	Evaluate this activity (and overall objective) by comparing number of dog attacks reported to council pre and post campaign.

#### OBJECTIVE 2

To minimise the incidence of dog attacks in the community.

ACTIVITY	WHEN	EVALUATION
a. Providing proactive Education/Compliance Activities in the targeted areas of higher dog attack incidents. Educating key dog attack prevention messages (e.g. confinement of dogs to property, leash laws) through media articles, mail outs, website information. Actively patrol areas for roaming, unsecure and/or unregistered dogs.	Ongoing	<ul style="list-style-type: none"> <li>• Compare number of reported dog attack incidents pre and post campaign</li> <li>• Consider a community survey pre and post campaign, to measure any changes in knowledge about dog attack prevention</li> <li>• Record type and number of education materials distributed</li> <li>• Numbers of campaign patrols conducted</li> <li>• Number of media articles published.</li> </ul>
b. Inform the community of outcomes of dog attacks prosecuted in Court.	Ongoing	As occurs.
c. Set key performance indicators for Officers to complete dog attack investigations within a 6 week timeframe.	2022	Review complaints annually to evaluate percentage completed within timeframe.

# 8. DANGEROUS, MENACING AND RESTRICTED BREED DOGS



## 8.1

# CONTEXT AND CURRENT SITUATION

Benalla Rural City Council has the following declared dogs currently registered within the municipality:

	NUMBER
Registered restricted breed dogs	0
Registered declared dangerous dogs	0
Registered declared menacing dogs	2

The Act defines restricted breed dogs as any one of the following breeds:

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

Benalla Rural City Council has no restricted breed dogs registered. Owners of declared dangerous dogs must abide conditions specified in the Act, including:

- Must not consent to, arrange or recklessly allow the dog to breed
- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must be confined to a dwelling so that it cannot escape
- Minor cannot enter the dwelling where it is kept without an adult
- Must be kept in a prescribed enclosure when outside the dwelling
- Must display compliant warning signs at all entrances
- Must wear a prescribed collar
- Must always be muzzled and on leash outside the premises.

Benalla Rural City Council has no declared dangerous dogs. A dangerous dog is one that has been declared dangerous by Council or the Courts, a guard dog kept for the purpose of guarding non-residential property or a dog that has been trained to attack or bite any person or thing worn or attached to a person. Owners of declared dangerous dogs must abide conditions specified in the Act, including:

- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must be confined to a dwelling so that it cannot escape
- Minor cannot enter the dwelling where it is kept without an adult
- Must be kept in a prescribed enclosure when outside the dwelling
- Must display compliant warning signs at all entrances
- Must wear a prescribed collar
- Must always be muzzled and on leash outside the premises.

Benalla Rural City Council currently has 2 declared menacing dogs within the municipality. A menacing dog is one that has been declared menacing by Council or the Courts. Owners of menacing dogs must abide by conditions specified by the Act, including:

- Must notify Council if dog rushes or chases a person
- Must notify Council if dog is missing, custody or address changes
- Must notify Council if municipal district where it is kept changes
- Must always be muzzled and on leash outside the premises.

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

## 8.2

# OUR POLICIES AND PROCEDURES

## CURRENT POLICIES AND PROCEDURES

Council may declare a dog to be dangerous under Section 34 or menacing under Section 41A of the DAA. If a dog meets the criteria specified in the Act and the officer is of the opinion that a declaration is in the public interest, they may apply for a declaration to be made through the Compliance Coordinator. If a dangerous or menacing declaration is to be made, the process as listed in Sections 35 and 36 of the Act must be strictly followed using the documentation approved by Council for this purpose.

*Note: care must be exercised to ensure all provisions of the legislation are complied with in the declaration and only the facts of the case are quoted as being reason for making a declaration.*

## CURRENT COMPLIANCE ACTIVITIES

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

## 8.3

### OUR PLAN

#### OBJECTIVE 1

Developing a policy to assist in decision to declare a dog dangerous, menacing provides assurance to local residents the decision making is fair and non-biased.

ACTIVITY	WHEN	EVALUATION
a. Develop procedure to standardise dangerous and menacing dog declarations in order to make equitable decisions.	2022	Number of declarations made and appeals received.
b. Review all dog attack investigations upon completion to assess if order is required.	2022	Successful enforcement action.
c. Maintain dangerous and menacing dog register both locally and at a State level by maintaining the Victorian Declared Dog Registry.	Ongoing	Data consistency.

#### OBJECTIVE 2

Ensure declared dogs are compliant to relevant legislation and regulations.

ACTIVITY	WHEN	EVALUATION
a. Random property inspections of declared dogs to ensure compliance.	Ongoing	Review actions as offences detected.
b. Prosecute repeat offenders or serious breaches detected.	As occurs	Monitor offences and prosecutions.
c. Patrols for unregistered guard dogs in industrial areas.	As occurs	Review actions as offences detected.
d. Educate the community about what is a declared dog.	Ongoing	Review complaints raised as result of heightened awareness.

# 9. DOMESTIC ANIMAL BUSINESSES



## 9.1

# CONTEXT AND CURRENT SITUATION

There are 6 registered domestic animal businesses within the Benalla Rural City Council, these include 1 pet shop, 2 boarding establishments, 2 breeding establishments and 1 training facility.

Council has a short term animal holding facility located at the rear of the works depot and RSPCA Wangaratta is contracted to provide pound services for Council. This contract expires in December 2021 and has recently been put out for tender.

Registered domestic animal businesses are audited both randomly and on receipt of complaints. Council also proactively investigates the presence of animal businesses to ensure compliance with the relevant codes of practice and legislation.

## 9.2

# OUR POLICIES AND PROCEDURES

In accordance with the provisions under Part 4 of the DAA, domestic animal business must be registered with Council. Currently there are five types of domestic animal businesses that must be registered, which are:

- Pet shops
- Boarding establishments
- Breeding and rearing establishments
- Dog training establishments
- Dog and cat shelters and pounds.

Council must refuse to register renew or revoke a Domestic Animal Business registration if any of the conditions under Part 4, Division 3 of the Act are met. Domestic Animal Businesses are subject to Council inspection prior to registration, and at least annually thereafter, to ensure they are complying with the Code of Practice applicable to that Business. Current Codes of Practice are available on the Agriculture Victoria website or via Animal Welfare Victoria, along with audit checklists and factsheets to assist DAB operators to remain compliant.

Codes of Practice for the operation various DAB are made under the provisions of Section 59 of Division 4 of the DAA. The purpose of the Codes is to specify the minimum standards of accommodation, management, breeding and care that are appropriate to the physical and behavioural needs of dogs and cats affected by businesses operating as domestic animal businesses. The Council is responsible for inspection, audit and ensuring compliance with the Code.

Where an inspection has revealed that the domestic animal business is not operating in accordance with the Code of Practice, the officer must notify the proprietor of the breaches and issue a Notice to Comply directing the proprietor to undertake all work necessary to meet compliance of the Code within a given time.

In the event the proprietor does not comply with the Notice to Comply, the Compliance Officer shall prepare a report for consideration by the Compliance Coordinator who will determine if Council should take legal or further action.

Planning requirements may exist for an animal business. These are in addition to the requirements of the DAA and Benalla Planning Scheme. The application should be forwarded to the Planning Department for comment prior to proceeding.



## 9.3 OUR PLAN

### OBJECTIVE 1

Ensure Domestic Animal Businesses are compliant with relevant legislation and codes of practice.

ACTIVITY	WHEN	EVALUATION
a. Identify all businesses that should be registered DABs in the municipality, including businesses selling pets, products or services. Follow up to determine if they should be registered with Council.	Ongoing	Compare number of registered DABs before and after activity.
b. Monitor the Council's registration database for owners with more than 3 fertile females.	Annually	Enforcement actions.
c. Conduct searches for unregistered Domestic Animal Businesses via internet, social media and newspapers.	Ongoing	Enforcement actions.

### OBJECTIVE 2

Annually inspect and audit all registered DAB's.

ACTIVITY	WHEN	EVALUATION
a. Media campaigns to raise awareness of DAB definition, Council responsibilities and code of practices that must be adhered to.	Annually	Number of complaints received.
b. Investigate advertisements of pets for sale.	Ongoing	Number of complaints received.
c. Audit DAB's randomly to ensure compliance.	Annually	Enforcement actions.

# 10. ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING



Under section 68A(3) of the DA Act, Council must review its DAMP annually and, if appropriate, amend the plan. Council must provide the Department of Jobs, Precincts and Regions Secretary with a copy of the plan, including any amendments, and publish an evaluation of the Plan’s implementation in its annual report.

## 10.1

# EVALUATION OF IMPLEMENTATION OF THE DOMESTIC ANIMAL MANAGEMENT PLAN

COMPLETE FOR EACH ACTIVITY	
Was each activity completed?	Yes/No
Describe any changes you will make if you do that activity again.	
Was an activity not done or is now not planned to be done?	If so, why?
If an activity was unsuccessful and you don't plan to do it again, outline insights you have into why it didn't work.	
COMPLETE FOR EACH OBJECTIVE	
Did you meet your objective by carrying out the planned activities?	Yes/No
Describe your level of success/progress in meeting the objective.	

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