



CITY OF BALLARAT
DOMESTIC ANIMAL MANAGEMENT PLAN
2017 - 2021



BALLARAT CITY COUNCIL

On 27 September 2017 Council adopted the Domestic Animal Management Plan 2017 -2021

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DOMSTIC ANIMAL MANAGEMENT PLANS

Under **Section 68A of the Domestic Animals Act**, every Council must prepare a domestic animal management plan, as follows:

- (1) Every Council must, in consultation with the Secretary (of the *Department of Economic Development, Jobs, Transport and Resources*), prepare at 4 year intervals a domestic animal management plan.
- (2) 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; and
 - (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; and
 - (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; and
 - (ii) to ensure that people comply with this Act, the regulations and any related legislation; and
 - (iii) to minimise the risk of attacks by dogs on people and animals; and
 - (iv) to address any over-population and high euthanasia rates for dogs and cats; and
 - (v) to encourage the registration and identification of dogs and cats; and
 - (vi) to minimise the potential for dogs and cats to create a nuisance; and
 - (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 this Act and the regulations; and
 - (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; and
 - (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; and
 - (f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

(3) Every Council must—

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

Once a resident has become familiar with their Council's domestic animal management plan, they can provide feedback to the Council on its animal management services, programs or strategies; new Orders that could be made to address responsible pet ownership in the community; or concerns associated with current Council policies on animal management.



PURPOSE OF THIS DOMESTIC ANIMALS MANAGEMENT PLAN

Councils in Victoria are now required by the Domestic Animals Act 1994 to prepare and implement a Domestic Animal Management Plan (The Plan) every 4 year interval with the objective to outline Council's plans for animal management.

The purposes of this Plan are to:

- Document current processes and practices under the City of Ballarat's animal management responsibilities
- Increase compliance with the Domestic Animals Act 1994
- Increase pet owners' knowledge of the principles of responsible pet ownership and enhancing community safety and awareness
- Develop delegations across municipal borders
- Maximise the numbers of dogs and cats that are registered in the Ballarat municipality
- Minimise the harmful effect of domestic pets on the population of native birds, mammals and reptiles
- Take into account community views on animal management matters
- Comply with the relevant provisions of the Domestic Animals Act 1994
- Educate and assist the community
- Ensure Council remains up-to-date with current legislation
- Ensure a positive move towards new housing for all impounded animals, including partnering with regional councils to deliver this service
- Decrease the amount of dogs and cats to be euthanased
- Decrease dog attacks in community
- Provide access to public and open spaces for dogs with owners
- Proactive investigations of domestic Animal Business and unauthorised breeding establishments
- Animal Welfare and Prevention of Cruelty to Animals Act proactive enforcement
- Initiate works towards a new regional animal pound facility

In review of the previous Domestic Animal Plan 2012-2016, and with a direction to further include the community in the new plan, there is a continued communication with new social media groups using council land for dog parks, Dog registration and responsible ownership programs currently operating every eight-twelve weeks via a puppy program and/or dog obedience.

DEMOGRAPHIC AND COUNCIL PROFILE

The municipal district of the City of Ballarat is part of an area of land under the traditional custodianship of the Wathaurong people and comprises the city of Ballarat, which is one of Australia's largest inland cities and the third largest city in Victoria, and the townships of Learmonth, Buninyong, Miners Rest and Cardigan Village. In all, the City of Ballarat has an area of 740 square kilometres and an estimated population of 102,490, 2015/2016.

The City is located in Western Victoria, surrounded by the municipalities of the Shires of Hepburn, Pyrenees, Golden Plains and Moorabool.

Ballarat is in a key strategic position at the centre of some of Victoria's most important freight, tourist and commuter transport routes. The four main highways radiating from Ballarat - the Western, the Midland, the Glenelg and the Sunraysia - connect it to industrial centres such as Melbourne, Adelaide, Geelong and Portland; regional locations like Bendigo and Mildura; and agricultural areas in the Mallee and Wimmera.

The City of Ballarat lies within a gently undulating section of the midland plains, which stretches from Creswick in the north to Rokewood in the south, and from Lal Lal in the south-east to Pittong in the west. These plains are made up of alluvial sediment and volcanic flows, and contain large areas of rich agricultural soils.

Ballarat is approximately 110km north-west of Melbourne. Travel time between Ballarat and Melbourne is around 75 minutes.

DOMESTIC ANIMAL STATISTICS AND DATA

	City of Ballarat		
	2008/09	2011/12	2015/16
Population	88,437	97,810	102,490
Area	740 km ²	740 km ²	740 km ²
No. of households	36,500	34,852	42,252
No. of EFT Authorised Officers (Animal Control)	2.5	5	5
No. of Registered Dogs	14,615	14,995	13193
Estimated Dog (owned) Population**	21,024	19,919	16908
% dogs registered (est.)	69%	75%	70%
No. of Registered Cats	6,210	5,674	4831
Estimated Cat (owned) Population**	13,950	13,320	10985
% of cats registered (est.)	46%	42%	40%
No. of Registered Restricted Animal Breed Dogs	7	1	0
No. of registered guard dogs	15	16	12
No. of Registered Declared Dangerous Dogs	1	1	1
No. of Registered Declared Menacing Dogs	1	2	19
No. of impoundments (dogs), including dogs surrendered by public	1,779 (2006/07) (49 per 1,000 households)	1,783 (2011) (51 per 1,000 households)	1261

No. of dogs returned to owner	994 (56%)	1292 (72%)	761 (60%)
No. of dogs rehoused	597 (33%)	314(18%)	424 (34%)
No. of dogs euthanased	188 (11%)	177(10%)	154 (12%0
No. of impoundments (cats) including cats surrendered by public	1,468 (40 per 1,000 households)	1,009 (29 per 1,000 households)	1174
No. of cats returned to owner	74 (5%)	100 (10%)	93 (8%)
No. of cats rehoused	356 (24%)	283 (28%)	699 (60%)
No. of cats euthanased	1,038 (71%)	626 (62%)	403 (34%)
No. of registered Domestic Animal Businesses			
• Breeding & rearing	• 2	• 2	• 3
• Pet shops	• 3	• 3	• 5
• Shelters & pounds	• 1	• 1	• 1
• Boarding establishments	• 6	• 6	• 6

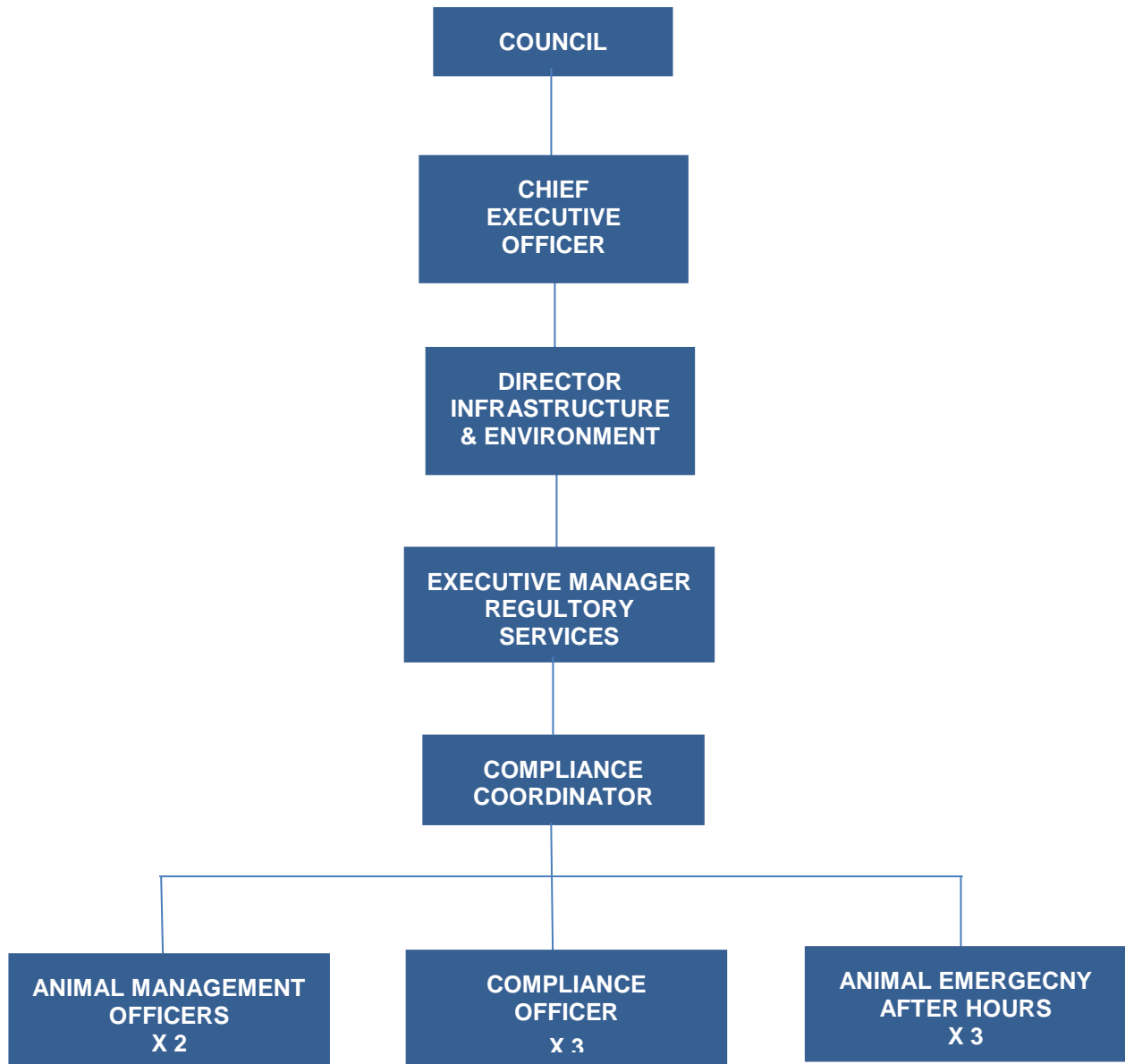
**** BIS Shrapnel estimated in 1998 that:**

- 40% of households owned one or more dogs at a rate of 1.44 dogs/household; and
- 26% of households owned one or more cats at a rate of 1.47 cats/household.

Therefore, the calculation for the calculation for the Ballarat municipality with 34,852 residential dwellings is:

- Estimated Dog Population: $(40/100 \times 34,852) \times 1.44 \text{ dogs} = 19,919$
- Estimated Cat Population: $(26/100 \times 34,852) \times 1.47 \text{ cats} = 13,320$

ANIMAL MANAGEMENT STAFFING & OPERATIONAL STRUCTURE



DEPARTMENT OVERVIEW

The City of Ballarat's Animal management team consists of 2 full-time Animal Management Officers (AMO) and 3 casual Animal Emergency After Hours Officers, all of which are supervised by the Compliance Coordinator. Council also has Three Compliance Officers who operate under the same working umbrella as the Animal Management Officers and are each qualified and trained to assist with all Animal Enquiries.

Services provided to the community relating to animal management

The Compliance department is responsible for the animal management function, which Council provides. Such functions include:

- Impounding of animals
- Managing of complaints relating to pets
- Promoting responsible pet ownership
- Investigating dog attacks
- Ensuring compliance to legislation and code of practice's relevant to pets and livestock
- Animal registration process
- Investigating animal welfare issues
- Management of domestic animal businesses
- Providing advice to pet owners and the community
- After hours animal emergencies

TRAINING OF AUTHORISED OFFICERS

Section 68(A)(2)(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

Current and Planned Training

A variety of training is offered and provided for all authorised Officers, training options are annually reviewed to ensure relevant and up to date material is provided. The training options include animal handling courses, investigation and statement taking courses, prosecution courses, information technology courses and industry related seminars, conferences and briefings from the Department of Primary Industries, AIAM, MAV and other relevant Associations.

Our Plans

Objective 1: Develop and maintain a training register for individual officers detailing completed and proposed training to maintain skills and knowledge.		
Activity	When	Evaluation
Review database of each officer's completed training, along with proposed additional training opportunities	By Dec 2016	Annually review, to ensure accuracy and to determine whether proposed training goals have been met for each officer
<p>Staff attendance at industry related seminars and training, such as:</p> <ul style="list-style-type: none"> • Breed Identification • Annual AIAM Conference • DPI/BAW Seminars <p>Other options:</p> <ul style="list-style-type: none"> • Certificate IV in Animal Control and Regulation course • Animal and Livestock handling (training) • Carry Out Pound Procedures • Aggressive dog handling techniques 	As offered	Annual review attendance with training register

Objective 2: Develop existing authorised officers from the After-Hours Animal Emergency staff and other departments within Council to multi-skill Officers to ensure adequate backfilling or additional staffing is possible when necessary.

Activity	When	Evaluation
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.

REGISTRATION AND IDENTIFICATION

68A(2)(c)(v) - Outline programs, services and strategies to encourage the registration and identification of dogs and cats - also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)

Registration and Identification

All dogs and cats over the age of 3 months must be registered with the City of Ballarat as per state legislation; newly registered animals must also be micro-chipped before registration can be accepted.

New animal registrations for cats and dogs can be made in person at The Phoenix, 25 Armstrong St South Ballarat Central between 8.15am – 5pm Monday – Friday or by mail with the appropriate payment and copies of relevant proof required to: City of Ballarat PO BOX 655 Ballarat VIC 3353.

Registration forms can be downloaded online from Council's website www.ballarat.vic.gov.au or collected from The Phoenix.

If your animal has been impounded at the City of Ballarat Animal Shelter and Pound and is not registered with Council, the registration process can be completed at the shelter prior release of the animal.

Animals that are not registered and micro-chipped must be micro-chipped at the City of Ballarat Animal Shelter and Pound prior registration and release of the animal.

Under the Domestic Animals Act 1994, animal registration periods expire on April 10 each year. Animal renewal notices are sent out every year in March, allowing pet owners to renew their pet's registration via the internet or in person. Council audits the registration renewal process every year to ensure animal registration is renewed. Council is also currently reviewing the registration system to simplify the process.

Animals found unsecured or 'at large' from their property and are identifiable by means of an allocated City of Ballarat identification marker 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 Domestic Animals Act 1994.

The registration of animals provides the City of Ballarat 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 Council in relation to animal management and the Bureau of Animal Welfare's responsible pet ownership campaigns and programs provided within Ballarat.

Current Education Activities

Current education/promotion of registration and identification activities include:

- Publicising the requirement to register pets over the age of three months in My Ballarat, The Courier and Council's on hold phone messages.
- Animal registration renewal notices are mailed out in March each year to currently registered animals.
- Free initial registration for dogs/cats de-sexed and micro-chipped under the age 6 months.
- Free initial registration for dogs/cats purchased/adopted from applicable organisations.

Current Compliance Activities

Current compliance activities for registration and identification include:

- Prosecution of matters where animals are not registered.
- Requiring impounded and unregistered animals to be micro-chipped and registered prior release.
- Issuing notices and /or infringements for animals found unregistered.
- Prosecuting owners of unregistered animals where infringements remain unpaid and animals remain unregistered.
- Investigating Domestic Animal Business notifications of animals being sold or given away to residents in the municipality
- Monitoring advertisements relating to animals for sale to ensure microchip numbers are provided
- Proactive and reactive park and street patrols to follow up registration and ensure identification is being worn
- After hours animal service and patrol

Summary

The number of unregistered animals that enter the City of Ballarat's pound is still at a high rate, which suggests a large number of unregistered animals exist within the municipality. This highlights the need for active education in the community, compliance and community awareness of court proceeding's gaining compliance.

OBJECTIVE 1: Increase animal registration and responsible dog ownership awareness in the community.

Activity	When	Evaluation
Educate residents of the animal registration renewal period by means of Advertising / media releases and mailing of renewal notices.	March-May Yearly	Review media release types available each year to determine most effective advertising
Attend Million Paws walk annually to promote responsible pet ownership.	May yearly	Set up stall to hand out information and discuss community awareness
Ensure animal registrations have been renewed and infringements paid. Lodge unpaid infringements with Infringements Court or Magistrates Court	Sept – Oct Yearly	Record total number of infringements unpaid and animal registrations still unregistered and compare to previous results
Attend Dog Obedience	3 monthly	Hand out information to new dog owners
Seize animals still found to be unregistered where matter found proven in Court or infringement paid	Month after date	Provide media releases to send the strong message for responsible pet ownership and compliance

Objective 2: Increase quantity of dog and cat registrations

Activity	When	Evaluation
Ensure all seized and impounded animals are registered to their owner prior to release.	Prior to every release.	Current process ensures compliance.
Offer responsible pet ownership rewards to pet owners found doing the right thing.	Yearly	Reward system to encourage registration
Host a Pet Expo/Micro-chipping Day	2013 & 2015	Facilities to register animals

NUISANCE

68A(2)(c)(vi) - Outline programs, services and strategies to minimise the potential for dogs and cats to create a nuisance - also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)

Community Local Law 2017
Part 2 – Property, Animals and Waste Collection
Clause 22 – Animals Keeping

Current Situation

	2011	2012	2013	2014	2015	2016
No. of barking dog complaints received	156	275	260	283	275	311
No. of roaming dog complaints received	365	611	593	586	528	547
No. of excess animal complaints	28	64	61	75	71	66

The Domestic Animals Act 1994, regulates the nuisances for both dogs and cats relating to noise, trespassing and wandering animals. The City of Ballarat has also introduced a number of Local Laws and Orders to help minimise and prevent nuisances which are outlined below.

Cat Curfew

In April 2009, the City of Ballarat introduced an order under Section 26 of the Domestic Animals Act 1994 in relation to a cat curfew. Cat owners must ensure that their pets do not leave their premises at any time between sunset and sunrise for the safety of cats, the protection of wildlife and to eliminate related nuisance complaints such as noise and trespassing. See Appendix 3

Council offers a cat trapping program that is managed by the City of Ballarat Animal Shelter and Pound. Cat trapping is the most effective method to reduce the number of stray and nuisance cats in your neighbourhood. Should you wish to enquire about the hire of cat traps, please call the City of Ballarat Animal Shelter and Pound on (03) 5334-2075 during business hours.

Dogs in public places

On 26 November 2014, the City Of Ballarat (**Council**) made an Order under section 26(2) of the Domestic Animals Act 1994 (**Act**). This Order is effective from 10 April 2015.

422 G 8 26 February 2015 Victoria Government Gazette
NOTICE UNDER **DOMESTIC ANIMALS ACT 1994**
(Designated Off Leash Area (See Appendix 2) and orders made below in **Other Matters.**)

Local Laws relating to nuisance

City of Ballarat Community Local Law 2017 Clause 22 limits the number of dogs and cats on a residential property to 2 (two) without a permit.

Owners seeking permission from Council to keep more than the prescribed amount requires neighbours consent and authorised Officer approval. Where a permit has been issued and a proven nuisance complaint founded, a permit can be revoked and owners made to remove the additional animal/s.

City of Ballarat Local Law Community Local Law 2017 Clause 25 requires owners of dogs to carry litter devices at all times when outside of their premises to ensure that such animal litter be collected and disposed of accordingly (See appendix 1).

Council Policies for nuisance complaints

Barking Dogs

Council has a standard operating procedure for barking dog complaints to ensure all complaints received are handled in the same consistent matter by all authorised Officers.

The procedure steps out the required processes involved to investigate the complaint, liaise with the dog owner and surrounding neighbours. Where nuisances are found to be proven pursuant to section 32 of the Domestic Animals Act 1994, Council can issue notices to the dog owner to abate the nuisance, issue infringements and/or have the matter heard in the Magistrate's Court to seek an order from the Court for the owner to abate the nuisance.

Roaming Dogs

Postcard System used by Council's Animal Rangers

Council's Animal Rangers introduced a Postcard system for dogs that are found at large and can be reunited with their owners. If your dog doesn't have any priors, its registration is current, and you are home, contact will be made and your dog returned home. Owners will be given the following postcard. The additional benefits are that under these circumstances your dog will not go to Council's Pound and as a result you will not incur additional costs and inconvenience in reclaiming your dog at the RSPCA Shelter.

Today, your pet was found on the street and was safely returned to your home by the City of Ballarat. Thank you for registering your pet.

Please check your back and front yards and repair your pet's escape route. In the future, if your pet is found on the street, it will be taken to an animal shelter and you will pay two fines to be reunited. Keep your pets safe, keep your pets at home.



In circumstance where repeat offenders (more than one offence) for roaming/trespassing cats/dogs 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 will pursue the matter in the Magistrates' Court and seek an order from the Court to require the owner to carry out works to ensure the animal is not able to escape from the owner's premises.

Current Education/Promotion Activities relating to nuisance animals

- Providing barking dog information kits
- Providing information relating to building cat enclosures
- Information provided on Council's website
- Providing information brochures from the DEDJTR to the public
- Articles in MyBallarat, The Courier, Council Website
- Assisting Ballarat Dog Obedience Club by supporting its dog training program through the provision of educational materials and attending 'question and answer' sessions.
- Encouraging the de-sexing of cats and dogs to reduce wandering.
- Encouraging dog owners to seek advice from professional dog trainers and trial barking dog citronella collars.
- Promoting Doggie Daycare facilities, to owners and encouraging involvement as an alternative to being at home

Current Compliance Activities relating to nuisance animals

- Investigating nuisance complaints and ensuring minimal timeframes
- Sending out barking dog formal complaint statements and barking dog logs
- Reporting outcomes of all prosecutions regarding each area of nuisance to local media to raise awareness in the community of the benefits of preventing dog and cat nuisance
- Issuing notices to comply, notices of objection, infringements where necessary
- Providing Cat Trapping program to residents
- Patrolling parks and streets to ensure dog owners are carrying litter devices to remove such animal litter
- Monitor social media websites for backyard breeding

Summary

In order to reduce animal nuisance problems in the community, Council will continue promoting and providing education and compliance activities while striving to improve the activities and identify/trial new initiatives. As an increase of reporting to Council is apparent, this relates back to positive outcomes in similar cases, therefore initiating the new SOP is considered successful.

Our Plans

Objective 1: Controls of dogs in public places pursuant to Section 26 of the Domestic Animals Act 1994		
Activity	When	Evaluation
Report to Council regarding feedback received relating to the revised Order: Designated Off Leash Area.	2017	Review public feedback and comments. Propose amendments to current Order in line with feedback.
Educate dog owners relating to 2015 Designated Off-Leash Order.	Ongoing	Record feedback from community and animal rangers.
Review signage in parks, access community feedback.	2018	Review public feedback and comments. Propose amendments to current Order in line with feedback.
Continue to enforce Order to ensure compliance, roster Officer/s to patrol streets & parks.	Ongoing	Decreased number of animal litter and dog off lead complaints received

Objective 2: Decrease the timeframe of barking dog investigations from point of lodgement of resolution		
Activity	When	Evaluation
Reset key performance indicators for Officers to complete barking dog complaints within a 6 week timeframe.	2017	Review complaints annually to evaluate percentage completed within timeframe
Use barking dog standard operating procedure and revise 2 yearly.	Every 2 years	Review complaints to ensure sops were followed

23. Animal Accommodation

23.1 An owner or occupier of land must ensure that any Animals (excluding only dogs or cats) and birds kept on that land are:

23.1.1 kept in a secure shelter, structure or enclosure; and

23.1.2 confined to the land unless they are under the effective control of a Person.

Penalty: 10 Penalty Units

23.2 An owner or occupier of land in an Urban Residential or Rural Residential area, must ensure that any animal shelters, structures or enclosures on that land are maintained to the satisfaction of an Authorised Officer or Delegated Officer.

Penalty: 10 Penalty Units

Note that confinement and control of dogs and cats are regulated under the Domestic Animal Act 1994 and may include additional Council Orders made pursuant to that Act.

25. Animal Excrement

25.1 A Person in charge of any Animal must not allow any part of the excrement of the Animal to remain on any Road or Council Land.

Penalty: 10 Penalty Units

25.2 A Person in charge of any Animal on any Road or Council Land must carry a Litter Device suitable to clean up any excrement left by his or her Animal and must produce such Litter Device upon request of any Authorised Officer or Delegated Officer.

Penalty: 10 Penalty Units

25.3 Exemption: Livestock outside a Built Up Area is exempt from Sub-clauses 0 and 0, except that, in the case of Livestock road crossings, Sub-clause 0 will apply if the Animal excrement left on a Road is sufficient to cause a genuine risk to public road safety, including but not limited to, being a contributory factor in any road accident.



DOG ATTACKS

Clause 68A(2)(c)(iii) Outlines programs, services and strategies to minimise the risk of attacks by dogs on people and animals - also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)

Current Data

	2012	2013	2014	2015	2016
No. of Dog Attacks investigated	97	139	141	150	116

Number investigated since introduction of new Dog off leash order (10 April 2015) =143 in fifteen months

Authorised Council Officers investigate dog attack reports thoroughly. Evidence pertaining to the incident is collated to formulate a brief. This includes taking statements from all parties involved, vet/medical reports, photographs and providing a summary with recommendations.

The brief is then reviewed by the Compliance Coordinator who makes further recommendations to the Manager of local laws and Traffic Department and another panel member in order for Council to decide on an appropriate course of action.

Possible courses of action Council can choose include:

- Infringements (where non-serious injuries sustained)
- Menacing/Dangerous Dog Declaration
- Prosecution in Magistrates' Court
- Seek destruction/compensation orders by Magistrate
- Seek mediation between parties
- No action

Where injuries have occurred to a person or another animal by a dog that is of a serious injury (as defined by the Domestic Animals Act 1994), Council Authorised Officers have been seizing the accused animal pending outcome. Council will strive to have the matter heard in the Magistrate's Court, where enough evidence is sufficient to form a prosecution. Currently the Compliance Officer's are prosecuting dog attack matters in the Magistrates' Court with successful results and outcomes. Media releases of such results are also used to educate the community and promote responsible pet ownership.

Animal registration fees include a subsidy to the State Government's Bureau of Animal Welfare, which help funds programs such as responsible pet ownership in schools, pre-schools, maternal health centres, hospitals and the 'We Are Family' programs.

Current Education/Promotion Activities

- Reporting outcomes of all dog attack prosecutions to local media to raise awareness in the community of the need to report dog attacks and Council's action in relation to attacks to promote responsible pet ownership
- Media releases relating to livestock attacks
- Providing New residents with animal registration information
- Promoting the effective confinement and control of dogs
- Promoting the Bureau of Animal Welfare Responsible Pet Ownership (RPO) Schools Programs
- Meeting with Ballarat Dog Obedience Training Club
- Promoting puppy socialisation and obedience training

Current Compliance Activities

- Investigating dog attacks thoroughly
- Seizing and holding attacking dogs pending investigation/prosecution outcome
- Providing an afterhours service to respond to reports of aggressive or attacking dogs
- Prosecuting matters pursuant to the Domestic Animals Act 1994
- Issuing infringements for wandering dogs
- Issuing infringements for minor attacks where non serious injury sustained
- Proactive 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
- Seizing impounded dogs in circumstances where owners properties are believed to be unsecure, ensure dog can be secured prior release of the dog back to the owner.

Summary

City of Ballarat will continue administering the Domestic Animals Act 1994 and ensure compliance is met where any breach is detected. Council will also begin enforcing the amended Order relating to dogs being leashed in public places once a considerable period of education has been provided to the public.

Objective 1: To minimise the incidence of dog attacks in the community

Activity	When	Evaluation
Providing proactive Education/Compliance Activities. 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	Compare number of reported dog attack incidents annually.
Inform the community of outcomes of dog attacks prosecuted in Court	Ongoing	As occurs
Set key performance indicators for Officers to complete dog attack investigations within a 4 week timeframe.	2017	Review complaints annually to evaluate percentage completed within timeframe.

DANGEROUS, MENACING AND RESTRICTED BREED DOGS

68A(2)(c)(vii) Outline programs, services and strategies 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 this Act and the regulations - also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)

CURRENT SITUATION

Declared dogs currently within the Municipality	
Registered restricted breed dogs	0
Registered declared dangerous guard dogs	12
Registered declared menacing dogs	19

The Domestic Animals Act 1994 defines restricted breed dogs as any one of the following breeds:

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

City of Ballarat has no restricted breed dogs registered at this stage. Owners of restricted breed dogs are required abide by specific regulations, in particular; secure enclosures, warning signs on premises, having the dog muzzled in public and on lead at all times, as defined by the Domestic Animals Act 1994 and the Domestic Animals Regulations 2005.

Section 34A (a) of the *Domestic Animals Act 1994* states:

A dog is a dangerous dog if—

The dog is kept as a guard dog for the purpose of guarding non-residential premises

City of Ballarat currently has 12 declared guard dogs, which are therefore deemed dangerous under the Act. Owners of guard dogs must abide by specific regulations in particular; secure enclosures when not guarding, secure perimeter fencing when guarding, warning signs on premises, having the dog muzzled in public and on lead at all times, dog must wear the prescribed dangerous dog collar

Section 34(1) of the *Domestic Animals Act 1994* states:

A Council may declare a dog to be a dangerous dog—

If the dog has caused the death of or serious injury to a person or animal by biting or attacking that person or animal

City of Ballarat currently has one declared dangerous dog that was involved in an attack where it was previously located and declared dangerous by that municipality. This said dog is no longer in the municipality. Owners of declared dangerous dogs must abide by the same regulations as owners of guard dogs other than the perimeter fencing requirements.

Section 41A (1) of the *Domestic Animals Act 1994* states:

(1) A Council may declare a dog to be a menacing dog if—

- (a) the dog has rushed at or chased a person; or*
- (ab) the dog bites any person or animal causing injury to that person or animal that is not in the nature of a serious injury*

City of Ballarat currently has 19 declared menacing dogs within the municipality. Owners of menacing dogs must abide by conditions specified by Council namely; when the dog is outside the premises of its owner it must be muzzled and leashed at all times.

Council must register all dangerous/menacing/restricted breed dogs with the Victorian Declared Dog Register (VDDR); this is a database that records all declared dogs for all relevant parties to see. Any dangerous and restricted breed dog entered into the VDDR is declared for the life of the animal and cannot be revoked by Council.

Current Education/Promotion Activities

- Promoting the 'Dangerous Dog Hotline' (1300-101-080)
- Media releases relating to legislation/changes/updates
- Media releases relating to differences between Restricted Breed Dogs and Dangerous Dogs
- Providing information relating to declared dogs

Current Compliance Activities

- Ensuring all declared dogs are registered on the VDDR
- Regularly conducting inspections on premises housing declared dogs to ensure compliance
- Proactive patrols during afterhours for unregistered guard dogs
- 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

OUR PLANS

Objective 1: Ensure declared dogs are compliant to relevant legislation and regulations		
Activity	When	Evaluation
Random property inspections of declared dogs to ensure compliance	Annual audit	Checklists / supporting documentation
Prosecute repeat offenders or serious breaches detected	As required	Supporting documentation
After hours patrols for unregistered guard dogs in industrial areas	Delegated patrols	As occurs
Educate the community about what is a declared dog	Annual	Supporting educational material.

OVER POPULATION AND HIGH EUTHANASIA

68A(2)(c)(iv) Outline programs, services and strategies to address any over-population and high euthanasia rates for dogs and cats - also addresses 68A(2)(a),(c)(i),(c)(ii),(d),(f)

CURRENT SITUATION (data provided by RSPCA)

	City of Ballarat					
	2008/09	2011/12	2012/13	2013/14	2014/15	2015/16
No. of dogs brought in by Council	n/a	n/a	1067	1139	1008	731
No. of dogs reclaimed by owner	994	1292	1114	1153	921	761
No. of dogs adopted	597	314	318	372	481	429
No. of dogs euthanased	188	177	297	160	152	154
No. of cats brought in by Council	n/a	n/a	105	141	183	183
No. of cats reclaimed by owner	74	100	90	96	109	93
No. of cats adopted	356	283	271	409	570	699
No. of cats euthanased	1,038	626	568	495	429	403

As per the above table, the City of Ballarat is currently in a great position in relation to euthanasia rates of animals when compared to other large regional Councils, especially dogs. While cat euthanasia rates are slightly lower than the average, the percentage of cats euthanized will continue to be relatively high due to the amount of stray and/or feral cat population which breed out of human control.

Dog euthanasia rates are particularly low due to high rates of dogs being returned to owners and successful rehoming rates. Over the last 3 years there has been a significant rise in the rate of dogs being returned to owners due to more identifiable dogs being impounded such as being micro-chipped and/or wearing Council identification. The increased rate of micro-chipped dogs is mainly due to the amendment to the Domestic Animals Act 1994 in 2007, which required all newly registered cats and dogs to be micro-chipped.

The RSPCA Ballarat Shelter has a successful re-homing program with cats and dogs, which Council supports by offering free initial registration for the animal.

Current Education/Promotion Activities

- Supporting adoption of animals by offering initial registration
- Encouraging de-sexing of animals by offering reduced registration fees and free initial registration for animals de-sexed and micro-chipped under 6 months of age.
- Promoting benefits of de-sexing
- Promoting 'Who's for cats?' campaign
- Promoting appropriate pet selection
- Promoting cat enclosures and build your own cat enclosures

Our current Compliance Activities

- Cat trapping program
- Enforcement of cat curfew
- Investigating unregistered breeding establishments
- Micro-chipping all unregistered impounded animals prior release to owner
- Enforcing the Local Law relating to prescribed number of animals on a property
- Assessing excess animal applications, factoring in number of entire.de-sexed animals

OUR PLANS

Objective 1: Continue encouraging de-sexing of animals		
Activity	When	Evaluation
Free initial registration for cats and dogs that are both micro-chipped and de-sexed under 6 months of age	Ongoing	Number of new animals registered in category yearly
Free initial registration for cats and dogs adopted from an applicable organisation	Ongoing	Number of new animals registered in category yearly In place
Free initial registration for cats that participate in the RSPCA free de-sexing voucher scheme	Ongoing	Increase numbers of cats registered with Council

Objective 2: Identify illegally operated Domestic Animal Breeding Establishments in the municipality and ensure compliance and/or close down

Activity	When	Evaluation
Investigate advertisements of pets for sale	Ongoing	As required
Media campaigns to raise awareness of DAB definition and code of practices that must be adhered too.	As needed	Evaluate number of complaints received and properties inspected.
Media campaign to give full information about the dos and don'ts of giving a pet as a Christmas present.	December yearly	Evaluate response from public to determine whether or not it is effective by way of increased registration and general feedback.
Audit DAB randomly to ensure compliance	On going	Number of audits compared to number of follow ups required



DOMESTIC ANIMAL BUSINESSES

68A(2)(c)(ii) Outline programs, services and strategies which the Council intends to pursue in its municipal district to ensure that people comply with this Act, the regulations and any related legislation - also addresses 68A(2)(a),(c)(i),(d),(f)

Our current data

Domestic Animal Businesses are defined by the Domestic Animals Act 1994 as:

Domestic animal business means-

- a) *An animal shelter, Council pound or pet shop: or*
- b) *An enterprise which carries out the breeding of dogs or cats to seek, where-*
 - I. *In the case of an enterprise whose proprietor is a member of an applicable organisation, the enterprise has 10 or more fertile female dogs or 10 or more fertile female cats; or*
 - II. *In the case of an enterprise whose proprietor is not a member of an applicable organisation, the enterprise has 3 or more fertile female dogs or 3 or more fertile female cats; or*
- c) *An enterprise that is run for profit which carries out the rearing, training or boarding of dogs or cats;*

There are 22 registered domestic animal businesses with the City of Ballarat, these include 5 pet shop/s, 8 boarding establishments, 2 breeding establishments and Council's animal pound/shelter.

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

Current Education/Promotion Activities

- Providing information to registered domestic animal businesses
- Promoting DPI information and codes of practices
- Advertising new legislation amendments

Current Compliance Activities

- Annual audits
- Random audits during peak seasons for particular businesses
- Investigating reports
- Monitoring advertising sites
- Renewal / Registration process
- Inspecting suspected unregistered domestic animal businesses
- Liaising with planning department to ensure planning conditions are adhered to
- Monitoring media and social outlets for sale of pups without identification

OUR PLANS

Objective 1: Ensure domestic animal businesses are compliant with relevant legislation and codes of practice		
Activity	When	Evaluation
Monitor Council's registration database for owners with more than 3 fertile females	Ongoing	Compliance with local laws and related legislation
Encourage de-sexing of animals by reducing registration fees or free initial registration for de-sexed & micro-chipped animals	Ongoing	Relevant registration accepted
Conduct searches for unregistered domestic animal businesses via internet/media/news papers	Ongoing	Relevant action taken

Objective 2: Identify illegally operated Domestic Animal Breeding Establishments in the municipality and ensure compliance and/or close down.		
Activity	When	Evaluation
Media campaigns to raise awareness of DAB definition and code of practices that must be adhered too. Investigate advertisements of pets for sale	Ongoing	Evaluate number of complaints received and properties inspected.
Encourage de-sexing of animals by reducing registration fees or free initial registration for de-sexed & micro-chipped animals	Ongoing	Relevant registration accepted
Audit DAB randomly to ensure compliance	Ongoing	Number of audits compared to number of follow ups required

OTHER MATTERS

68A(2)(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

City of Ballarat new Animal Pound Facility project

Council is currently in the process of negotiating a new animal facility. The intent is that the new facility is up to the Code of Practice standard and will allow for better management and welfare for the animals it houses.

The existing building is in need of constant maintenance and is struggling to meet the standard expected for such a highly used facility.

We are currently developing a feasibility study to help assist with this process and have invited all surrounding councils to contribute with any information or requirements they may have.

While this is in development currently, it is a long term plan and we are hoping it will fulfil all the needs and requirements of our fast growing regional city.

City of Ballarat Local Laws and Orders relating to animal management

Council has in place a variety of local laws or orders that regulate pet owners, which are as follows:

22. Keeping Animals

22.1 An owner or occupier of any land must not, without a Permit:

22.1.1 keep or allow to be kept more than 6 different types of any Animal on any one parcel of land of 2 hectares or less at any time; and

22.1.2 must not keep or allow to be kept any more in number, for each type of Animal, than is set out in the Table of Animal Types and Numbers in this Clause.

Pursuant to section 26 of the Domestic Animals Act 1994, City of Ballarat introduced the following orders in relation to management of cats and dogs in the municipality:

Cat curfew

Cat owners must ensure that their pets do not leave their premises at any time between sunset and sunrise so as not to cause a nuisance.

Dogs in public places Order April 10 2015

Council's current Domestic Animal Management Plan was developed and formally adopted in 2012. This document provides an opportunity to balance Council's responsibility to educate the community in relation to responsible pet ownership with the need to enforce the regulations set out in the *Domestic Animals Act*.

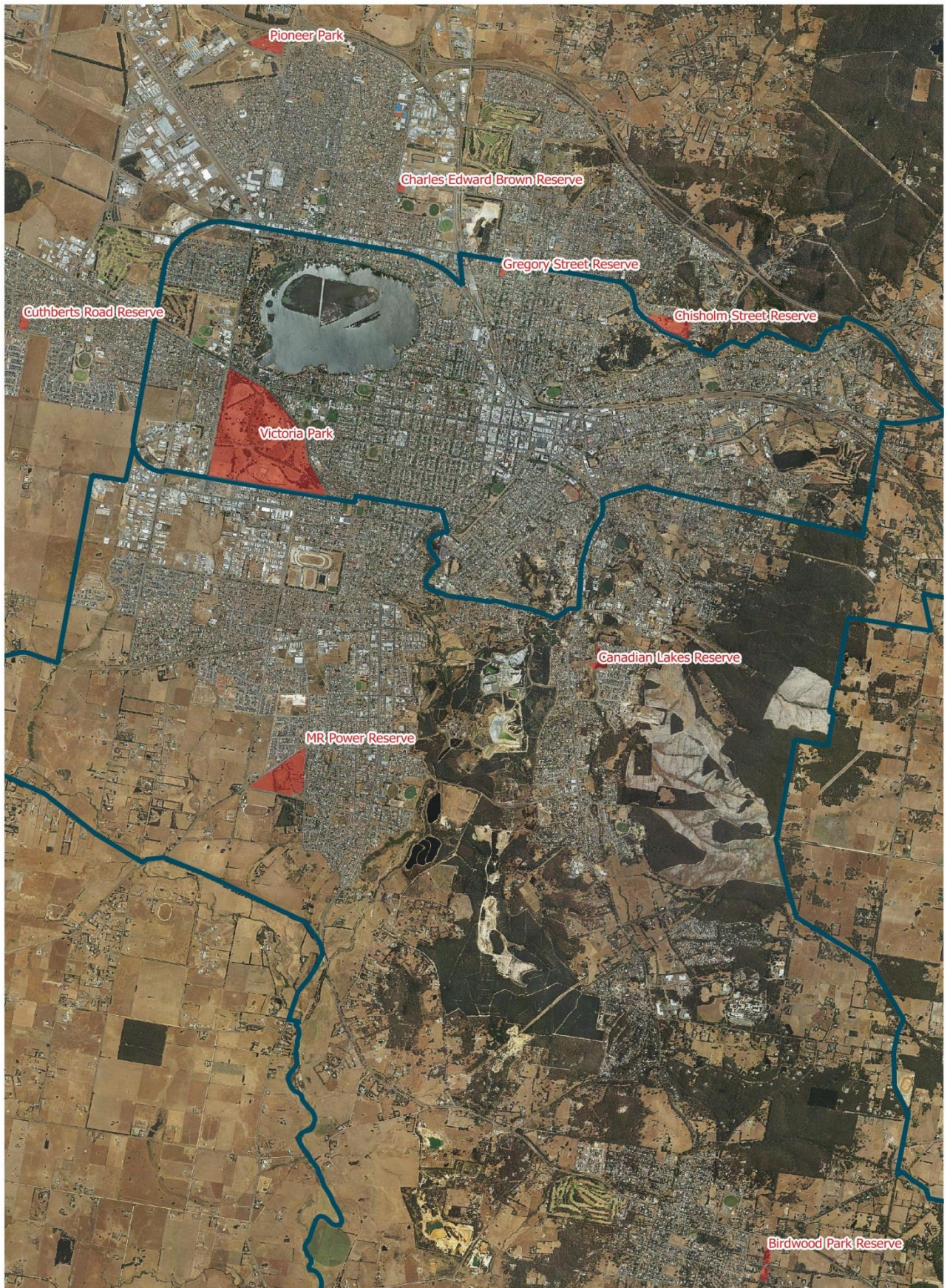
One of the key strategies contained in this plan details a commitment to revise the existing Council Order relating to dogs in public places. The proposed order changes the focus and responsibility of dog owners highlighting the key message that dogs must be on lead throughout the municipality other than in areas that Council declares to be off-lead by order.

The person in apparent control of a dog must keep the dog attached to a chain, cord or leash held by or attached to the person when the dog is in any Public Place in Council's municipal district (other than those in private ownership) unless the dog is in a Designated Off Leash Area.

Designated Off Leash Area - See Appendix 2

On 26 November 2014, the City Of Ballarat (**Council**) made an Order under section 26(2) of the Domestic Animals Act 1994 (**Act**). This Order is effective from 10 April 2015.

Dogs Off Leash Area Map



[HTTP://WWW.BALLARAT.VIC.GOV.AU/LAE/PARKS-AND-PLAYGROUNDS/DOG-OFF-LEASH-PARKS.ASPX](http://www.ballarat.vic.gov.au/LAE/PARKS-AND-PLAYGROUNDS/DOG-OFF-LEASH-PARKS.ASPX)

ACTION PLAN

ANNUAL REVIEW OF PLAN AND ANNUAL REPORTING

As per 68A(3) of the Domestic Animals Act 1994, Council will review its Domestic Animal Management Plan annually to assess whether any amendments are necessary in order to ensure the plan is relevant and can be completed within the required timeframes.

In the final year of the plan, Council will undertake a major review and prepare drafting the next domestic animal management plan for the 2021-2025 period.

REVIEW CYCLE FOR THE DAMP

The Domestic Animal Management Plan will be reviewed each year as part of service delivery planning by Council's Animal Management Team. Should there be any issues arising from the Domestic Animals Management Plan, they will be reported immediately to the Local Laws Coordinator for further action.

Ballarat City Council will continue to monitor the progress of the Domestic Animal Management Plan and will conduct a full review every four years.

Appendix 1 – City of Ballarat’s Local Law for animals

22. Keeping Animals

22.1 An owner or occupier of any land must not, without a Permit:

22.1.1 keep or allow to be kept more than 6 different types of any Animal on any one parcel of land of 2 hectares or less at any time; and

22.1.2 must not keep or allow to be kept any more in number, for each type of Animal, than is set out in the Table of Animal Types and Numbers in this Clause.

Penalty: 10 Penalty Units

	ANIMAL	URBAN RESIDENTIAL	RURAL RESIDENTIAL	RURAL
(a)	Dogs	2	2	5 (other than dogs kept for working stock /primary production)
(b)	Cats	2	2	2
(c)	Fowls (excluding roosters)	5	20	No Local Law permit required
(d)	Roosters	0	0	No Local Law permit required
(e)	Pheasants	4	20	No Local Law permit required
(f)	Squabs	20	40	No Local Law permit required
(g)	Other poultry (including ducks, geese, turkey, guinea fowl or similar)	0	10	No Local Law permit required
(h)	Ostriches / emus / peacocks	0	0	No Local Law permit required
(i)	Cockatoos / galahs (caged)	0	2	No Local Law permit required
(j)	Sheep	0	5	No Local Law permit required
(k)	Goats	0	5	No Local Law permit required
(l)	Horses	0	1	No Local Law permit required
(m)	Pigs	0	0	No Local Law permit required
(n)	Cows	0	1	No Local Law permit required
(o)	Other primary production animals	0	0	No Local Law permit required

- 22.2 For the purposes of the table in clause 0:
- 22.2.1 'Urban Residential' means land within the General Residential Zone, Commercial 1 Zone, Commercial 2 Zone, Neighbourhood Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone;
- 22.2.2 'Rural Residential' means land within the Low Density Residential Zone or Rural Living Zone; and
- 22.2.3 'Rural' means land within the Farming Zone, Rural Conservation Zone, Industrial 1 Zone; Industrial 2 Zone or Industrial 3 Zone .
- 22.3 Unless contrary to other State or Commonwealth legislation, a Permit is also required to keep or allow to be kept any exotic, wild, dangerous, or large Animal not listed in Sub-clause 0.
- 22.4 For the purpose of calculating the numbers of any Animal kept under Sub-clause 0, the progeny of any Animal lawfully kept will be counted from 12 weeks after its birth.
- 22.5 Where at the date immediately prior to the day of the commencement of this Local Law any owner or occupier of land lawfully keeps a number of Animals in excess of the new maximum number or type of Animals given in the Table of Animal Types and Numbers in Sub-clause 0, and those Animals, where required, are registered with the Council:
- 22.5.1 that maximum number will be increased for that owner or occupier to include those previously lawful Animals, but only until that time when those individual Animals in excess of the new maximum die or are otherwise disposed of; and
- 22.5.2 for roosters the time period referred to in Sub-clause 0 cannot exceed two years from the commencement date of this Local Law; and
- 22.5.3. those excess Animals may not be replaced, unless by Permit.

23. Animal Accommodation

- 23.1 An owner or occupier of land must ensure that any Animals (excluding only dogs or cats) and birds kept on that land are:
- 23.1.1 kept in a secure shelter, structure or enclosure; and
- 23.1.2 confined to the land unless they are under the effective control of a Person.

Penalty: 10 Penalty Units

- 23.2 An owner or occupier of land in an Urban Residential or Rural Residential area, must ensure that any animal shelters, structures or enclosures on that land are maintained to the satisfaction of an Authorised Officer or Delegated Officer.

Penalty: 10 Penalty Units

Note that confinement and control of dogs and cats are regulated under the Domestic Animal Act 1994 and may include additional Council Orders made pursuant to that Act.

24. Noise and Smell from Animals, Birds, Pigeons, Reptiles and Bees

An occupier of any land on which any Animal, Domestic Bird, Poultry, Large or Noisy Bird, Pigeon, Reptile or bee is kept must not allow any noise, smell or discharge to emanate from the Animal or animal accommodation which is Offensive to persons who occupy adjacent or nearby land.

Penalty: 10 Penalty Units

25. Animal Excrement

25.1 A Person in charge of any Animal must not allow any part of the excrement of the Animal to remain on any Road or Council Land.

Penalty: 10 Penalty Units

25.2 A Person in charge of any Animal on any Road or Council Land must carry a Litter Device suitable to clean up any excrement left by his or her Animal and must produce such Litter Device upon request of any Authorised Officer or Delegated Officer.

Penalty: 10 Penalty Units

25.3 Exemption: Livestock outside a Built Up Area is exempt from Sub-clauses 25.1 and 25.2, except that, in the case of Livestock road crossings, Sub-clause 25.1 will apply if the Animal excrement left on a Road is sufficient to cause a genuine risk to public road safety, including but not limited to, being a contributory factor in any road accident.

26. Adequate Fencing

26.1 Where any Animal, including any Livestock, is kept on any land, the owner or the occupier of the land must ensure that the land is secured or fenced in a way that will prevent the Animal from escaping from the land.

Penalty for first offence: 10 Penalty Units

Penalty for second and subsequent offence: 15 Penalty Units

26.2 Where the Animals kept on any land are sheep, cattle, horses or other large Animals, the owner or occupier of the land must ensure by adequate Fencing that no Animal escapes onto, or remains unattended, on a public Road.

Penalty: 20 Penalty Units

26.3 No offence is committed under Sub-clause 0 where it can be shown that extreme or unusual circumstances beyond the control of the owner or the occupier, such as wildfire, flood or dog attack, directly resulted in the escape of the Animal through otherwise adequate Fencing.

26.4 If an Authorised Officer or Delegated Officer is of the opinion that land used for the grazing or keeping of livestock is not adequately fenced then, in addition to any penalty that may be imposed, the Authorised Officer or Delegated Officer may issue a Notice to Comply directing the owner or occupier of the land to do any or all of the following:

26.4.1 install, repair, replace or modify fences and gates;

26.4.2 remove any livestock from the land; or

26.4.3 direct that the land may not be used for the grazing and keeping of livestock until required works have been completed.





NOTICE UNDER DOMESTIC ANIMALS ACT 1994 Designated Off Leash Area

On 26 November 2014, the City of Ballarat (Council) made an Order under section 26(2) of the Domestic Animals Act 1994 (Act). This Order is effective from 10 April 2015.

1. Revocation of previous orders

All previous Orders made by Council under section 26(2) of the Act are revoked.

2. Dogs must be on leash

The person in apparent control of a dog must keep the dog attached to a chain, cord or leash held by or attached to the person when the dog is in any Public Place in Council's municipal district (other than those in private ownership) unless the dog is in a Designated Off Leash Area.

The following areas are Designated Off Leash Areas:

- Charles Edward Brown Reserve (north-west corner opposite Netball Centre) at 238 Dowling Street, Wendouree;
- Pioneer Park at 5 McKenzie Drive, Wendouree;
- Cuthberts Road Reserve at 164A Cuthberts Road, Alfredton;
- Victoria Park at Russell Street, Newington;
- Gregory St Reserve at 514 and 520 Gregory Street, Soldiers Hill;
- Chisholm Reserve at Crown Allotment 13A Chisholm Street, Black Hill;
- Birdwood Park at Crown Allotment 72A Midland Highway, Buninyong;
- M. R. Power Reserve at 182–198 Grant Street, Sebastopol; and
- Canadian Lakes Reserve at 815 Geelong Road, Canadian (off Canadian Lakes Boulevard).

For the purposes of this Order:

'Designated Off Leash Area' means any place or part of an area declared by a resolution of Council included in this Order.

'Public Place' has the same meaning as in section 3 of the Summary Offences Act 1966.

3. Dogs in Designated Off Leash Area:

3.1 Subject to clause 3.2 and 3.3 of this Order, a dog may be exercised off a chain, cord or leash in a Designated Off Leash Area if the person in apparent control of the dog:

- a) carries a chain, cord or leash sufficient to bring the dog under effective control;
- b) remains in effective voice or hand control of the dog and within constant sight of the dog at all times; and
- c) does not allow the dog to worry, cause a nuisance or threaten any person or animal.

3.2 If a dog is off a chain, cord or a leash in a Designated Off Leash Area it must be brought under effective control by means of a chain, cord or leash if the dog is within 50 m of:

- a) the arena or ground of an organised sporting or practice event;
- b) a children's play equipment area;
- c) the principal location of an organised public meeting or event; or
- d) a permanent barbecue or picnic area.

3.3 If a dog is off a chain, cord or a leash in a Designated Off Leash Area it must be brought under effective control by means of a chain, cord or leash if the dog is within 10 m of any shared path, walking track or waterway.

The Order will come into operation from 10 April 2015.

JOSEPH SPITERI
Community Amenity Manager



**Domestic (Feral and Nuisance)
Animals Act 1994**

Notice is hereby given that Ballarat City Council at its meeting on 24 September 2008 resolved:

That in accordance with the provisions of section 25 of the **Domestic (Feral and Nuisance) Animals Act 1994**, cats must be securely confined to owner's premises at night

Enquiries should be directed to Andrew Bellingham, Manager Regulatory Services, on 5320 5570.

ANTHONY SCHINCK
Chief Executive Officer

