



Uniform Companion Animal Legislation in the Northern Territory

Discussion paper consultation

Submission from the
Australian Veterinary Association Ltd

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Introduction

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 9,500 members come from all fields within the veterinary profession, including clinical practitioners, government veterinarians, veterinarians in industry, and veterinarians in research and teaching.

Summary

The AVA welcomes the invitation to comment on the Discussion Paper on Uniform Companion Animal Legislation in the Northern Territory that focuses on the management and control of companion animals.

Preamble

The Northern Territory is the only Australian State or Territory that does not have uniform and comprehensive animal management legislation. All other Australian jurisdictions have state-level companion animal legislation, which primarily regulates the management of dogs and cats, with government ministers responsible for companion animal legislation. Typically, local government is tasked with administrative municipal functions (including by-law development and enforcement) relating to identification, registration and control, while state departments have shared enforcement responsibilities for major animal management issues, particularly dangerous dogs.

Regulatory authorities in the Northern Territory have been able to devise animal regulation and management by-laws that operate within municipalities (predominantly inner-city suburban areas and smaller rural towns, ie. with predominantly non-Indigenous residents). However, they have largely been unable to achieve uniform companion animal regulation that includes rural and remote Aboriginal and Torres Strait Islander communities in the large regional council areas.

In responding to this discussion paper, comments apply particularly to these rural and remote Aboriginal and Torres Strait Islander communities. The “companion animals”

concerned are predominantly dogs, but also include pigs, goats, horses, cattle and increasingly, cats.

Over decades, various Northern Territory governments and local government agencies have grappled with the problem of trying to devise animal regulation and management by-laws. The fact that regulatory authorities have been unable to achieve this, apart from within designated town boundaries, reflects the reality that:

- (a) it is not a simple or easy task, and
- (b) there are sensitivities that need to be considered within indigenous communities.

When all of the communities in the Northern Territory were amalgamated into seven super Shires (now regional councils) in 2008, the initial legislation prescribed animal welfare and animal management as core services to be delivered within the funding provided, though there was no specific tied funding and no repercussions for regional councils that did not spend funds on particular core services.

The legislation has been watered down over time to the point where now there are no specified “core services” to be delivered. Over the past decade, different regional councils have had vastly different degrees of success in managing their municipal affairs, including animal management, so that now animal regulations vary enormously across regional councils - even between adjoining jurisdictions.

Uniform regulation may include restrictions such as restricting access to public open space or certain activities. Critical to regulation reform is a process of community engagement, education and explanation to convince the citizenry why it is necessary to impose these restrictions. Otherwise, the risk is non-compliance and potential civil disobedience.

In indigenous communities, there is a fear that when the authorities in control talk about “fixing the dog problem”, what they really mean is getting rid of the dogs. There is still much pain and distress stemming from enforced culls and actions taken under the Dog Act 1980.

It is critical that the many-faceted significance of dogs in Aboriginal culture and community practice is acknowledged in developing animal management regulations

and enforcement. A further complication is that much of the relevant information is secret and sacred.

Public health and safety are major concerns when animal populations are not properly managed. There are too many dog bite injuries in communities, and there are also risks of zoonotic disease transmission from dogs, pigs and increasingly, cats. Dangerous dogs are of major concern, including not just “camp dogs” but also the dogs kept by non-Indigenous members of communities. Other animals such as pigs, goats, horses and cattle all represent risks to public safety.

In Australian society, community education is a critical component of strategies to achieve attitudinal change and compliance on matters regarding animal management and welfare. Typically, this function is carried out by government agencies. This is not the case in the Northern Territory, and regional councils are not adequately equipped or resourced to perform this function.

Due to the lack of regulation and action by regional councils, enforcement of animal management problems such as dangerous animals tend to fall to police, who are increasingly unwilling to become involved in what they may see as being the role of local government. Without regulation, and support from agencies such as the police, regional council staff can be hesitant to take action.

A major consideration in the development of animal management regulation is identifying who would enforce any by-laws. Traditional responsibilities and familial obligations would make it difficult for local community members to be involved in enforcement activities such as seizing and impounding animals.

Conventional methods of animal management, such as registration, identification collars and operation of regional pounds, is problematic in the Northern Territory for a number of reasons. Apart from a lack of infrastructure and facilities, there is both a general lack of trained Indigenous Animal Management Workers and a lack of places to train them.

Given the generally limited financial resources of most community members, animal owners would be unlikely to be able to pay fines and fees relating to by-law enforcement

and impounding. Hence enforcement activities are likely to lead to the probability of euthanasia of healthy animals, which is very problematic in Indigenous communities.

However, many residents in remote Indigenous communities appreciate that there are problems associated with animal numbers and uncontrolled reproduction.

Communities that have experienced occasional animal health visits in the past understand and value the benefits these programs can provide for their animals and want them to continue.

There is scope for respectful consultation between community members and trusted council staff and professionals such as veterinarians that can lead to the development of workable solutions.

Responses to questions:

Question 1: Do you support the current arrangements where local government councils make dog and cat management by-laws and/or policies that are specific and suitable for local needs, circumstances and resources?

AVA supports the principle that local government councils are responsible for animal management including the development and implementation of relevant by-laws and policies to suit local circumstances. However, the current arrangements are demonstrably not working.

Local government councils are best placed to develop and implement local by-laws and/or policies. Externally imposed, top down regulation does not work. As discussed in the preamble above, if the local community is not genuinely engaged and consulted in the development of regulations and restrictions, ensuing by-laws are unlikely to be understood or accepted. Unfortunately, there have also been many community consultations with various communities and still has not resulted in effective by-laws. This is an area that is fraught with issues.

Community involvement in decision-making allows traditional governance structures to be involved in development and possibly enforcement and enables understanding and respect for local cultural considerations. There is more opportunity for explanation and

education about the need for regulation, and laws that are framed in the appropriate cross-cultural context are more likely to be seen as being fair and equitable.

Question 2: If not, what are the problems or issues with the current arrangements?

There are currently great disparities regarding animal management across the Northern Territory. There is no legislated minimum standard and many council areas have no by-laws and no effective animal control and management. In many areas that nominally have by-laws, they are not enforced.

Where there are no by-laws there is a lack of a legal framework and there is a lack of clarity regarding who has the responsibility/authorisation for enforcement.

There are major concerns regarding public health and safety and no effective regulation of dangerous dogs. This contributes to the potential for serious dog attacks, even fatalities.

Currently many regional councils feel that the task of developing animal management standards are beyond them. The lack of a rate revenue base compounds the problem.

The lack of a legislated requirement for minimum standards allows some regional councils to rate animal management as a low priority and fail to take action.

Question 3: Can those problems or issues identified under Question 2 be addressed other than introducing Territory-wide companion animal legislation? If so, how?

Rather than introducing Territory-wide uniform companion animal legislation, the Northern Territory Government could:

- Legislate minimum standards and ensure local government complies with this
- Assist councils with funding and other resources to develop regulations themselves and ensure that they undertake these activities
- Introduce comprehensive and mandatory Territory-wide regulations regarding dangerous dogs

- Provide tied funding to councils for minimum level animal management
- Legislate public education programs relating to animal management.
- Introduce model local laws as a framework and guide for local councils to adopt

Question 4: How would Territory-wide companion animal legislation solve those problems or issues identified under Question 2?

The actions outlined in Question 3 above would ensure that a minimum level of animal management applied across the NT, that councils were better resourced and assisted to develop regulations to suit their own specific circumstances, and that the important issue of Dangerous Dogs is addressed in a comprehensive and Territory-wide basis.

Question 5: Of the four models that could be adopted if Territory-wide companion animal legislation was to be introduced, which model do you prefer and why?

AVA believes that Option 1 is the most preferable of the options offered, as it provides some certainty that dangerous dog legislation is introduced but this does not completely address the needs of the Northern Territory. It would, although, be more preferable for a model of shared development, regulation and enforcement as outlined in the response to Question 6.

Question 6: Can you think of any other models which may be appropriate for the Northern Territory?

A preferable alternative model envisages a comprehensive Territory-wide legislative framework by the Northern Territory government that includes specific legislation on critical subjects (such as dangerous dogs), mandated minimum standards for all councils, provision of a public education program, and a template for locally developed by-laws that would fit within this legislative framework.

Councils would have the ability to develop their own regulation and enforcement procedures to suit their local conditions, provided they met the minimum standards. The Northern Territory government could assist councils to develop their by-laws - including

by jointly developing a template for issues to be included in model by-laws, outlining practical and culturally sensitive strategies for community consultation and policy development. It could provide expertise, legal advice and additional financial resources as required. For example, councils would need assistance to convert community-devised schemes into legally enforceable by-laws.

Councils would have responsibility for compliance and enforcement procedures according to their local circumstances.

The Northern Territory government would have responsibility for providing Territory-wide community education, ensuring compliance with Dangerous Dogs legislation and provision of minimum standard animal management.

Given the lack of a rate revenue base in regional councils, the Northern Territory government would have responsibility to financially resource regional councils to provide at least minimum standards of animal management through tied funding.

Question 7: If Territory-wide companion animal legislation was to be introduced, should registration of dogs/cats be mandatory?

Registration provides the link between the animal, the owner responsible for them, and home address that is the basis of management, compliance and enforcement.

Registration should be seen as essentially an administrative function rather than a revenue-raising exercise. It could be provided free or at a very nominal charge, and can take many forms.

Traditional collars and tags are expensive and largely impractical in remote communities where most animals have never been on a leash and collars do not stay in place for long.

Registration of cats can be very problematic. There is not as much variation in physical appearance as there is with dogs, and cats are very difficult to confine/restrain to a particular property.

Question 8: If Territory-wide companion animal legislation was to be introduced, should microchipping of dogs/cats be mandatory?

Animal identification is the ultimate issue in animal management, and microchips provide the ultimate form of identification.

Standard operating procedures must be followed when implanting the microchips, collecting owner and animal details, and scanning animals. The record is only as robust as the quality of the data collected. If standard procedures are not followed, readers will not detect the microchips. Animals have to be restrained, sometimes sedated, to implant the microchip under the skin. The reader can only read over a short distance (approx. 5cm) and animals have to be captured and restrained to read the microchip. This can present significant safety issues for animal handlers. It is therefore recommended that:

- Devices and systems used for electronic identification of animals must conform to relevant Australian Standards for implantation and scanning devices and implantation and scanning procedures must be performed in accordance with statutory and local authority requirements
- Implantation should only be performed by veterinarians
- Records must be maintained and forwarded to licensed animal registry services in accordance with legislative requirements

The data collected (microchip number, animal and owner details) are stored in a registered database registry. Information is retrieved at a future date by interrogating the registry in relation to the microchip number. There is a cost for housing data in a registry (typically between \$5.00 and \$20.00) for the life of the animal. This information must be secure and accessible on a national basis 24/7.

In line with regulations in other States, mandatory microchipping should be a component of schemes to regulate Dangerous Dogs. This reinforces the seriousness of declaring an animal dangerous, renders impractical the removal of special identifying collars, and maintains surveillance if animals are moved to other councils or states.

Given that regional councils will maintain supplies of microchips and scanners for declared dangerous animals, mandatory microchipping of animals in all communities should be considered. These animals tend to move from community to community with their owners, who have the financial resources to pay for the service. They will be required to microchip their animals anyway if they move out of community back into mainstream society.

Question 9: If Territory-wide companion animal legislation was to be introduced, what matters should be regulated?

The AVA recommends that dangerous dog legislation be introduced along the lines of schemes operational in other states. The Northern Territory government could also legislate minimum animal management standards for all council areas, and also enable legislation regarding animal management public education programs.

It would be important to define the differences in animal management requirements between urban and regional councils. It would also be important to clarify the lines of enforcement and role to be played by police.

Issues to be regulated in individual schemes developed by councils to suit their local conditions, and to be listed in the by-laws template developed by NTG to assist councils in their deliberations, could include:

- Numbers of animals per house (dogs/cats)
- Registration – type, cost
- Animal Health Programs for external and internal parasites
- Provision of euthanasia services
- Enforcement - pounds, seizure of animals, release or destruction of animals
- Presence of other animals in communities – pigs, goats, cattle, buffaloes, horses
- Monitoring dog bite statistics and behaviour of dangerous (“cheeky”) dogs.

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