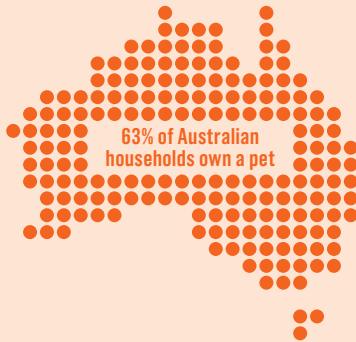


FACTSHEET

COMPANION ANIMALS

NSW ANIMAL LAW COMMITTEE

Australia is a nation of pet lovers



33,000,000
pets in Australia



8.1 million
birds

4.2 million
dogs

3.3 million
cats

Source: http://kb.rspca.org.au/How-many-pets-are-there-in-Australia_58.html

Approximately 39% of households own a dog and 29% own a cat.¹ In NSW, the Companion Animals Act 1998 and the Prevention of Cruelty to Animals Act 1979 both contain provisions that affect pet owners.

PREVENTION OF CRUELTY TO ANIMALS ACT (POCTA)

Under this legislation, animal owners and people in charge of animals must not do anything that “unreasonably, unnecessarily or unjustifiably” inflicts pain upon an animal e.g. by beating, kicking, wounding, mutilating or torturing it, over-working it, or exposing it to excessive heat or cold. To do so is a criminal offence, punishable by fine and/or imprisonment. Other specific offences include:

- failing to provide an animal with proper and sufficient food, drink or shelter;
- failing to provide an animal with adequate exercise;
- tethering an animal for an unreasonable length of time or by using an unreasonably heavy, or unreasonably short tether;
- abandoning an animal;
- docking the tail of a dog;
- cropping the ears of a dog;
- operating on a dog to prevent him/her from barking; or
- poisoning an animal.²

The RSPCA and the Animal Welfare League (AWL) are the main prosecuting bodies who enforce the POCTA on behalf of the government. They are both charities and receive very little government funding. 34 inspectors are responsible for monitoring the entire state of NSW. The police and Department of Primary Industries (in the case of livestock) may also prosecute, but this is less common. If you suspect an act of cruelty, contact the police, RSPCA or AWL immediately as their inspectors have the power to obtain a search warrant and enter a property if they believe on reasonable grounds

that an animal has suffered significant physical injury, is in imminent danger, or requires immediate veterinary treatment.

COMPANION ANIMALS ACT

The Companion Animals Act only applies to dogs and cats. The owner of a dog or cat must ensure that the dog or cat is micro-chipped from the time he/she is 12 weeks old and to register him/her with the owner's local council. Fines apply for non-compliance.³

Cats: The main responsibilities of cat owners are to keep them away from food preparation/consumption areas and wildlife protection areas, and ensure they do not persistently make a noise that unreasonably interferes with the peace, comfort or convenience of neighbours or repeatedly damages anything outside the property. Failure to comply with the last requirement may result in a nuisance cat order being issued to the cat owner, who must comply with the terms of the order for 6 months or risk a fine. There is no right to appeal or seek a review of this order.⁴

Dogs: Dog owners have specific responsibilities which include:

- making sure their dog wears a collar which has a name tag showing the name of the dog and the address or telephone number of the owner. Owners should be aware that if their dog ends up at a council pound, they can be sold or destroyed after 7 days if the owner cannot be identified;
- taking all reasonable steps to prevent the dog from escaping;
- exercising effective control of the dog in a public place by using a chain, cord or leash;
- keeping dogs away from certain prohibited places e.g. children's play areas, food preparation/consumption areas, child care centres, school grounds and wildlife protection areas; and
- immediately picking up their dog's faeces from a public place.⁵

Failure to fulfil any of these responsibilities could result in the owner having to pay a significant fine.

NUISANCE, DANGEROUS OR MENACING DOGS⁶

Dog owners may also face hefty fines if their dog is considered to be a nuisance. This may occur when the dog is habitually at large, persistently barks, repeatedly defecates on another person's property, repeatedly runs at or chases any person, animal or vehicle, endangers the health of any person or animal or repeatedly causes substantial damage to property.

A dog may be declared dangerous by a council officer if it has, without provocation, attacked or killed a person or animal, repeatedly threatened to attack or repeatedly chased a person or animal or is kept or used for hunting. A dog may be declared menacing if it has shown unreasonable aggression towards a person or animal or has without provocation, attacked a person or animal but did not cause serious injury or death.

Before a council officer can issue a nuisance order or make a dangerous or menacing dog declaration, the officer must first issue the dog owner with a notice setting out the requirements that the owner will be required to comply with if the order/declaration is issued and that the owner has a right to object to the proposed order/declaration in writing within 7 days. A dangerous or menacing dog declaration will require, amongst other things, the dog to be de-sexed, to be fully enclosed, kept on a lead and muzzled when outside and kept away from children.

A dog owner who has received a dangerous dog declaration has the right to appeal in the Local Court. It is advisable to seek legal advice at this point as the failure to comply with a dangerous dog declaration can result in the dog being destroyed.

PUPPY FARMS

IT IS ESTIMATED THAT APPROXIMATELY 250,000 UNWANTED DOGS AND CATS ARE KILLED EACH YEAR DUE TO OVERSUPPLY.

Contributing to this oversupply are puppy farms which are intensive dog breeding facilities that often involve extreme confinement, lack of socialisation, inadequate veterinary care, unhygienic living conditions and overcrowded living conditions which lead to long-term health and/or behavioural problems.⁷ Puppies from puppy farms can be sold via the internet, newspaper advertisements or at markets, car boot sales and pet shops. Any breed may come from a puppy farm (being a registered breeder of a purebred dog does not guarantee that good animal welfare standards are in place).

You should only buy a puppy from a reliable source and never online or from a pet shop unless you can visit the breeder's facilities. If you buy from a breeder, the RSPCA's "Smart Puppy Buyer's Guide" recommends you ask questions such as:

- How many litters has the mother already had (six should be the maximum over her whole life) and what do they do with unsold puppies?
- Can you inspect the puppy's paperwork such as its registration documents and veterinary records?
- Does the breeder think that the puppy is suitable for your circumstances?
- What inherited diseases may exist in your chosen breed and what steps has the breeder taken to prevent them?
- Does the breeder provide ongoing support and information after purchase or provide a guarantee if the puppy fails to get on with your children or other pets or you find it too difficult to cope with?
- Can the breeder provide any references e.g. testimonials from previous or existing dog owners?

Better still, there are many places which have puppies and adult dogs who are in desperate need of a home e.g. the RSPCA, the AWL, council pounds, Doggie Rescue, Sydney Dogs and Cats Home, PAWS and numerous breed specific rescue groups.

¹ http://kb.rspca.org.au/How-many-pets-are-there-in-Australia_58.html

² POCTA Part 2.

³ CAA s 8.

⁴ CAA ss 29-32.

⁵ CAA Part 3.

⁶ CAA Part 5.

⁷ http://kb.rspca.org.au/What-is-a-puppy-farm_322.html

Illustrations from the Noun Project:

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