

An example of discrimination is stopping a person from bringing an assistance animal into any place open to or used by the public, unless it is 'reasonable' to do so. It is not illegal to stop a person from bringing their assistance animal into a space open to or used by the public if this is 'reasonably necessary' to protect public health or the health of other animals.⁸

Assistance animals are always allowed in a strata scheme (an apartment block), even if the by-laws (apartment rules) do not allow pets.⁹ This is largely because it is illegal to discriminate against people on the basis of their disability.

If you believe you have been discriminated against because you have an assistance animal, you may make a complaint to the Australian Human Rights Commission in writing or online.¹⁰

PUPPY FARMS

It has been estimated that around 250,000 unwanted dogs and cats are killed in Australia each year and puppy farms are a big part of the problem.

Puppy farms are intensive dog breeding facilities that often involve unhygienic living conditions, overcrowding, lack of socialisation and poor veterinary and general care. These factors often cause long-term health and/or behaviour problems in puppies and also the adult dogs that are used for intensive breeding purposes.¹¹ Puppies from these farms are sold through the internet, newspaper advertisements, markets, pet shops, or at the puppy farm itself where a house may be used as a 'shop front'. People frequently buy

these puppies without knowing the appalling conditions the puppies and breeding adult dogs were raised in. You should only buy a puppy from a reliable source and never online or from a pet shop, unless you can visit where the puppy was born.¹²

There are many charities and rescue shelters which have puppies and adult dogs that are in desperate need of a home. You can adopt an adult dog or puppy from the RSPCA, AWL, council pounds, Monika's Doggie Rescue, Sydney Dogs and Cats Home, PAWS and many other rescue groups.

Endnotes:

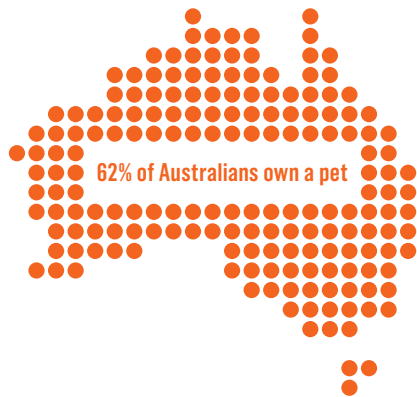
- 1 RSPCA Australia Knowledgebase, How many pets are there in Australia?, http://kb.rspca.org.au/How-many-pets-are-there-in-Australia_58.html, as at September 2018.
- 2 POCTA Part 2.
- 3 POCTA Part 2A.
- 4 CAA sections 8 and 9.
- 5 CAA Part 4.
- 6 CAA Part 3.
- 7 CAA Part 5.
- 8 CAA Part 6, Disability Discrimination Act 1992 (Cth) sections 4, 9 and 54A. For more information, see Office of Local Government, Assistance Animals, <https://www.olg.nsw.gov.au/public/dogs-and-cats/information-for-the-community/assistance-animals>, as at October 2018.
- 9 For more information, visit the NSW Fair Trading website at <https://www.fairtrading.nsw.gov.au/housing-and-property/strata-and-community-living/strata-schemes/guide-dogs-and-other-assistance-animals>, as at October 2018.
- 10 For more information, visit the Australian Human Rights Commission website at <https://www.humanrights.gov.au/complaints/complaint-guides/what-you-can-complain-about/complaints-under-disability-discrimination>, as at October 2018. Examples of discrimination scenarios can be read here: <https://www.humanrights.gov.au/our-work/disability-rights/projects/assistance-animals-and-disability-discrimination-act-1992-cth>.
- 11 RSPCA Australia Knowledgebase, What is a puppy farm?, http://kb.rspca.org.au/What-is-a-puppy-farm_322.html, as at September 2018.
- 12 If you want to buy a puppy or dog from a breeder, you can use the RSPCA's Smart Puppy and Dog Buyer's Guide to help choose a good breeder. This guide can be found online at <https://www.rspcapuppyguide.com.au/>.

FACTSHEET

COMPANION ANIMALS AND THE LAW



AUSTRALIA IS A NATION OF PET LOVERS



24,000,000
pets in Australia



4.8 million
dogs

4.2 million
birds

3.9 million
cats

Source: kb.rspca.org.au/How-many-pets-are-there-in-Australia_58.html as at September 2018

Around 38% of Australian households have a dog and 29% have a cat.¹ If you have a companion animal, there are two important laws you should know about: *Prevention of Cruelty to Animals Act 1979* (NSW) and *Companion Animals Act 1998* (NSW).

PREVENTION OF CRUELTY TO ANIMALS ACT 1979 (“POCTA”)

Under this law, animal owners and people in charge of animals must not do anything that unreasonably, unnecessarily or unjustifiably inflicts pain on an animal. To do so is a criminal offence, punishable by a fine and/or imprisonment. Offences include:

- failing to provide an animal with proper and sufficient food, drink or shelter;
- failing to provide an animal with adequate exercise;
- abandoning an animal;
- cropping the ears or docking the tail of a dog;
- removing one or more of the claws of a cat;
- operating on a dog to prevent him/her from barking; or
- poisoning an animal.²

The Royal Society for the Prevention of Cruelty to Animals (“RSPCA”) and the Animal Welfare League (“AWL”) are the main organisations that enforce the POCTA on behalf of the government. Both are charities that receive very little government funding. The police may also prosecute, but this is less common.

If you suspect an act of cruelty towards an animal, you should contact the police, RSPCA or AWL immediately. RSPCA and AWL 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 needs immediate veterinary treatment.³

COMPANION ANIMALS ACT 1998 (“CAA”)

The CAA generally applies to dogs and cats. A dog or cat owner must ensure that their dog or cat is microchipped from the age of 12 weeks, and must register the dog or cat with their local council. There are fines for failing to comply.⁴

The responsibilities of cat owners include:⁵

- keeping them away from public areas for preparing/consuming food and wildlife protection areas; and
- ensuring 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.

The responsibilities of dog owners include:⁶

- ensuring their dog wears a collar showing the dog’s name and owner’s address or telephone number. Owners should be aware that if their dog ends up at a council pound, their dog can be sold or euthanised after 7 days if the owner cannot be identified;
- taking all reasonable steps to prevent the dog from escaping;
- keeping dogs away from certain public places such as children’s play areas, areas for preparing/consuming food, child care centres, school grounds and wildlife protection areas; and
- immediately picking up their dog’s faeces from a public place.

Failure to meet these responsibilities may result in a fine.

DANGEROUS AND MENACING DOGS⁷

A dog may be declared ‘dangerous’ if, without being provoked, it has attacked or killed a person or animal; has 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 attacked a person or animal without being provoked and without causing serious injury or death.

The owner of a dog that is declared to be dangerous or menacing must follow ‘control requirements’, which includes de-sexing and keeping the dog properly enclosed.

If a council officer wants to declare a dog as dangerous or menacing, they must first give a written notice to the owner. A dog owner has 7 days after receiving a notice to object to the proposed declaration. If a NSW council officer has declared a dog to be dangerous, the dog owner can appeal to the Local Court within 28 days. It is recommended to seek legal advice at this point, because failing to follow a dangerous dog declaration can result in the dog being euthanised.

ASSISTANCE ANIMALS

An assistance animal is a dog or other animal that has been trained to assist a person with a disability. It is illegal to discriminate against a person because they have an assistance animal. This extends to situations like employment, education, and the provision of goods, services or facilities.