

# Discussion Paper

Public Order Review – Dogs & Cats in Public Places

March 2024



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# Introduction

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In February 1997 following consultation with the community, Banyule Council adopted a Public Order under Section 26 of the *Domestic Animals Act 1994* setting out conditions on the presence of dogs and cats in public places. Banyule's latest adopted *Domestic Animal Management Plan (2022-2026)* committed to a review of the current Dogs and Cats in Public Places Order to better understand its effectiveness in meeting the community's expectations.

This Discussion Paper is part of the background work needed to continue a conversation regarding how dogs and cats are currently controlled in public places. It will also support investigation on whether we should consider changes to the current Public Order and introduce new requirements in relation to the control of dogs and cats our public places.

## What is a Public Order?

In accordance with Section 25 and Section 26(2) of the *Domestic Animals Act 1994* ("the Act"), a Public Order gives Council the power to set conditions on the presence of dogs and cats in any public place within Banyule. Enforceable conditions in a Public Order can include (but are not limited to):

- Means of restraint of dogs or cats; and
- Times at which the presence of dogs or cats are or are not permitted.

## What has changed and why do we need a review of the current Public Order?

Banyule has responsibility for the control of dogs and cats under the Domestic Animals Act 1994 which came into operation throughout Victoria on 9th April 1996, replacing the former Dog Act 1970. Banyule's current Public Order was adopted in 1998 and is nearly 25 years old. Since then, metropolitan Melbourne has seen unprecedented population growth and, with it, emerging pressures in the community with expectations on how domestic animals should be controlled in the community.

We are seeing the population and households change, an increase in pet registration and continued feedback regarding responsible pet ownership in Banyule. As such, it is timely that the Public Order be reviewed and if required be updated to reflect the current expectations of the community.

Banyule's current 1997 Public Order is a tolerant approach to dogs on streets and in parks unless, restricted in environmentally sensitive areas.

There are currently no Public Order restrictions in place for the control of cats in public place.

To date, Council has focused on educating the community about the requirements for the control of dogs and cats in public places as a first approach to enforcement.

## Current Public Order

At Council Meeting held, 17 February 1997, Council made the following order in accordance with Section 26 of the *Domestic Animals Act 1994*.

1.
  - a) all dogs on streets, roads, public car parks and within shopping areas must be under the effective control of a person by the means of a chain, cord or leash; and
  - b) dogs and cats are not permitted whether restrained or otherwise within 5 metres of any play equipment in a children's playground or within 5 metres of a public Barbeque; and
  - c) dogs must be under the effective control of some person by the means of a chain cord or leash whilst on or within 5 metres of a declared shared footway; and
  - d) dogs and cats are prohibited from entering environmentally sensitive areas as designated by signs in the following parks and reserves:

Brown's Nature Reserve, Greensborough

(as per existing covenant)

Banyule Flats Wetland and Banyule Billabong

**See Amendment** \* Horseshoe, Reedy and Bailey Billabongs in **Wilson Reserve**

Warringal Swamplands

Yandell Reserve (within already fenced areas)

St Helena Bush Reserve (within already fenced areas)

Rockbeare Park

- e) for environmental reasons dogs must be under the effective control of some person by the means of a chain, cord or leash in areas designated by signs in the following parks and reserves:

**See Amendment** \* **Banyule Flats** Wetland & Banyule Billabong

Horseshoe, Reedy and Bailey Billabongs in Wilson Reserve

Warringal Swamplands

Harry Pottage Reserve (SE of path)

St Helena Bush Reserve (outside currently fenced areas)

Yandell Bush Reserve (outside currently fenced areas)

Dalvida Bush Reserve (whole reserve)

Binnak Park Wetlands (wet area only)

Rockbeare Park

Darebin Creek Reserve

2. For the purpose of any order made under S 26 of the Domestic Animals Act 1994, within the City of Banyule and as a guide for implementation, a dog shall be deemed to be under effective control of its owner if;
  - a) it is within 75 metres (clear and unobstructed) of its owner; and
  - b) will return to its owner upon command.

At a subsequent Council Meeting held on 19 October 1998, Council amended the order to include:

- (a) dogs be permitted on the secondary track at **Wilson Reserve** provided they are under the effective control of some person by the means of a chain, cord or leash; and
- (b) the area in **Banyule Flats** bounded by the 2 old fences, the Yarra River and the historical stockyard track become a dog off lead – under effective control area.

# CATS

## Understanding the current Public Order for Cats

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### Cats in Public Places

There are currently no Public Order requirements or restrictions in place for cats present in Public Places within the Banyule municipal district. Cats owners must ensure they adhere to the requirements of the *Domestic Animals Act 1994* in relation to ensuring their cats are confined to the premises of the owner, are registered and do not trespass onto private property.

### Legal context

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#### Public Order

There is currently no dedicated or specific Public Order requirements for cats in public places within Banyule.

#### Domestic Animals Act 1994

In accordance with Section 23 of the *Domestic Animals Act 1994*, there are provisions that restrict the trespass of cats on private property without the permission of the owner or occupier. Any cat that is captured on private property may be subject to being impounded and infringements issued to the owner of the cat.

DOMESTIC ANIMALS ACT 1994 - SECT 23

**Dogs and cats on private property without permission**

- 1) If a dog or cat has been present on private property on more than one occasion without the permission of the owner or occupier of the property, the owner or occupier of private property or an authorised officer may seize the dog or cat while it is present on the property.
- 2) The owner or occupier of the private property or the authorised officer who has seized a dog or cat under subsection (1) must immediately so notify the Council of the municipal district in which the property is situated.

Although there are no current orders relating to the presence of cats on public land, Council has the ability to introduce a Public Order and set conditions on the presence of cats in any public place of the municipal district.

Currently, it is the responsibility of a cat owner to ensure that cats are confined to the owner's land at all times and do not trespass onto private land.

### Banyule's Domestic Animal Management Plan

In consultation with the Secretary of the Department of Energy, Environment and Climate Action (DEECA) at four-year intervals, Council prepares a Domestic Animal Management (DAM) Plan to ensure that community safety and amenity is not compromised by animals, customer requests and complaints are responded to, and relevant legislation is upheld.

While we have the responsibility to administer the relevant legislation, we also promote responsible pet ownership, provide supportive programs and respond to dog and cat related concerns.

The DAM Plan is the plan that forms the basis of Banyule's animal management services, now and into the future.

## Banyule’s General Local Law No. 1 (2015)

Banyule’s General Local Law No. 1 (2015) has provisions to minimise the adverse impact of animals kept as pets on the community and sets requirements for the permitted number of cats kept on private land, the housing of animals and noise of animals.

## Gender Equity Act 2020

Should any changes be recommended to the current Public Order as a result of this discussion paper and subsequent consultation with the community, a gender impact assessment will be undertaken beforehand, to ensure that any amendments are consistent with the Gender Equity Act 2020 in meeting the different needs of women, men, and gender diverse people.

## Operational Considerations

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### Council’s role in delivering animal management service

Municipal Laws Officers respond to requests daily from the community with compassion and effective communication to provide advice, education and assistance.

The first objective is to educate cat owners around the requirements of responsible pet ownership and to reunite cats with their owners if the cat is found outside of their owners’ properties.

### Trapping

Banyule Council offers residents access to a cat trapping program to assist with stray, feral, unowned or nuisance cats.

Only cats or kittens that are contained securely in traps will be collected by Council and taken to the Cat Protection Society (CPS) for veterinary assessment and opportunities for rehoming.

#### Number of Cats Trapped

	No. of Cats Impounded	Reunited with owner	Unregistered /not collected
2021/2022	324	59	265
2022/2023	299	52	247

In 2021/22, 18% of cats impounded through the trapping program were reunited with their owner. The remaining 81% were unclaimed strays. In 2022/23, 17% of cats impounded through the trapping program were reunited with their owner and 82% were unclaimed strays.

#### What happens to the strays not collected or unclaimed?

Cats are subject to a minimum 8-day hold in the pound. After this period, a Vet from the CPS will reassess the feline for adoption based on their age, health and temperament to determine their pathway going forward.

Things that will be considered as part of the veterinary assessment could include:

- Desexing
- Microchipping
- Dental care or any other medical procedures.

If behavioural issues have been identified, they may be then placed into foster care for further reassessment on temperament.

It is important to understand that every case is different with the option of euthanasia being the last option considered. Should euthanasia be considered, the option will be decided by at least one Vet and the Shelter Manager.

### **Age does not determine a cat's outcome**

- Kittens less than 4 weeks in age (without queen) are placed with an experienced foster carer.
- Senior cats with medical issues such as renal failure or diabetes, if they can't be adopted, will be placed into permanent foster care. This option is supported by the CPS where food and medical requirements are supplied to support the foster carer providing the home environment.

CPS does not euthanise on entry or within the 8-day holding period unless under extreme circumstances. CPS is committed to working with every cat no matter the temperament. Euthanasia on entry would only be considered in cases of extreme suffering by the cat, which may include circumstances such as being hit by a car or when the cat is already at end of life.

## **Desexing**

### **Subsidized Pet Registration**

To support and encourage desexing, Banyule offers a discounted annual registration fee for all desexed cats. A copy of the desexing certificate must be provided at the time of registration to access the concession rate.

Subsidized pet registration for desexed animals at Banyule City Council encourages responsible pet ownership by providing financial incentives for pet owners who choose to spay or neuter their pets. This initiative is designed to promote population control, reduce the number of unwanted animals, and improve overall community welfare.

Subsidized pet registration for desexed animals is an effective strategy to promote responsible pet ownership, improve animal welfare, and create a more sustainable and humane community for both pets and their human companions.

The 2023/2024 registration fee for a desexed cat for is \$34 and \$104 for non-desexed cats.

### **Desexing program**

Banyule operates and offers a free Cat Desexing Program to all Banyule residents all year round. The program objective is to support the reduction of the stray cat population and seeks to protect our native birds and animals.

To qualify for free desexing, cat owners must:

- Provide proof of Banyule residency;
- Pay for animal registration (with a discounted rate to apply for any desexed cat);
- Ensure their cat is microchipped;
- Ensure an Excess Animal Permit is applied for and obtained for the keeping of more than two cats; and
- Seek the service of a Banyule Vet.

	<b>No. of Cat Desexing Vouchers Issued</b>
<b>2023</b>	9
<b>2022</b>	21
<b>2021</b>	54
<b>2020</b>	35

The program aims to assist with reducing unwanted litters and strays and seeks to protect wildlife and the environment by ensuring cats are contained within their homes as it's less likely for a desexed cat to roam which reduces the risk of them getting into cat fights, being exposed to infectious disease, or being hit by a car. Council

staff engage with the community when trapping occurs within an area as an opportunity to further educate cat owners on the importance of responsible pet ownership requirements.

### How many registered Desexed and Non-desexed cats do we have in Banyule?

	No. of Registered Desexed Cats	No. of Registered Non-Desexed Cats
<b>2023</b>	6257	171
<b>2022</b>	6631	158
<b>2021</b>	6349	167
<b>2020</b>	6268	190

## Enforcement

On occasion, when repeat offences continue to occur, or when multiple complaints are received for the same cat, infringements or abatement notices may be considered.

Offence Types	Section	Penalty
Trespass on private property	Section 23 <i>DAA 1994</i>	1 penalty unit (first offence) 3 penalty units (second or subsequent offence)
Fail to Register	Section 10 <i>DAA 1994</i>	20 penalty units
Fail to have identification marker outside premises	Section 20 <i>DAA 1994</i>	2 penalty units
Dogs or Cats Creating a Nuisance	Section 32 <i>DAA 1994</i>	1 penalty unit
Permitted number of animals kept on private land	10.3 Banyule Local Law	3 penalty units
Housing of Animals	10.4 Banyule Local Law	3 penalty units
Noise of Animals	10.5 Banyule Local Law	4 penalty units

1 Penalty unit value is currently \$192.31 as set by the Department of Treasury and Finance each year.

Council does not have a program of trapping cats on public land.

### Public vs Private Land

Our current Public Order gives Municipal Laws Officers the delegated authorisation to enforce section 23 of the *Domestic Animals Act 1994* where cats are found on private property.

Should further considerations be made to the Public Order to introduce controls for cats found on public land, Municipal Laws Officers will be delegated with the ability to further enforce under Section 25 of the *Domestic Animals Act 1994*.

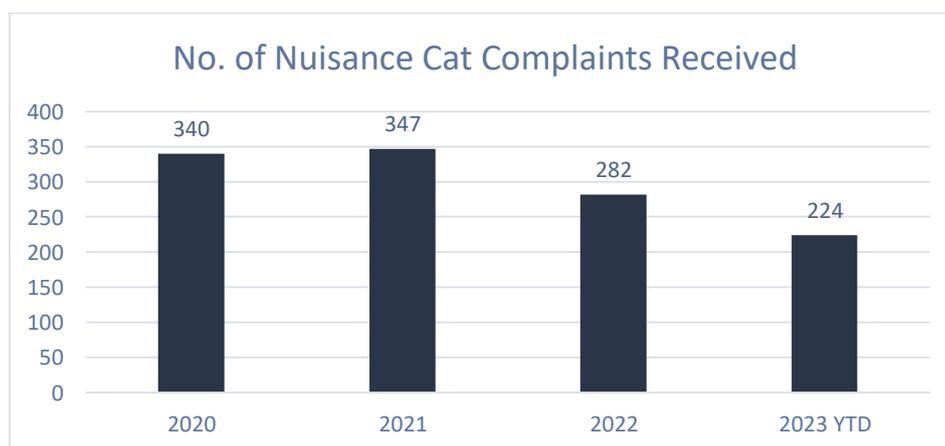
**Cats found at large**

- (1) If a cat is found at large outside the premises of the owner or not securely confined to the owner's premises, in a municipal district or a specified part of a municipal district in respect of which an order under this section has been made, during the hours specified in the order, the owner is guilty of an offence and liable to a penalty of not more than 1 penalty unit for a first offence and 3 penalty units for a second or subsequent offence.
- (2) A Council may, by resolution, make an order under this section.
- (3) An order made by a Council under this section must be published in the Government Gazette and in a newspaper circulating in the municipal district of the Council making the order.

## Cats, Nuisance and the Environment

### Nuisance

The Municipal Laws Team receives daily complaints and responds to reports of nuisance cats typically relating to wandering, defecating on private property, fighting, taunting wildlife and other property pets such as chickens, rabbits or dogs, and spread of disease.



### Environment

There is research and government policy around the impacts of domestic and feral cats on wildlife. Research indicates that if permitted to roam outside, each individual domestic cat will kill around 186 native animals in Australia each year. Research undertaken by the Australian Government National Environment Science Program points out the increased impact in urban areas vs bushland areas. This supports the need to consider options across all areas of Banyule to restrict the movement of cats.

Keeping cats confined reduces the risk to cats:

- Sustaining traumatic injuries from cars and other animals;
- Contracting common cat diseases such as cat flu, ringworm, and Feline Immunodeficiency Virus (FIV);
- Being accidentally poisoned by toxic plants, pesticides or being bitten by snakes or spiders;
- Getting lost;
- Being exposed to extreme weather;
- Causing nuisance to other residents; and
- Protection of native wildlife, fauna, and flora.

More information on the impacts of pet cats on Australian wildlife can be found at the [Threatened Species Recovery Hub](#).

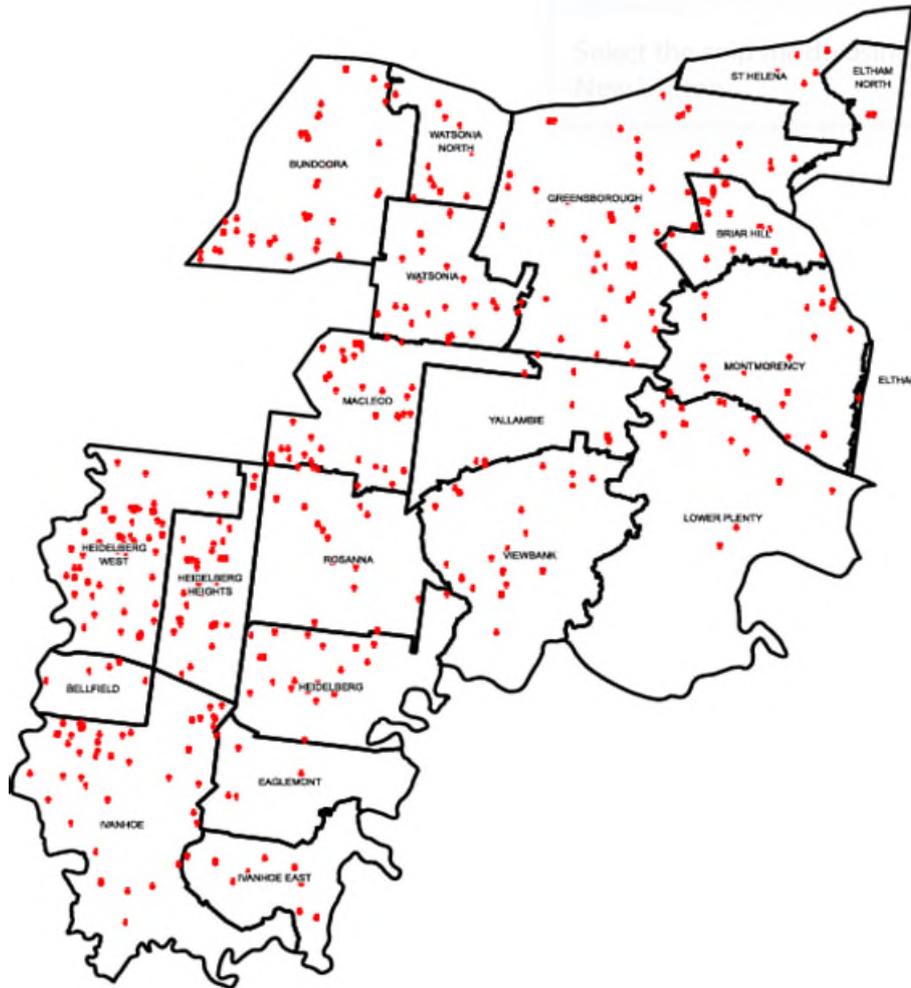


Figure 1: Mapped hot spot area of nuisance cat complaints received between Oct-2020 to Oct-2023.

Restricting cat movement also reduces the risk of transmission of a number of diseases to humans, including Toxoplasmosis.

## Community Feedback

In November and December 2022 an online survey was published on Shaping Banyule to seek community feedback on the current Public Order provisions and to invite comment to assist with shaping a new Public Order. The survey received over 760 responses, amongst which there were divergent views and many highly engaged community members.

### Key Insights and themes

- 35% of respondents indicated they were affected by nuisance cats.
- There was concern for cats that attack other animals, wildlife, fauna, and flora.
- Concerns regarding spread of disease and risk to human health.
- Frustration from cat's toileting in gardens.
- Concern for cats roaming, fighting, and yowling.
- Damage to property.
- There was strong agreement that cats should be kept inside the property.

# Stakeholder feedback

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This discussion paper has been referred to the following stakeholders and will contribute to and support well-informed decisions to consider appropriate options.

- Banyule Environment Climate Action Advisory (BECAA)
- Banyule's internal Environment Team
- Cat Protection Society

No concerns were identified by these referral groups with both the Environment Team and the CPS providing direct support to the introduction of a cat curfew that restricts cat movement on public land.

## Opportunities

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### Continue Existing Approach

Municipal Laws Officers would continue to support the community and pet owners through education and, where necessary, undertake compliance activity with regards to cats found on private land. The trapping and Desexing Programs would continue to operate all year round with access to a discounted Registration fee for any desexed cat.

### Night-time cat confinement (curfew)

A new Public Order would set provisions and assign set hours in which cats must be confined to the property of the owner. An example of this could be to consider a 7pm to 7am curfew period where no cat is to be outside of their owners' premises between these hours.

Should a Public Order be introduced to prevent cats at large found outside the premise of an owner or not confined to the owner's premise, Council would have the ability to issue infringements in accordance with the *Domestic Animals Act 1994*. However officers would first seek to educate cat owners and provide support in response to any changes adopted by Council.

#### Cat curfew benefits:

- Cat curfews reduce the predatory natural instincts on local wildlife, help to preserve ecosystems and biodiversity.
- Restricting outdoor activity during night-time hours minimises risks such as traffic accidents and predator encounters and injuries, promoting the safety and wellbeing of cats.
- By addressing concerns of neighbours regarding cat-related nuisances, a curfew fosters better community relations and a more peaceful living environment.
- A curfew helps control unwanted breeding behaviours, contributing to population control efforts and preventing the birth of unwanted litters.
- Responsible implementation of a curfew encourages responsible pet ownership by ensuring that pet owners take active measures to keep their cats safe and considerate of the community's wellbeing.
- Helps reduce the spread of disease between cats and between cats and humans.

It's important to note that, even with a curfew period considered, cats are still not permitted to trespass on private property without the permission of land owners.

Council does not have a program of trapping cats on public land and would not seek to introduce this however would continue to support residents by trapping nuisance cats on private property.

### **Change and potential impacts for cat owners**

- Cat owners would need to make necessary adjustments to confine their pets to their premises.
- Transition their pets to acclimatise their cat to any new changes to the Order.

## **24-hour cat confinement**

The Public Order can set provisions to introduce a 24-hour Cat Confinement which can be enforced under Section 25 of the *Domestic Animals Act 1994* in addition to Section 23.

### **24-hour cat confinement benefits:**

- 24-hour cat confinement prevents cats from hunting and posing a threat to local wildlife, contributing to the conservation of bird and small mammal populations.
- Keeping cats on their owners' premises around the clock protects them from various dangers, including traffic accidents, predators, and exposure to diseases, promoting overall feline safety.
- Confinement minimises the chances of cats getting into fights with other animals, reducing injuries and the transmission of diseases.
- 24-hour confinement addresses concerns of the community regarding cat-related nuisances, such as digging in gardens or making noise, promoting positive relations within the community.
- Confining cats helps prevent unwanted breeding, contributing to population control efforts and reducing the number of homeless or abandoned kittens.

### **Change and potential impacts for owners of a 24-hour cat confinement**

- Cat owners will need to be available to assist in the transition to acclimatise their cat to changes the order.
- Outdoor cat enclosures or devices that can be fitted to fencing may need to be purchased to provide outdoor opportunities for cats where cats can remain confined to the property of their owner.
- May be challenging for owners as they will need to consider how cats can be confined while not generally being at home (i.e. during work hours during the day).

## **Mandatory desexing**

Mandatory desexing is an option that can be considered outside of the Public Order through the DAM Plan. Desexing indirectly supports issues considered in this discussion paper by reducing instances of feral cats and unwanted litters.

### ***Why it's done?***

#### **Population Control**

One of the primary reasons for mandatory desexing is to control the pet population. Uncontrolled breeding can lead to an overpopulation of pets, resulting in a higher number of animals in shelters and an increased risk of euthanasia for those that cannot find homes.

#### **Behavioural Benefits**

Desexing can often lead to positive behavioural changes in pets. It can reduce the likelihood of certain undesirable behaviours, such as aggression, territorial marking, and roaming in search of a mate.

#### **Health Benefits**

Desexing can contribute to the overall health and well-being of pets. In females, it eliminates the risk of uterine infections and reduces the risk of mammary tumours. In males, it decreases the risk of testicular cancer and may prevent certain prostate issues.

### **Prevention of Straying**

Non-desexed pets are more likely to roam in search of a mate, putting them at risk of accidents, injuries, and exposure to diseases. Desexing can help prevent these risks and keep pets safer at home.

### **Reduced Unwanted Behaviours**

Desexing can lead to a reduction in behaviours associated with mating instincts, such as spraying, yowling, and aggressive tendencies. This can create a more harmonious living environment for both the pet and their owners.

### **Healthier Population**

By preventing the birth of unwanted litters, mandatory desexing contributes to a healthier and more manageable pet population. This, in turn, reduces the burden on animal shelters and helps ensure that pets in need can find loving homes.

### **Extended Lifespan**

Desexing may contribute to a longer and healthier life for pets by reducing the risk of certain reproductive-related diseases and behaviours that could lead to accidents or injuries.

### **Community Welfare**

A responsibly managed pet population benefits the entire community by minimising issues associated with stray animals, such as noise, property damage, and potential conflicts between pets. It's important to note that while there are clear benefits to mandatory desexing, it's a decision that should be made in consultation with a veterinarian, taking into consideration the individual health, age, and breed characteristics of the pet.

## **Mandatory desexing for Breeders**

Breeders interested in obtaining exemptions typically need to apply for a permit from the relevant authorities. The application process involves demonstrating a commitment to responsible breeding practices, animal welfare, and compliance with relevant regulations.

Breeders with permits are expected to comply with specific standards and guidelines, and law enforcement established by the Domestic Animals Act 1994. These standards may cover aspects such as housing conditions, veterinary care, and record-keeping.

### **Exemptions**

The main exemption is limitations on the frequency of breeding. This helps prevent overbreeding and ensures that breeders focus on the health and well-being of the animals rather than maximising the number of litters produced.

### **Inspections and Oversight**

Authorities may conduct regular inspections to ensure that breeders with permits are adhering to the established standards. This oversight helps maintain the integrity of the exemption program and ensures ongoing compliance.

### **Education and Outreach**

Authorities may engage in educational programs and outreach activities to promote responsible breeding practices among permit holders. This includes providing information on genetic health, responsible breeding, and the importance of contributing to the overall well-being of the animals. It's important to note that the specifics of exemptions for breeders with permits can vary between jurisdictions.

These exemptions are typically designed to strike a balance between addressing concerns related to overpopulation and irresponsible breeding while supporting the responsible preservation of specific breeds. Responsible breeders play a crucial role in maintaining the health and diversity of domestic animal populations.

## Public Order requirements in neighbouring Councils

LGA	24-hour Cat Curfew	Cat confinement restrictions	Mandatory Cat De-Sexing
<b>Banyule</b>			
<b>Darebin</b>		✓ 7 pm to 7 am, cat must be confined to property	
<b>Whittlesea</b>	✓		✓
<b>Nillumbik</b>		✓ 7.30 pm to 6 am cat must be confined to property	✓
<b>Manningham</b>	✓		
<b>City of Yarra</b>			✓

## Options

Based on the analysis undertaken by officers, there are a number of opportunities to:

- prevent cats from wandering, causing a nuisance and becoming lost.
- help protect the welfare of cats.
- increase protection of the natural environment – wildlife and bushland habitat areas.
- reduce unwanted litters and stray cat population.

Options for further consideration to achieve these outcomes include the:

- Introduction of a night-time cat curfew between 7pm to 7am that will require cats to be restricted to their owners' premises during the hours;
- Introduction of a cat confinement requirement that requires pet owners to confine their cats to their premises at all times;
- Prohibition of cats from all public reserves; and
- Introduce mandatory desexing of cats.

Any changes made to the Public Order, should also include sufficient support to the community that comprises of:

- a transition period that enables pet owners to become accustomed to any changes and to make any physical adjustments to their properties to contain their cats;
- an appropriate period of time to enable arrangements to be made for cat owners to desex their pet(s); and
- the provision of educative material that promotes any changes made.

However, further consultation will be carried with the community before a recommendation is made to Council for its consideration.

# DOGS

## Understanding the current Public Order for Dogs

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### Dogs in Public Places

The current rules state that dogs are not permitted within 5 metres of a children's playground or barbeque area and must be kept on lead when they are on a Council road, footpath or shared pathway.

### What are the current rules and where can I exercise my dog?

The current Public Order deems that a dog is to be under effective control of its owner if;

- a) The person controls a dog by the means of a chain, cord, or leash; or
- b) It's within 75 meters (clear and unobstructed) of its owner; and
- c) It will return to its owner upon command

All dogs on streets, roads, public car parks and within shopping areas must be under effective control with a chain, cord or leash and when they are within 5 metres of a shared pathway, children's playground or barbeque area.

Dogs can be exercised off-lead in all parks/reserves except for Parks Victoria land and designated parks/reserve that have been identified as being environmentally sensitive.

### Banyule's Dog Parks

Banyule has four designated dog parks within the municipality where dogs can socialise, play and interact in a safe environment away from cars and other park users.

1. Price Park – Lyon Road, Viewbank
2. Ford Park – Banksia Street, Bellfield
3. Malahang Reserve – Oriel Road, Heidelberg West
4. Malcolm Blair Reserve – Karingal Drive, Greensborough

There are signs at parks and reserves in environmentally sensitive areas around Banyule which advise whether dogs or cats are permitted. The current Public Order does not allow for dogs or cats to enter environmentally sensitive places. There are some exceptions where dogs are allowed in reserves and parks, but only under the effective control with a chain, cord, or leash.



Figure 2: Map of Banyule's designated dog parks

## Legal Context

### Domestic Animal Act 1994

In accordance with Section 24 of the *Domestic Animals Act 1994*, it is an offence for a dog to be found at large in a public place or not to be securely confined to its owners' premises.

DOMESTIC ANIMALS ACT 1994 - SECT 24

#### Dogs at large

- 1) If a dog is found at large outside the premises of the owner or not securely confined to the owner's premises, between sunrise and sunset, the owner is guilty of an offence and liable to a penalty of not more than 6 penalty units.
- 2) If a dog is found at large outside the premises of the owner or not securely confined to the owner's premises between sunset and sunrise, the owner is guilty of an offence and liable to a penalty of not more than 10 penalty units.

### Banyule's Domestic Animal Management Plan

In consultation with the Secretary of the Department of Energy, Environment and Climate Action (DECCA) at four-year intervals, Council prepares a Domestic Animal Management (DAM) Plan to ensure that community safety and amenity is not compromised by animals, that customer requests and complaints are responded to and that relevant legislation is upheld.

While Council is responsible for administering the relevant legislation, we also promote responsible pet ownership, provide supportive programs and aim to meet community expectations.

The DAM Plan is our base to provide high quality animal services and programs now and into the future for the four year life of the plan.

## Banyule’s General Local Law No. 1 (2015)

Banyule’s General Local Law No. 1 (2015) has provisions to minimise the adverse impact of animals kept as pets on the community and sets requirements for the permitted number of dogs kept on private land, the housing of animals, noise of animals and dog excrement in any public place.

## Gender Equity Act 2020

Should any changes be recommended to the current Public Order as a result of this discussion paper and subsequent consultation with the community, a gender impact assessment will be undertaken beforehand, to ensure that any amendments are consistent with the Gender Equity Act 2020 in meeting the different needs of women, men, and gender diverse people.

# Operational considerations

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## Registration

As a requirement of the Domestic Animals Act 1994, all dogs are to be registered. Identifying and registering domestic animals is a large part of the Banyule Animal Management Program. Pet registration assists officers in reuniting pets with their owners and is critical for investigating complaints.



Table demonstrates the number of dogs registered within Banyule in each registration period 10 April to 9 April each year.

## Responding to complaints and attacks

Council’s Municipal Laws team plays a critical role in minimising the number of potential dog attacks within the municipality. The team responds to reported cases relating to dog attacks, dogs off-lead, menacing, wandering or at large.

Pending the outcome of an investigation, Municipal Laws Officers will determine appropriate action on a case by case basis.

Council has the ability to issue infringements under Section 24 of the *Domestic Animals Act 1994*.

DOMESTIC ANIMALS ACT 1994 - SECT 24

**Dogs found at large**

- 1) If a dog is found at large outside the premises of the owner or not securely confined to the owner's premises, between sunrise and sunset, the owner is guilty of an offence and liable to a penalty of not more than 6 penalty units.
- 2) If a dog is found at large outside the premises of the owner or not securely confined to the owner's premises between sunset and sunrise, the owner is guilty of an offence and liable to a penalty of not more than 10 penalty units.

## Patrolling parks and streets

Depending on the nature and frequency of a complaint and staff resourcing, Municipal Laws Officers conduct proactive park patrols and aim to respond to complaints within agreed service level agreement timeframes.

The objective of park patrols is to be present in the community and further support and educate dog owners on responsible pet ownership requirements such as registration, control of dogs in public places and offering support with enrichment and training to support dogs to coexist better with community members.

Should further considerations be made to the Public Order to introduce additional controls for dogs found in public places, Municipal Laws Officers will be delegated with the ability to further enforce under Section 26 of the *Domestic Animals Act 1994*.

DOMESTIC ANIMALS ACT 1994 - SECT 26

**Dogs and Cats found in places specified by the Council**

- (1) If a dog or cat is found in a place in respect of which an order under this section has been made in contravention of that order or any terms and conditions of that order, the owner is guilty of an offence and liable to a penalty of not more than 2 penalty units for a first offence and 4 penalty units for a second or subsequent offence.

## Dogs, Nuisance and the Environment

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### Nuisance

The Municipal Laws Team receives daily complaints and responds to reports of dog nuisance in public places typically relating to dog off lead, not under effective control, rushing, menacing, at large or incidents such as attacks. All reports are promptly responded to and investigated with outcomes determined in accordance with the requirements prescribed in the *Domestic Animals Act 1994* or *Banyule General Local Law No.1 (2015)*, whichever applies.

### Impacts of dog nuisance

#### Dog Rushing or Menacing

A dog rushing or menacing in a public place can increase or create anxiety for people and can cause safety concerns leading to potential accidents or disturbances.

#### Excrement in public places

Dog excrement can be unsightly, cause unpleasant odour and pose health risks to both humans and other animals due to potential contamination.

## Sports field and sporting events

Dogs on local sports fields can cause damage to the playing surface and can interfere with organised sporting events with a higher chance of conflict.

## Enjoyment of amenities such as; BBQ and Playgrounds

Uncontrolled dogs may create a safety concern for other users, disturb recreational activities and pose hygiene concerns.

## Shared paths

Unexpected encounters and potential conflicts may lead to safety concerns for pedestrians, cyclists, and other dogs.

## Environment – why ban dogs from environmental areas?

Banning dogs from environmentally sensitive areas is often done to protect fragile ecosystems and wildlife. The impact of dogs in environmentally sensitive areas can lead to disturbed wildlife habitats and damage to vegetation. In addition, dog waste can introduce harmful bacteria and nutrients and negatively impact the delicate balance of environmentally sensitive areas.

## Dogs in Public Places complaints received by Council and investigated

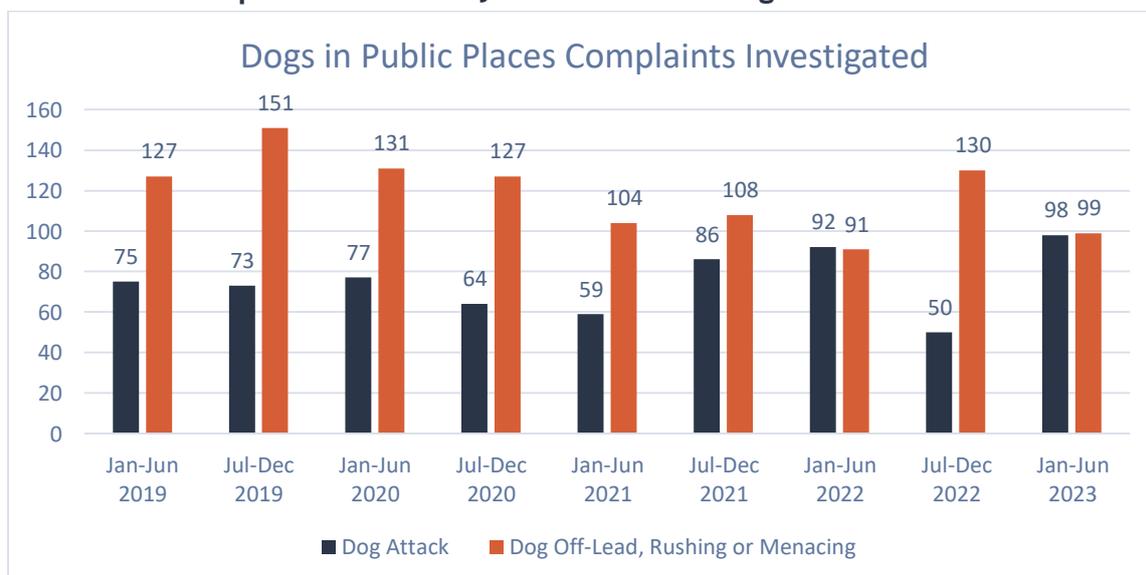


Figure 3: Table demonstrates the number of complaints received for investigation relating to dog attack, dogs off-lead, rushing or menacing in a public place. Complaints may have been received in the following categories however, pending investigation the outcome may not have resulted in a proven offence resulting in an infringement or prosecution.

## Community Feedback

In November and December 2022, a community engagement survey was published on Shaping Banyule to seek community feedback on the current Public Order provisions and to invite comment to assist with shaping a new Public Order for the control of dogs in public places. With over 760 submissions, a summary of survey data where participants were about to share their views has been published on [Shaping Banyule](#).

### Key Insights and themes shared amongst survey respondents

- 88% of respondents believe that dogs should be controlled in public spaces and should be on a lead.
- 68% of respondents indicated that there should be restrictions for exercising dogs in parks and reserves.
- 40% of respondents reported that dog incidents occur on a shared path.

- Respondents expressed that a 5m clearance from Playgrounds and BBQ areas was not considered sufficient distance.
- With an average rating of below 4 for the statement '*A dog is deemed to be under effective control of its owner if it is within 75 metres (clear and obstructed) of its owner?*' respondents expressed that they believed that dogs are not under effective control with 75m of their owner.
- Concerns for public safety (elderly, children, joggers & cyclists) and being at risk of uncontrolled dogs.
- Lack of responsible pet ownership from dog owners.
- Lead free dogs attacking people, other animals, wildlife, fauna, and flora.
- Welcomed greater restriction controls to protect the community from lead-free dogs.
- Importance of dog stimulation and socialisation.
- Hygiene concerns of dogs entering restricted areas such as playgrounds, BBQ areas and sporting grounds.

## Stakeholder feedback

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This discussion paper has been referred to the following stakeholders for feedback:

- Banyule Environment Climate Action Advisory (BECAA)
- Banyule City Council's Parks & Natural Environment Team
- Banyule City Council's Sports & Recreations Team
- Banyule City Council's Open Space Planning & Design Team

No concerns were identified by these referral groups with the Open Space Planning & Design team providing direct support to the introduction of extending dog free areas to 15m around playgrounds and BBQ areas.

## Opportunities

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### Designate more parks as on-lead or prohibited areas

Creating more off-lead or on-lead areas enables pet owners to allow their dogs to roam freely. The approach will aim to balance the needs of both dog owners and other park users. Time restricted off-lead/on-lead hours, signage and community outreach can guide users on when and where dogs can and can't off-lead. Educational campaigns and enhanced waste management facilities will support and promote responsible pet ownership amongst the community.

### Benefits of on-lead or prohibited areas:

- Improved safety for dogs and community.
- Enhanced dog socialisation.
- Wildlife preservation.
- Increased public space accessibility.
- Opportunity to enhance community relations and contribute to a harmonious coexistence between dog enthusiasts and the wider community within public spaces.
- Contribute to better dog behaviour.

- Promotion of responsible pet ownership.

### **Consider changes to clearances from BBQ and Playgrounds**

Greater clearances for dogs from BBQ areas and playgrounds could be considered for safety reasons. Dogs may be attracted to the smells from BBQs or may become overly excited around playgrounds, posing a risk to both them and others.

#### **Benefits of changes to clearances from BBQ and Playgrounds:**

- Providing a greater clearance helps to prevent potential accidents, conflicts, or disturbances.

### **Consider changes to recall distances**

Shorter recall distances allow for more control. This means that owners can more quickly call their dogs back in crowded or high risk situations, reducing the likelihood of unwanted interactions, disturbances, or accidents. This enhances the owner's ability to manage their dog responsibly in shared public spaces.

#### **Benefits of changes to recall distances:**

- Aims to enhance safety amongst dogs and the community.
- Promotes responsible pet ownership an overall wellbeing of dogs and park users.
- Contributes to wildlife preservation.

### **Consider the management of dogs on all sports fields**

The option to consider the management of dogs on all sports fields within the municipality is an option available to Council for its consideration. This option would assist in reducing the extent damage caused to ovals caused by dogs digging and defecating and would contribute to a reduction in unwanted interaction and disturbances between patrons and dogs. To assist in ensuring compliance, additional educative activity and officer patrols would be undertaken if this option was adopted by Council.

### **Consider the introduction of on-lead requirement or exclusion zone around sporting events or other public events**

On-lead requirements or exclusion zone clearances around local sporting or public events could contribute to enhanced safety and comfort for attendees at local events. It also assists to reduce dogs feeling agitated, frightened, or disruptive in crowded or noisy environments and would contribute to a reduction in dog-related conflicts and create a more secure and enjoyable experience for everyone utilising amenities.

### **Dogs on-lead in all public places unless within a designated off-lead dog park**

This is an option available to Council in enhancing public safety across the municipality. If adopted, dogs would be restricted from being released off lead unless in a designated off-lead dog park. This would assist in reducing unwanted interactions between dogs and other public space users. However it is acknowledged that this option represents a significant change from the current restrictions.

#### **Benefits of on-lead requirements in all public places, unless within a designated off-lead dog park:**

- Contributes to enhanced public safety by reducing the risk of unexpected interactions and potential conflicts with other dogs, people, traffic or wildlife.
- Helps to protect the local wildlife by minimising disturbances caused by unrestrained dogs
- Contributes to cleaner and more hygienic public places with dogs on-lead under control of their owner are less likely to neglect cleaning up after their pets.
- Supports a more inclusive public space experience by accommodating members of the community who may feel uncomfortable or fearful around unrestrained dogs.

## Dogs on-lead on streets and within shopping precincts benefits:

Extending requirements for dogs to be on-lead whilst being walked on streets and within shopping precincts can offer several advantages:

- Enhanced safety by preventing unexpected interactions between dogs and pedestrians to support a reduction in risk of accidents or conflict in busy areas;
- Dogs are easier to control around traffic and will contribute to a reduction in traffic-related incidents;
- Assists with preventing wandering dogs from approaching or disturbing other shoppers, residents or businesses and contributes to a more peaceful and enjoyable environment and experience within shopping precincts; and
- Prevents dogs from interfering with business trade or wandering into business premises or around areas where food is being served.

## Enforcement and Park Patrols

Currently the Municipal Laws and Public Assets team are supported to respond in a manner that is more reactive in nature. This includes responding to reports of dog nuisance that come to the attention of officers from the community.

A more proactive approach to enforcement and park patrols would contribute to enhanced public safety, enhance the promotion of responsible pet ownership amongst the community, serve as a deterrent for non-compliance and will encourage a positive atmosphere amongst shared public spaces.

## Public Order requirements in neighbouring Councils

**Dogs** - on lead at all times unless:

LGA	Within a signed lead-free area	Not allowed within a certain clearance of playground, BBQ or shared path	Within a designated off-lead dog park	Under effective control of its owner if it is within a certain distance with a clear and obstructed view of its owner and can be recalled on command
<b>Banyule</b>	✓	✓ (5m) playground, BBQ area or shared path	✓	✓ (75m)
<b>Darebin</b>		✓ (10m) play space & shared path ✓ (30m) BBQ area	✓	
<b>Whittlesea</b>			✓	
<b>Nilumbik</b>	✓	✓ (5m) shared path ✓ (5m) playground or BBQ area	✓	
<b>Manningham</b>	✓	✓(15m) playground, BBQ area and/or sporting event	✓	
<b>City of Yarra</b>	✓		✓	

## Options

Analysis of the feedback reveals a wide range of views particularly on whether the existing controls should be relaxed, strengthened, or remain the same.

Based on the information presented in this paper, officers are of the view that there are opportunities to address concerns from the community in providing a more balanced and contemporary approach to the management of dogs in Banyule's public spaces.

To achieve this, consideration should be given to amending the Public Order to achieve the following outcomes:

- increase public safety;
- reduce reports of dog attacks;
- prevent dogs from wandering, causing a nuisance and becoming lost; and
- increase protection of the natural environment – wildlife and bushland habitat areas.

Options that would warrant further consideration include:

- dogs to be onlead in all public places including shared footpaths and shopping precincts with the exception of designated lead-free areas (designated dog parks already established);
- decrease recall distances from 75m to 15m and ensure a clear line of sight at all times;
- management of dogs on playing fields;
- dogs must be on-lead during planned sporting events and/or public events and meetings;
- dogs are not to be within 15m of a Playground, BBQ area or sports field; and
- dogs within designated lead-free areas must remain under effective control of the owner by voice command/recall and the owner must also carry a chain, cord or lead.

Any changes made to the Public Order, should also include sufficient support to the community that comprises of:

- A transition period that enables pet owners to become accustomed to any changes; and
- The provision of educative material that promotes any changes made.

However, further consultation will be carried out with the community before a final recommendation is made to Council for its consideration.