

The application of Effective Animal Control Measures in a Large and Rapidly Growing Municipality

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ABSTRACT

This paper is concerned with a local authority perspective towards dog control. This paper also deals with owners' responsibilities in relation to dog ownership. It is very easy for anyone to become a dog owner without appreciating what the responsibilities are and how much continuous care is necessary to maintain a harmonious relationship between pets, their owners and the community.

THE BARE BONES

Man has kept pets for thousands of years. Civilisations have come and gone, yet the place of the companion animal in the home remains secure. Whether for companionship, protection, strengthening the group identification of the family or as a substitute for unfulfilling interpersonal relations, it is apparent that pets, especially dogs, are a normal part of family life in urban Australia.

Unfortunately through the actions of irresponsible and uninformed owners, problems arise in urban areas with aggressive, nuisance and straying dogs, and dogs that are not adequately supervised or properly controlled. This is because dogs, as a species, require constant supervision, control and human companionship if they are to live harmoniously in the urban environment. While companionship is the main reason people give for owning a dog, another reason admitted is the benefit to one's own self-esteem. Hence we see the cross-bred, strong, aggressive dog being used by some owners as a projection of their own personalities.

MAGIC LEASH

Dog ownership entails more than the pleasant company of a faithful friend. It carries with it certain responsibilities; therefore a number of factors must be considered if dogs are to live within an urban environment without nuisance. Pet ownership whether out of the need for companionship, security or status, must not be allowed to dominate consideration for the well-being of neighbours and the community environment. Responsible pet ownership is that which is thoughtfully and carefully considered, not compulsively and carelessly assumed.

Any member of a community who has an adequate yard has the right to own a dog, provided they observe the local law under which dog ownership is permitted. They should also ensure that the animal's behaviour is not a nuisance to others and they should be prepared to give the animal full and proper care. It is true that the attitude of some dog owners towards their animals leaves much to be desired. In urban areas it is vital for proper control to be maintained over a dog, so that those animals which are a joy to their owners are not, at the same time, a nuisance or hazard to others members of the community. There will always be a group of people with no desire to be animal owners and these people ought to have a right to share and enjoy the community environment without the annoyance of nuisance dogs.

THE ROVER PATROL

Local authorities experiencing rapid growth in population in South-East Queensland are currently facing a parallel problem of dog control. Public opinion indicates the urgent need for councils to adequately respond to the problem of savage, barking and roaming dogs.

In comparison with some local authorities, Logan City Council is well equipped to respond to the dog problem. The Animal Control Section of the Health Department has invested in an efficient computerised animal management system and effective, comprehensive dog control legislation. Combined with a highly effective and appropriately educated team of officers, these ensure appropriate responses to calls for assistance from the public. The animal control officers (ACOs) spend a great deal of their time not only catching stray dogs but educating the owners. Rather than continually impounding dogs, the officers make personal contact with the dog's keeper. This enables them to deal with the actual cause of the errant dog problem.

The local community over a period of time has come to regard the ACO as someone on hand to offer advice on the subject of responsible dog ownership, a person whose role embraces human welfare as well as animal welfare, and a person who is the interface between the pet and society.

LAWS WITH TEETH

In Logan City with a population of 160 000 people and nearly 50 000 households, there are records of 21 000 registered dogs. There are at least two dogs per week being declared dangerous.

Council by-laws state that when a person has on their premises a dog which has injured or is likely to injure any person or animal, such dog may be declared a dangerous dog and conditions stipulated upon which the dog must be kept.

Should the keeper at any stage fail to keep the dog in compliance with the conditions imposed, then an issue of an order for officers to seize and impound the dog may be made. An Interim Destruction Order would then be issued and given to the keeper. The keeper then has a right of appeal against the order to the Magistrates Court.

Prior to declaring a dog dangerous the officer is required to obtain evidence so the Chief Environmental Health Officer can make an informed decision. Evidence required includes photographs of the victim's wounds, statements from the victim and witnesses and a doctors certificate.

Prior to seizing a declared dangerous dog from a premises, the co-operation of the Queensland Police Department is sought. A police officer will accompany the impounding officers in order to effect the seizure. This event is provided for in the by-law. It is desirable that a by-law provide for the Chief Environmental Health Officer, in situations where a dog has viciously attacked a person, the discretion to seize, impound and issue an Interim Destruction Order at the time of declaring a dog dangerous. It is also desirable that the keeper should receive a substantial penalty fine in addition to seizure of the dog. In addition to this, local authorities should offer assistance to the victim of a severe dog bite in any endeavour to sue the keeper of the dog.

Victims of dog attacks should be encouraged to take common law legal actions against the dog owner.

"If a dog owner, for example, knows that his or her pet is vicious and will attack passers-by, then the law says that the dog owner keeps the animal at his or her peril. In other words, if the dog does attack someone, even if the dog's escape is not the fault of the dog owner, the owner is nevertheless liable for any consequential losses or injuries. Damages may include money compensation for the pain suffered by the injured person for any residual scarring, mental anguish and any medical expenses not covered by medical insurance."

This provision of course would apply where a dog has attacked the victim at any place other than whilst it was on guard duty at its normal place of keeping.

WHEN A FINE IS A FINE

In the year 1991/92 less than one third of the 2 000 dogs impounded in Logan were released by their owners. Such a low retrieval rate indicates that it is cheaper for a dog owner to obtain a replacement dog than to pay a \$50.00 release fee to the dog pound.

It also highlights an anomaly in the present system. An irresponsible dog owner who permits their dog to roam at large and who does not retrieve their pet from the dog pound is not accepting responsibility for the administration, impounding, feeding and veterinary costs associated with their dog. It is the members of the community who are the ones to have been disadvantaged as they are not only incurring the nuisances associated with a dog wandering at large but also with the expense of maintaining a dog pound and dog management program. Importantly, we must also remember that often, ultimately the dog pays with its life. The only person at this stage who has not paid is the irresponsible owner. It is therefore paramount that when a dog is impounded, the keeper of that dog be issued with a substantial on-the-spot penalty fine.

FIDO WHERE ARE YOU?

In order that the dog is identifiable and therefore the keeper also, it is imperative that emphasis be placed on the conduct of routine house to house surveys by officers. These surveys identify unregistered dogs, inadequate dog enclosures and excess numbers of dogs on a property.

In the year 1991/92 out of 26,000 houses surveyed by officers of Logan City Council, 3,000 dogs which had not been previously registered in Logan were found. In monetary terms this equated to approximately \$67,000 in registration fees which were owed to Council.

FIDO'S BIG PICTURE

It is realised that the backbone of effective animal control relies on the following planning procedures being discussed and implemented:

- a corporate plan
- strategic plans for the animal control section
- an agreed ownership of ideas between officers, elected representatives and the community.

The corporate plan provides a framework which encompasses the thrust of Council over a predetermined period. The plan must also provide for constant monitoring and updating in response to changes in the community as required. A corporate plan allows all the activities of Council to be linked together to ensure that a common direction is being pursued across the whole organisation in the most effective manner to meet the requirements and priorities of the community.

A strategic plan for the section identifies the strategies which if implemented at all times will provide the stepping stones needed to achieve the corporate plan objectives.

An agreed ownership of ideas between officers, elected representatives and the community ensures that sufficient resources will be allocated to the section to achieve objectives. It ensures that all parties including the public understand the consequences of the day-to-day proactive and reactive activities of the section.

At Logan, the Animal Control Section's mission statement is to "ensure the Community of Logan is not detrimentally affected by dogs kept by irresponsible keepers".

In order to achieve the desired outcome several strategies have been identified as being necessary stepping stones. These include:

- promote positive, proactive initiatives;
- provide quality of service to the public;
- project a professional, caring and positive image;
- enforce by-laws in a compassionate but steadfast manner;
- develop a set of rules or by-laws which are sufficient to ensure outcomes can be achieved;
- ensure the public are well aware of the rules and Council's intention to enforce them;
- keep accurate statistical data to regularly update areas requiring a change of strategy and to identify change in problem areas;
- educate future and current dog owners in the art of being a responsible dog owner;
- devise and implement an ongoing public relations strategic plan;
- provide on-going training for officers; and
- ensure sufficient income is generated to self-fund the dog management program.

BEYOND 2000 DOG ISSUES

The community problem caused by irresponsible dog owners cannot be dismissed lightly. Conversely companion dog ownership is so important to a great number of people that deprivation of that right is certain to cause more problems than it solves. Overall there would seem to be no easy answer to retaining the benefits of pet ownership while eliminating the problems. Certainly there is a need for a more co-ordinated approach and some direction at state government level.

The proposed rewrite of the Local Government Act will provide for model by-laws to be drafted. These model by-laws, including one on animal management, will be available for voluntary adoption of all local authorities throughout Queensland.

Animal interest groups and all local authorities will therefore have a part to play both in offering the Department facts and ideas of problems encountered in animal control in their specific region, and also in the lobbying of their elected representatives to adopt the model by-laws.

Whilst it is recognised that the problems of dog management in a large city are different to the problems of dog management in a country town, it is expected that the by-law will be designed to allow for adjustments to be made to cater for specific community requirements.

Whether or not people recognise a need for controls, most people accept reasonable regulation without serious outcry. The various proposed or legalised restraints on dog owners in cities are however often the subject of considerable debate and of quite intense feelings.

SUMMARY

The emotional attachment of a human being for his dog is frequently as strong as the attachment of one human being for another. We should not be surprised then when some dog owners react strongly against proposed dog control regulations in the belief, presumably, that the regulations are directed against dogs' rights. Most of the punitive measures are in fact directed against people who fail to meet their legal responsibilities in properly caring for and supervising their dogs so that they do not create problems for the communities in which they live. One thing certainly is sure. A majority of citizens, whether or not they are dog owners, are demanding that action be taken to remove free-roaming dogs from our streets.

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