

23rd June 2024

KG.JW:MD

Banyule City Council
Mayor and Councillors

RE: Banyule City Council Public Order Review - Dogs and Cats in public places.

Animal Care Australia has been following your recent community consultation titled Banyule City Council Public Order Review - Dogs and Cats in public places.

At its meeting on 24 June 2024, Council will consider the endorsement of a new Public Order and a series of recommendation under Item 4.1 Adoption of Proposed Public Order - Dogs and Cats in Public Places. We would like to raise the following concerns with you and request that these are tabled for the above-mentioned meeting.

Summary

- Council officers advise that a review of the current Order was considered necessary in order to ensure that the regulation of dogs and cats in public places reflected current community and Council expectations, standards and practices.
- Extensive Community consultation during March-May 2024 (3,978 responses) did not support the limited survey data (derived from 760 respondents) obtained in November/December 2022 that may have suggested a review was necessary. Instead the Community has demonstrated overwhelming support for the current order, thereby demonstrating that the existing approach already meets current community expectations.
- Complaint /enforcement Data provided by Council does not support the need for further control as proposed. The controls contained within the existing order are proportionate with the concerns identified.
- The proposed order places greater restrictions on dogs in public places, which is denied in the Summary Paper provided in the Council Agenda: *“These amendments do not change what is currently permitted in the existing Public Order”* ([page 99 of the Agenda](#)). No justification has been made for this.
 - Dogs are currently allowed off leash in all public places except those stated and the situations listed in the order.
 - The proposed order requires dogs to be on leash in all public places at all times, and then provides for some exceptions, which relate solely within nominated reserves that may be subject to change (refer recommendation 6 under agenda 4.1).

NOTE: Council does not have the authority to make this order under [Section 26 2\(A\)](#) of the Domestic Animals Act unless they have specific agreement from each owner/occupier of all privately owned public places. This needs to be put to Council lawyers prior to any further progress on this proposed order.

- The proposed order adds a new restriction under 5.2(c) that during an organised event, dogs must be placed in lead. There is no distance limitation on this so that if an event was taking place in a large public place, such as a large reserve (eg Banyule Flats or Chelsworth Park), then dogs must be on leash despite the ability for them to remain a significant distance from the event. There is also no limitation on the type of event, which is unworkable if the event involves a demonstration of dog sports that require dogs to be off leash (eg agility, obedience, flyball, sprintdog, etc).

- Page 103 of the agenda states that ‘Council officers consider that a blanket approach to the management of dogs in public spaces is not appropriate’, however this order formalises that blanket approach to all public spaces.
- Recommendation 6 seeks ‘to consider further restrictions for dogs in Council Reserves during the development of the next Domestic Animal Plan’. This recommendation is not supported by the outcome of the Community Consultation undertaken or by other data provided by the Council. The outcome of the consultation reflects that the correct balance is currently achieved.
- The change to the definition of “effective control” is largely supported, however the requirement for the owner to have clear line of sight to the dog prohibits the training and competing in Obedience in public places whereby a dog must remain in a “stay” while the owner turns their back, or moves out of sight for a set timeframe (depending on the exercise and level of competition)
<https://dogsaustralia.org.au/media/10089/9-da-obedience-01-01-2021-v3.pdf>.
- The Paper indicates there are no financial implications arising from the recommendations of the report, however, does not indicate the cost to date of the work undertaken including the community consultation, the consultation that will arise from recommendation 6 should it be accepted, or the proposed comprehensive communication plan. Why are these costs apparently being ignored or not reported?

Other Issues

- Listed as a single matter raised at Council drop-in sessions was irresponsible behaviour of some dog owners/handlers who do not pick up after their dog resulting in increased health risks arising from dog faeces to both reserve users and maintenance officers.

No data has been provided to support this. On the converse, and not documented in the Summary Paper, there is evidence that sports strapping and food packaging is discarded on some sports fields by players and spectators post matches which is a health risk to animals and the environment, and a breach of EPA regulation. Education and enforcement are key to these matters rather than further regulation.

- The Gender Impact Assessment identified that women, particularly mothers and primary caregivers may experience heightened anxiety about dogs off-lead due to concerns for their children’s safety, and that both men and women can experience fear of dogs and report feeling unsafe in public spaces, exacerbating their anxiety about uncontrolled dogs.

No data has been provided to support the proportionality of these concerns. There was no discussion on the converse whereby both men and women may feel unsafe in public places due to the presence of other people, for example potential offenders, and the presence of their dog and the interactions they have with other dog owners assists them in feeling more safe.

Data

The Summary Paper states that the report is in line with Banyule’s strategy to “make informed decisions based on sound evidence” however it provides no such proportionate evidence to support the proposed additional restrictions to dogs in public places.

Community Consultation Survey

- 69% of respondents to Council’s survey support Council's existing approach. Of note, within that figure the majority of respondents who were not dog owners (51%) also agreed with continuing the existing approach.

- Reasons for disagreement include lack of enforcement of existing rules, inadequate control of dogs in public spaces, and insufficient educational resources. None of these are rectified by the proposed Public Order changes.
- 73% of respondents disagree (55% strongly disagree, 18% disagree) with designating more parks as prohibited areas for dogs.
- 31% of respondents support more on-lead areas for safety and control and to ensure community comfort however 39% of respondents strongly disagreed with this, with a total 58% disagreeing.
- 19% of responders support more dog prohibitive parks, citing reasons including the protection of wildlife and ensuring public hygiene and safety. No data has been provided by Council to support there is a legitimate safety issue arising from the current order that justifies these changes as proportionate. In fact, the paper recommends that no changes be made to the existing Order to manage or exclude dogs from environmentally sensitive areas providing clarity that the concern for protecting wildlife is not demonstrated.

Council Complaints / Enforcement Data

- Of the 13329 dogs registered in BCC in FY22/23, there were 148 complaints in the same year relating to dog attacks (1% incidents per registered dog), and 229 complaints of dogs off leash, rushing or menacing (1.7% incidents per registered dog). It is not known if a complaint may be recorded in both categories (ie a single event may be counted twice).
- No data has been provided by BCC as to the number of these complaints that were substantiated and/or a penalty applied.
- No data has been provided to indicate the number of these attacks, rushing or menacing incidents that were on leash (or contained) vs off leash.
- No data has been provided to indicate the severity of the incident relating to off leash, rushing or menacing – ie whether the majority of these complaints related to a dog being off leash and doing nothing, or a more concerning incident.
- Presuming an estimate that every registered dog is walked once daily, there are 4,865,085 possible opportunities for such complaints each year in Banyule City Council. Therefore complaints for attack actually occur at a frequency of 0.003% and complaint for being off leash, rushing or menacing at a frequency of 0.005%.
- Council data demonstrates that overall complaints of dogs off leash, rushing or menacing show a downward trend.

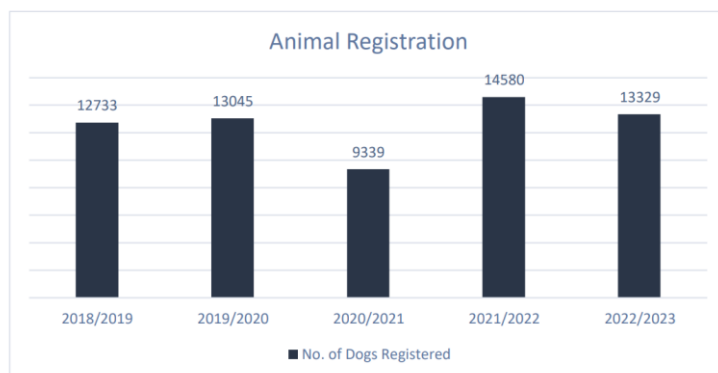


Table demonstrates the number of dogs registered within Banyule in each registration period 10 April to 9 April each year.

Dogs in Public Places complaints received by Council and investigated

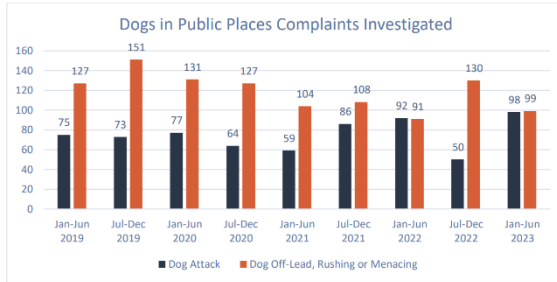


Figure 3: Table demonstrates the number of complaints received for investigation relating to dog attack, dogs off-lead, rushing or menacing in a public place. Complaints may have been received in the following categories however, pending investigation the outcome may not have resulted in a proven offence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

Source: [Banyule City Council Agenda Attachments, March 2024 meeting](#)

All of these points raise major concerns for Animal Care Australia as it paints a picture that Council – or perhaps certain employees or officers are applying personal biases while in a position of power to enforce those biases. While we would most certainly not wish to think this is the case, the blatant ignorance of the latest community consultation outcomes accompanied by the lack of actual supporting data to justify Councils position is alarming and very telling.

Animal Care Australia will be providing a submission to the Victorian Parliamentary Inquiry into Local Government funding and services and we will be including these concerns as part of that submission.

Animal Care Australia would welcome the opportunity to consult with Council as an animal organisation (in this case a national animal welfare organisation) on all aspects of your Animal Management and in particular educational material promoting and encouraging responsible pet ownership.

Kind regards,

Michael Donnelly
 President
 0400 323 843

About Animal Care Australia

Animal Care Australia is a national incorporated association established to consult with government in advocating for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

Animal Care Australia is currently recognised by Animal Welfare Victoria as a key stakeholder in the review of Victoria's Animal Welfare Act and its associated regulations. Animal Care Australia is directly consulting and advising during that review, including the future revision of Codes of Practice for the keeping of all pets.

Animal Care Australia encourages continued development of animal welfare standards and Codes of Practice for animal husbandry, breeding, training, sale, and sporting exhibitions for a wide range of animal species, including pets, companion animals, animals used for educational or entertainment purposes or kept for conservation.

Animal Care Australia is engaged with state governments to develop more appropriate model Local Laws and model Subordinate Local Laws governing the keeping of animals in each state. Nationally, Animal Care Australia is finding Local Councils placing restrictions and permit requirements on their residents which do nothing to improve animal welfare and tend to lead to greater non-compliance.

Animal Care Australia DOES NOT SUPPORT the single use of surveys as a means of consultation. It is inappropriate for Council to claim you have consulted when organisations are not actually able to lodge a written submission. Surveys are misleading and provide for irresponsible statistical analysis.

It is vital that Councils support the keeping of all pets within their shires/municipalities and that Councils consult with the appropriate stakeholders when looking to address the many myths or phobias that are expressed by uneducated members of the public, in relation to the keeping of some animals.