

Animals

The main piece of legislation relevant to pet animals is the Companion Animals Act 1998 (NSW). Under this statute, local councils can issue orders about animals kept on private property, including dogs, cats and birds.

For example, if animals are causing excessive smells or noise on a neighbour's property, the council can order that the number be reduced or that they be moved.

ENTRY OF ANIMALS

An animal can only be left on another person's property with the consent of the owner. If permission is withdrawn, the animal must be removed immediately, or the owner of the animal can be sued for trespass.

If an animal is trespassing on land, the owner of the land can impound it and keep it for collection for up to four days. If it is not collected in that time, it must be taken to the council pound.

Within 24 hours, the land owner must ensure that there is food, water and shelter for the animal, and advise the animal's owner if possible.

UNCONTROLLED DOGS

If a dog comes onto someone's land, the dog can be seized, injured or destroyed if it is considered reasonable and necessary for the prevention of damage to property or injury or death of any person (section 22 of the *Companion Animals Act*). If a dog is killed, the matter must be reported to council and to the owner of the dog. If the dog is seized, it should be delivered to its owner, or to the local council pound.

DANGEROUS DOGS

Complaints about dangerous dogs should be made to the local council. If a local council declares a dog to be a dangerous dog, the owner must meet strict obligations to control the dog. These include keeping the dog on a leash or chain in public, muzzling the dog in public and putting up warning signs where it is kept.

What is a 'dangerous dog'?

Under the *Companion Animals Act* a dog is dangerous if it has, without provocation:

- (a) attacked or killed a person or animal (other than vermin), or
- (b) repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin).