

# A case for untangling the bureaucratic knots

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## INTRODUCTION

Major change for animal management in Victoria began in 1994 with the introduction of the *Domestic (Feral and Nuisance) Animals Act 1994*.

For the first time in Victoria, legislative reform in the animal management area was to have a major impact on the operation, enforcement and welfare of animals from all sectors involved in animal management. The purpose of the Act is to promote animal welfare, responsible pet ownership and protecting the environment by providing for –

- a) a scheme to protect the community and the environment from feral and nuisance dogs and cats,
- b) a registration and identification scheme for dogs and cats which recognises and promotes responsible ownership,
- c) the identification and control of dangerous dogs,
- d) a registration scheme for domestic animal businesses which promotes the maintenance of standards of those businesses,
- e) matters relating to the boarding of dogs and cats,
- f) payments to the Treasurer from fees received by Councils under this Act, and
- g) other related matters.

The legislation is wide ranging and for the first time gave Victorian municipalities increased responsibilities. Moreover the one area that was of specific concern was the introduction by the Act of the registration of cats for the first time.

Just as one major legislative change arrived, the Victorian State Government introduced compulsory competitive tendering (CCT) requirements for local government in 1995. This legislation required that municipalities competitively tender 50% of all services within a three (3) year period. For many municipalities this added immense pressure to what was already a significant operational change. The CCT legislation meant that key services such as animal control were one of the first services to be competitively tendered out to external bodies where cost (and not necessarily quality service) became the overriding factor.

During this period, the impact of the legislation was felt across Victoria with many municipalities elected to contract out animal management services either as a whole package or significant portions (such as pound and after-hours components). In many cases this meant that the animal management functions were in essence 'split' between staff within Councils and staff external to the organisations.

In many cases where municipalities had their own pound facilities, these were decommissioned because of the external contracts and were either put to other uses or let

run down to such an extent that to refurbish such facilities made it impractical and expensive to operate. In many cases, the political influence was also felt across local government with the election of the first Councillors since the redistribution of municipal boundaries and amalgamation of Councils in 1996. Victorian local government, since 1994 has undergone significant change from both a political and legislative framework.

## CURRENT LEGISLATION & INFLUENCES.

In 2002, local government is subjected to a number of legislative requirements ranging from the *Domestic (Feral and Nuisance) Animals Act 1994*, *Local Government Act 1989* to the *Prevention of Cruelty to Animals Act*. Added to this state legislation is the local legislation (local laws) developed by each municipality, specific to the needs of the municipality.

The legislation framework currently sits across various state government departments. These include the Department of Natural Resources and Environment, The Department of Infrastructure and the Department of Agriculture just to name a few. There is no one state department that deals holistically with animal issues. This is the first confusion that arises when dealing with animal issues. State (and Federal) government standards dealing with animal issues vary from state to state and from municipality to municipality. Of particular concern is the lack of proper nexus between many of the Acts and regulations and even within the principle act itself. Each Act and regulation contains its own procedures, which are frequently inconsistent with others. The current debate about a dangerous dog register and the specific banning of certain breeds of dogs highlights the inherent difficulties in interpretation, regulation and enforcement (by whom?) of the various acts and regulations.

As one example of the 'split' between the state departments is the issue of investigating animal cruelty. Many residents will contact Councils direct to advise that they believe an issue of cruelty is occurring. If the officer within the Council is not duly appointed by the Minister for Agriculture and therefore able to investigate the matter, the matters are generally referred to the RSPCA inspectorate. The Minister for Agriculture must appoint persons to conduct investigation under the *Prevention of Cruelty to Animals Act* not the Bureau of Animal Welfare currently under the Department of Natural Resources and Environment.

Moreover, the local legislation between Council's is also confusing to pet owners and Council officers. As an example a creek or river that is a municipal boundary often has interesting consequences. For example where one municipality has a local law that states that dogs must be on leads at all times, the other municipality on the other side of the creek/river may have different rules and may allow animals off lead.

Residents may live on one side of the river/creek however may commit an offence against the local law (or even state law) on the other. Interesting investigation then needs to occur between officers of the two municipalities.

## THE INTEREST GROUPS

In addition to the state and local legislation is the issue of influence by the 'interest groups'. These groups can range from local politicians to the welfare agencies and everyone in between. There are specific interest groups in every municipality and these groups must be managed by the animal management officers on a daily basis. In many cases dealing with the local community is part of the function of the unit and is an opportunity for the AMO's to discuss matters of responsible pet ownership. However, it becomes more difficult when the issues raised by the community fall within the State sphere. In Victoria many schools and residents will contact Councils around September each year to report swooping magpies and the dangers to pedestrians. The management of swooping magpies is a matter for the state. More importantly the removal of the swooping birds is also a matter for the state. It doesn't stop the pedestrian or parents of school children from contacting Councils to resolve the issue because they believe that the Council is in the area and should deal with the problem within the municipality.

At the state level, there are a number of influential groups that report to various ministers. These range from the Victorian Farmers Federation (VFF) to the welfare organisations. Each one of these interest groups has their own agenda and their own sphere of influence.

From the municipalities' perspective, the representation on such interest groups is limited even though significant legislation change directly effects the operation of animal management.

Interest groups currently in existence include, the Metropolitan Council for Animal Management (METCAM), Local Government Professionals (LGPro), the Animal Welfare Advisory Committee (AWAC) and the recently formed Domestic Animals Management Implementation Committee (DAMIC).

Interestingly, the Victorian AWAC is a non-statutory committee constituted by the Minister for Agriculture to provide advice on animal welfare issues whereas the DAMIC Committee was formed to advise the Department of Natural Resources & Environment on matters relating to the management of domestic animals. The membership of both groups range from the VFF, the Victorian Canine Association, the Municipal Association of Victoria, various state department representatives and so on. The influence of the AWAC group and the DAMIC group on legislation reform is yet to be established but it could be argued that the influence of the membership is significant enough to warrant concern.

In addition to the established interest groups are other 'informal' individuals and groups that may influence the way animal management is operated in each municipality. Groups such as councillors in local area have great influence and resources within the local community. If a sector of the local community bands together to ban parks that are 'off-lead' then the impact on the Council and the management of animals can be significant.

Councillors are elected to represent an area within a municipality. The reality is that, if residents in the area require 'off lead' areas for animals, the greatest Council policy or strategy will not stop the change nor the influence (whether formal or informal) of the individuals at any level.

The theorists and the other peripheral interest groups such as professionals working for animal organisations and local wildlife groups also have wide influence within a local community.

The key question is when will each group or individual realise that their objective is really no different to any other sphere of influence and that the aims are nearly (if not exactly) the same?

## EDUCATION OR REGULATION?

Given the large amount of legislation governing the activities of animal management, the next issue is who should be influencing the legislation? Is it those who are doing the bulk of the enforcement or is it those that are doing the education? Who does most of the enforcing is the easy one to answer. In the majority of cases the enforcement for domestic animals falls with Councils and their staff/contractors. The *Domestic (Feral and Nuisance) Animals Act* make it clear that Councils and authorised officers (who cannot be contractors) are the people responsible for ensuring regulation of animal issues. In Victoria, the CCT legislation brought the issue of who deals with the enforcement issues to a head. Again inconsistencies within legislation caused problems (and still does). In particular the issue of what is meant by 'officer' causes confusion. An 'officer' can be anyone from a municipal building surveyor to a health officer however it is unclear what an 'authorised' officer is. In other Acts such as the *Local Government Act 1989* 'officers' are confined to members of Council staff. Clearly the use of terminology has not kept pace with legislative and cultural change.

Education programs within each State are funded in many different ways. In Victoria, the State receives \$1 for every animal currently registered for the purposes of statewide education programs. In NSW the funding is reversed. Just how successful are the state education campaigns and promotions?

In Victoria in 2001-2002 the major themes for state education programs for animals were 'Supervising your dog' and 'Choice of pet'. A booklet was developed in consultation with relevant groups and organisations using the safety theme as its basis. This booklet was distributed at events such as Children's Week and Kidsafe Week. Responsible pet ownership programs have also included television and radio adverts, media releases and more importantly education programs conducted in primary schools. Unfortunately, many Councils are not informed or involved in many of the programs funded by the state. This leads to enquires from the general public increasing when media releases or education campaigns begin to be shown. In many cases municipalities have to deal with an increasing number of concerned pet owners about information they have obtained from such sources. What this does is stretches the resources of local government at times when it is needed most.

Who does the educating and who does the regulating (and ultimately who influences the legislation and the issues of resources for education) is a key question. The objectives of all the parties concerned is the same, its just that the message and the effects have different impacts on the various sectors of animal management. Pounds and shelters become inundated with cats and dogs after the Christmas period and Councils become the recipients of 'stray' animals left on the streets for collection. No-one wins in any way – both sectors have to deal with the consequences.

### **FUTURE CHANGES IN THE SYSTEM.**

Given the different views, is there a way in which all the interested parties from all sectors can come together to resolve the issues and to put aside the differences? Untangling the bureaucratic knots with legislation is the first step in taking responsibility and acknowledging that there needs to be a better system.

National standards for animal management issues such as training of staff will lead to consistency in how we approach animal issues. Proposed national registers for dangerous dogs and micro chipping standards will provided consistency in some areas. There are many more areas where national standards will assist in clarifying the who does what and the when.

In Victoria, the difference between the state departments causes confusion and crossovers as previously outlined. Streamlining the state departments would assist in untangling the differences and provide for a more consistent approach to animal management and related issues.

Australia has a national set of road rules, could we have a national set of domestic animal rules? Could we realistically expect our citizens to obey domestic animal rules if they were the same from state to state and even municipality to municipality? It would certainly mean that inconsistencies in the management of animals would not be an issue and the public could be reassured that wherever they went that the rules would be the same.

### **FUTURE FUNDING FOR STREAMLING THE SYSTEM?**

Rod Brown writing recently in *Local Government Focus* (July 2002), stated that local government has no real scope to increase its revenue to deliver the increasing number of tasks demanded of it and further went on to say that it's legal parent, state governments are not offering much. The issue of funding for any change is a question we need to address.

If we elect to proceed to national standards for animal management, then we must be expected to all contribute in some way whether that is by direct taxes or by fees such as animal registration. Local government across Australia are increasingly being asked to deliver more services at little or no extra costs. If all those involved in animal management are to begin to streamline operations and to work together to achieve a high level of compliance (whether that be by education or regulation) then we must accept that the existing systems must change and that we need to find a better system to achieve our objectives.

Local government has a bright and very long future but needs recognition by state and federal governments. Local government has the expertise and the knowledge to meet challenges but it can only do so if it is duly recognised and amply rewarded with adequate funding for its work. Given that local government is seen as the most representative level of government, then the issue of standards for animal management needs to be raised at the local level for initial discussions. National standards would be ideal, as they would promote consistency. However the initial push for such change must involve the local levels and must not be made in isolation. Welfare agencies, which rely heavily on public support, need to also be involved in any future discussions but must recognise that unless they are adequately funded, resources cannot be directed towards such activities at the peril of their main objective.

Unless both the State and Federal government recognise the complexity of animal issues and private animal industry bodies (such as the pet food manufactures) direct more resources to those 'on the ground', the issue of enforcement, regulation, legislation and education will continue to perplex animal managers who are left to deal with the public follies at the time.

Financial and resource support is a major factor in turning around the system but all the players need to recognise the limitations. If we recognise the problem, we can work on the future of the system and to find solutions for the problems.

### **WHERE TO FROM HERE?**

Understanding the bureaucratic system and the lack of communication and consultation by all the parties involved assists us to look for solutions with our major objectives in mind – the promotion of animal welfare, responsible pet ownership and the protection of our environment.

If we look at the current system in Victoria with the various different state departments and interest groups involved we can very clearly see where tensions will occur across all levels.

Perhaps the question that we all need to ask is how can we improve the system to ensure that our objectives are met? How can we understand the barriers to effectively continue to manage animals and how can we break these barriers down?

For local government in Victoria, the issue of future resources and the issue of service provision is becoming more critical as local residents expect more and more of the Councils. Realistically, the future for many animal management services within municipalities is also under threat with competing interests from areas such as aged care. Council resources are only as good as the grants and rates it receives from its state and federal parents. Animal management is one of the areas that are increasingly being asked to trim down in order to cover other seemingly more 'critical' areas. In terms of the management of animals this can mean a cut in educative programs at the local level. Local government however, is still expected by the State to enforce the *Domestic (Feral and Nuisance) Animals Act 1994* and all its regulations.

## REFERENCES.

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Vicki Morris is employed at the City of Darebin as the Team Leader – Amenity Branch. Vicki has several university degrees including an Arts/ LLB and Masters in Arts (Political Science). She is a member of the Corporate Directors Association of Australia. Vicki has been involved with local government in Victoria since 1987 and has a special interest in public policy from a governance perspective. Vicki took over the contract management of the Animal Management services at Darebin in 2000 and has been responsible for reviewing the animal management services provided to residents within Darebin as part of the Best Value Program. Vicki has been interested in the animal management aspects at the local level and has a particular interest in the enforcement and legislation requirements by the State of Victoria and the impact on local authorities and its contractors.