

9th March 2020

Councillor Katris - Chair – Environment & Planning Committee
Georges River Council

RE: Draft Keeping of Animals Policy

Dear Councillor Katris ,

First and foremost Animal Care Australia (ACA) would like to express our dismay at the imposed timeline provided by Council for this release of an amended Draft which Council is intending to then approve less than two business days later. Is this a determined action to impede further comment or action by stakeholders?

It is beyond comprehension that a Council would openly acknowledge their previous proposed Draft was open to misinterpretation, to then propose changes in an attempt to clarify those interpretations and to then only provide one and half business days' timeframe to respond!

ACA does not agree with imposing blanket limits on numbers of animals that can be kept.

Animal welfare is NOT about numbers – it is about the conditions, behavior, cleanliness, housing and husbandry that each animal is kept under by the owners – your residents.

While ACA acknowledges Council's attempt to explain its position on limitations, and Council appears to remove those limitations, the truth of the matter is clear – the limitations still remain!

Our second concern – relates to de-sexing of animals.

Your Policy continually utilises terms such as 'animal should be de-sexed to prevent breeding'. The term 'should' is not definitive therefore will residents being investigated by an authorised officer be found in breach of this Policy if they have chosen NOT to de-sex their animals?

Is there a rule – or isn't there a rule? Either Council has a rule that applies at all times – or it doesn't.

Is Council trying to 'hedge its bets' by implementing a rule which is not a rule until they need it to be a rule? As highlighted by Point 16: "While the Draft Policy applies to all premises within the LGA it is only applied when a complaint regarding the keeping of an animal has been verified by an authorised officer of Council. The criteria for the keeping of animals contained within the Draft Policy are then considered as options for resolving the complaint via the issuing of an Order (Order 18) of Section 124 of the *Local Government Act 1993*."

This raises major concern that any resident will be going about keeping animals under the belief they are doing so legally – that is until a representative of Council determines they are now in breach of a non-existent rule' The most obvious circumstance that applies here is the abuse of Councils 'double-jeopardy' rule by feuding neighbours. One neighbor and more importantly the animals being kept by that neighbour – could be impacted simply because another neighbor dislikes them.

As is also noted by your own document – the Policy is not a legal document and is only being utilised as a guide for Council when considering issuing an Order 18 - how a 'guide' with a clearly defined non-existent rule could be used to issue a legal notice is beyond understanding.

In September 2019 ACA submitted responses to Council's Draft Keeping of Animals Policy, in which we made several recommendations regarding imposing limitations on the numbers of animals that may be kept by residents and at that time requested to meet to discuss our concerns. ACA continues to oppose the implementation of this revised draft policy and again we seek a meeting with Council to discuss our concerns further. We also suggest this Policy draft be held over to allow for more consultation. ACA would welcome the opportunity to advise Council on the needs of companion animals and pets to assist in moving forward.

Kind regards,

Michael Donnelly
President
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