

14th October 2020
Mayor & Councillors
Knox City Council 3152 Victoria

knoxcc@knox.vic.gov.au

RE: Knox City Council Amenity Local Law 2020 – Keeping of Animals

To whom it may concern

First and foremost Animal Care Australia (ACA) would like to express our dismay at the blatant over-reach of your introduced Amenity Local Law 2020 and the Local Government Act 1994.

Section 1.3 of the Amenity Local Law states it is authorised under Section 43 of the Domestic Animals Act 1994, which refers specifically to the keeping of dogs and cats, and does not include other animals and yet Council has implemented extreme restrictions on numbers of these animals which may be detrimental to their welfare.

It is beyond comprehension that a Council would instigate and implement restrictions on numbers of pets/animals able to be kept by its residents, especially without consultation with expert organisations. ACA strongly encourages all councils to promote and encourage the keeping of animals as pets as they provide extraordinary mental health benefits for all of us. Any restrictions only serve as a detriment to pets and those wishing to keep them.

Equally reprehensible is the idea that a Council would require rate-paying residents to pay additional exorbitant fees for what is a basic right of owning a pet. This is pure revenue-raising/profitteering and reflects poorly on your Council.

It is outrageous to expect a small animal hobbyist (recreational) breeder to pay an annual fee of \$238.00 to be able to continue to maintain healthy viable breeding lines. Hobbyists are not breeding their animals to make a profit. They are passionate about improving the health and temperament of their animals. Annual permit fees for additional animals do not improve welfare or protect animals instead they will cause animal related clubs and groups to close due to members having animal restrictions enforced on them. These clubs and groups are the information hubs on educating best animal welfare and ethical breeding practices to its members and the general public, and with LG policies enforcing restrictions and revenue-raising, valuable information by these experts will be unable to be shared and put into practice.

Could Council please advise:

- which animal welfare organisation/s were consulted during the implementation of this policy?
- which organisations and/or species specialists were consulted to determine the restriction numbers imposed?
- on the details of the training and expertise of Council’s “Authorised Officer” to verify the level of expertise being applied regarding the approval process and local site inspection prior to a permit being issued. The knowledge base required for such a role has very specific skill sets – one’s ACA seriously doubts are employed within Council.

ACA does not agree with or recommend imposing blanket limits on numbers of animals that can be kept especially when based under the guise of animal welfare or the prevention of potential nuisance claims.

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.

Policies that restrict keeping of animals on the basis of preventing noise, odour or other issues for neighbours are strongly discouraged. Restrictions including permit requirements inflict an unnecessary

compliance burden on residents and staff which only discourages animal keeping needlessly. Laws are already in place to deal with neighbourhood nuisance issues including matters due to poor animal keeping practices.

ACA is currently recognised by **Agriculture Victoria, Department of Jobs, Precincts and Regions** Animal Welfare Legislative Reform as a key stakeholder in their new animal welfare legislation and will be directly consulting and advising during that review, including revising codes of practice for the keeping of all pets.

ACA recommends Council revokes and re-evaluates Section C of the Amenity Local Law 2020.

ACA strongly recommends Council adopts a new objective of supporting the keeping of animals:

“Knox City Council acknowledges the importance animals play to the wellbeing of our residents. Council’s default position is to encourage and promote the keeping of animals within the shire.”

Imposing number restrictions IS an animal welfare issue – it’s an animal rights ideology!

Number restriction of animals is unwise and poses an animal welfare issue and ACA will continue to ensure this matter is addressed during our consultations with Victoria Agriculture, Victoria Planning and Community Development and Local Government Victoria.

Government – including Local Councils should not allow themselves to be swayed by animal rights ideologies and rhetoric that claims animal welfare is best achieved by restricting the number of animals that can be kept or bred. The perfect example of this is the current price increases of puppies and kittens in Victoria – due to a Government sanctioned policy of restrictions to breeding, in doing so the Government & Local Councils are effectively complicit in the profiteering from the sale of animals.

ACA has provided some recommendations relating to different pet species that Council needs to take particular notice of. (See Annexure 1)

ACA has references to support this submission, and will be happy to supply them on request. Should Knox City Council wish to review your current policy restrictions ACA offers our expertise to recommend more suitable categories, land areas and less restrictive numbers.

We can also provide contact information for small property management consultants and educators who would undoubtedly be more than happy to assist you.

For further information about Animal Care Australia please refer to Annexure 2.

Please do not hesitate to make contact if we can assist further.

Kind regards,



Michael Donnelly
President
0400 323 843

ANNEXURE 1:

ACA has the following comment and recommendations in relation to particular species:

Dogs and Cats:

ACA draws Councils attention to the Local Government Act (1994) Section 110 (2) which states:

'A local law must not be inconsistent with any Act or regulation'

The Domestic Animals Act allows for a recreational breeder to own and keep no more than 10 fertile female dogs or cats.

It is our contention your Amenity Local Law restriction of no more than 5 dogs and cats combined is therefore in breach of the Local Government Act AND Domestic Animals Act.

We would strongly recommend Council re-evaluates its stance on restrictions to reflect the existing Acts and regulations.

Birds:

ACA strongly opposes specifying bird number limits for any property.

A variety of avian species are routinely kept in Victoria and every species has its own management, husbandry, enclosure size and welfare requirements. Many species are best kept as a community, with others kept as bonded pairs. The understanding of their welfare and which applies to each species is best understood by their keepers – NOT BY COUNCIL! Land or enclosure size is an unreliable indicator of noise or odour. Recommended enclosure size varies considerably, along with diet, breeding capacity, and the ability to move excess newly bred birds, making the restriction of numbers extremely unwise.

Small mammals:

Imposed limits on the permitted number of rats, mice, rabbits, ferrets and guinea pigs which may be kept by an individual on their property are unrealistic. Many of these animals are colony animals, and it is important for their health and well-being to be kept in larger numbers than your policy imposes. In addition the policy goes against scientific research (*Short Communication: Rats Demand For Group Size - Journal of Applied Animal Welfare Science 7 (4) 267-272 – 2004*) into ideal colony numbers for rats, which have demonstrated that the numbers in your policy are not compatible with the fulfillment of basic social needs and high welfare standards. As companion animals allowing more appropriate colony sizes poses no threat to community, health or animal welfare.

Rats, mice, rabbits, ferrets and guinea pigs are primarily indoor pets and invariably kept in small enclosures. These animals do not exhibit extreme noise, are not intrusive and are free of the diseases and pathogens that often plague their wild counter parts. In fact they pose no health problem to their owners and are renowned for keeping themselves well groomed. For the Club registered breeding community the proposed limitations are also unrealistic, especially given the average litter size for some of these species is larger than the proposed limit suggesting that these proposals have not taken into account the biology and needs of some species. Additionally, due to their short life-spans it is vital that several adult pairs be kept at any given time to ensure that the quality of the gene pool is maintained – without allowing owners to keep 'breeders' the health of the species will invariably suffer. Owners of these smaller pets work to improve the quality of the animal in health and temperament and the Clubs mentioned above have policies for registered breeders who are bound by their published Code of Ethics and Code of Practice along with provisions provided with the current Prevention of Cruelty to Animals Act.

Horses and livestock:

The restriction of livestock to properties less than 4000sqm is unrealistic for the size of the property. The policy does not take into account the management system of the animals, the type of property (whether the land is cleared and level, or bush and steep, or contains waterways), and the welfare needs of the

animals. The keeping of animals on a property should focus on how the animals are managed and whether the animals are managed in a way that improves the land or degrades it.

A property that is properly set up with equicentral, cell grazing or other rational grazing systems can support many more animals in higher welfare conditions, than poorly maintained land with set stocking of only 2 animals. Proper grazing management also protects properties against fire, and limiting numbers of animals will lead to higher fuel loads and neglect of harder to manage areas, as land owners' focus on the easier and cheaper to manage areas. This comes to the detriment of native species in the area, as well the human inhabitants and their horses and livestock.

Horses and livestock are herd animals, and should be kept in groups of more than 2 to meet their welfare needs and herd dynamics. Not doing so will create welfare issues for the animals in your shire.

The policy only serves to punish good land managers, and negatively affect the welfare of their animals, and the productivity and appearance of their land. At worst it is discrimination of small acreage owners, preventing them from following proven farming principles utilising grazing behaviours of horses and livestock to properly manage their grazing lands.

Quality rural fringes are diminishing and poor acreage property planning such as these proposed animal numbers is contributing to the degradation and misuse of land, further feeding the perception that animals are to blame for the loss of land quality. This is a misconception, and can be rectified with education - of councils as well as of land owners.

Instead of limiting the numbers of horses and livestock to unrealistically, unhealthy and poor welfare standards, council could invest in property management programs and workshops for acreage owners in the Shire. Courses that educate those who are new to the rural lifestyle on how to manage small acreage with animals, identify grass species and weeds, how to protect waterways and natural resources, and preserve native animal habitats on their land has been hugely successful in NSW and Victoria, with little to no cost to participants. These programs are easy to run, and encourage land owners to see the value of their investment, and take pride in looking after the land and their animals to a high standard. This benefits everyone in the shire, not just those that live there, but for tourism as well.

Annexure 2.



About Animal Care Australia

Animal Care Australia is a national incorporated association established to lobby 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 or ACA 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.

Mission Statement

Animal Care Australia (ACA) is the Peak Animal Welfare Body representing the keepers and breeders of animals in Australia as pets and companions.

Objects

- To represent Animal Care Groups as the peak animal welfare body
- To engage and advise Government and legislators on welfare issues relating to pets and companion animals.
- To protect the rights of ethical hobbyists & animal keepers to breed and keep pets and companion animals.
- To clarify the difference between animal rights and animal welfare
- To promote higher Animal welfare outcomes