



“Animal Welfare by the experts – those who keep, care for and breed animals.”

www.animalcareaustralia.org.au

28th October, 2021

To whom it may concern,

RE: Townsville City Council (TCC) Draft Local Law 2 and Draft Subordinate Local Law 2

Animal Care Australia (ACA) 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.

ACA is currently recognised by the **Department of Agriculture & Fisheries QLD** as a key stakeholder in their Review of the Animal Care and Protection Act 2001 and its associated regulations. ACA will be directly consulting and advising during that review, including revising Codes of Practice for the keeping of all pets.

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.

It is apparent by the level of restrictions that Council has NOT sought out expert consultation from species experts. 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, such as dog breed clubs or bird clubs.

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.

ACA does not agree with imposing blanket limits on numbers of animals that can be kept especially when based solely on land size such as is specified in the Changes to Local Law 2 tables.

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.

In addition, ACA seeks further explanation on the details of the training and expertise of Council's Officers responsible for ensuring compliance with the Animal Management Policy. The Policy covers a variety of species which require very specific skill sets – one's ACA seriously doubts are employed within Council.

In relation to the use of a survey for the purpose of consultation, ACA recognizes the ease this provides for Council, however ACA has opted to respond in writing to ensure our views are not lost within the statistical reporting process of a survey and in doing so providing inaccurate feedback. Surveys tend to be leading in their questioning and misleading in their statistical outcomes.

For species specific concerns please refer to Annexure 1 for our comments.

Recommendation:

(a) Delete the words “how many” from *Draft LL2* section 2(2)(a)

(b) Add the following as an additional purpose to *Draft LL2* as section 2(4).

“Townsville 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!

ACA strongly recommends the removal of restrictions on birds and horses/livestock and instead implementing an open policy with an appropriate caveat that indicates numbers may be restricted or require permitting if a resident is found to continue to have animals in such numbers, or situations that create a public health concern, smell, or excessive/continual noise complaints in the same way many other Councils have.

ACA finds it indefensible that Council would utilise a permit system that is implemented on an unrealistic selection of numbers, that have not been satisfactorily consulted on with the experts/major stakeholders, and has no correlation with improving animal welfare. ACA sees this as Council profiteering off the rights of residents to keep pets.

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

It should be noted that ACA will be making this submission public and is prepared to follow the outcome of this draft Animal Management Plan.

With recent changes to strata laws permitting the keeping of pets it is astounding to see a Council moving in a backwards direction and placing further restrictions on the keeping of pets.

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.

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

Kind regards,



Michael Donnelly
President
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Annexure 1

Dogs and Cats:

ACA is astounded at Council reducing the number of dogs allowed with council approval. There is no logical animal welfare basis for this decision.

Councils previous maximum of 4 dogs for land sizes up to 1000m² was barely acceptable. The reduction to 3 is simply beyond understanding. The removal of breeding permits for residential properties again holds no animal welfare grounds.

Even more astounding is the restriction of 3 dogs or more for land sizes greater than 1000m² without having to be classified as a kennel.

This policy blatantly reeks of animal rights ideology and has not no substantive animal welfare grounds. No breeder permits on residential properties is not going to be good for registered breeders

It beggars belief as to why a resident cannot keep cats without council approval? Perhaps Council would be respectable enough to respond to us on this?

Section 2

- Outlawing breeding in residential areas with the justification that Council don't want backyard breeders is ridiculous. Further concessions for registered breeders need apply. These restrictions are not welfare based and just end up pushing people underground, creating further animal welfare issues.
- Seizures may be undertaken. What happens to the animals once they are seized?

Section 26 of the local laws

(4) The authorised person may— (a) give the owner or responsible person for the animal a notice of impounding; or (b) make a rehoming order for the animal under section 30A; or (c) make a destruction order for the animal under section 30

ACA Holds great concern that an Animal Management Officer can make a destruction order without expert advice.

Section 30 Destruction Orders:

(1) An authorised person may make an order (a destruction order) stating the person proposes to destroy an animal 14 days after the order is served.

(2) A destruction order may only be made in 1 or more of the following circumstances—

- (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
- (b) the animal is a declared dangerous animal and was found wandering at large; or
- (c) the animal has been seized more than 3 times during a 12 month period; or
- (d) the animal has been identified wandering at large more than 3 times during a 12 month period (whether or not the identification led to the seizure of the animal or the prosecution of a responsible person for the animal under this local law).

The euthanising of an animal based solely on the fact it has escaped a property more than 3 times is criminal. There is no welfare basis for this, and it appears to be solely driven by Council wanting to keep its shelters empty and free of financial burden. The concept of a shelter/pound is to find a suitable home for such animals. ACA 'could' agree that the animal should not be returned to an irresponsible owner if that owner was to be found to have made no effort to contain the escaping animal. To euthanise the animal and punish it for the actions (or lack) of by its owner is abhorrent and in no way an appropriate welfare response.

Circumstances in which keeping of animal or animals requires approval:

Dog

- (a) 3 dogs over the age of 3 months on any allotment.
- (b) 1 or 2 dogs over the age of 3 months on multi-residential premises.
- (c) 1 or 2 dogs over the age of 3 months on an allotment with an area less than 400m²
- (d) the operation of a kennel.

These numbers will achieve nothing more than promote bad breeding. They allow anyone with 2 dogs to do what they want while restricting registered breeders who are trying to maintain gene pools, and who follow higher welfare codes of ethics.

Horses and livestock:

The inclusion of buffalo and camels within the same table (category) as horses, mules and donkeys simply highlights Council's lack of expertise and consultation.

The land size requirement for these species is vastly different.

The limited number of just 2 animals permitted is unrealistic for properties 4,000 m² or greater.

The draft laws do 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 number of animals is simply irrelevant, it is really about how the property is 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 as 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. The numbers in columns 3 and 4 should be multiplied by 3 to be realistic and best practice for welfare. Not doing so will create new welfare issues for the animals in your shire.

The draft laws proposed only serve 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.

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

Birds:

The proposal relating to the keeping of birds is the most outrageous of all. Clearly no one has been consulted on bird numbers and most importantly bird welfare.

Restrictions based on numbers of birds are archaic and reflective of animal rights ideologies. Birds come in a range of sizes and temperaments, many are flock species, there is a broad range of alternative and legitimate management and housing systems and numerous other factors. For birds, where hundreds of different species are being regulated, numbers are simple for legislators but inappropriate for ensuring sound animal welfare standards.

ACA strongly recommends Council excludes the restriction of birds when the resident is keeping their birds in compliance with the Queensland Department of Agriculture and Science (DAS) *Code of Practice—Aviculture* under the *Nature Conservation Act 1992 s.174A*.

https://environment.des.qld.gov.au/_data/assets/pdf_file/0032/89690/cp-wm-aviculture.pdf

ACA encourages council to refer residents to the DAS *Code of Practice—Aviculture*. If numbers are to be restricted, then doing so according to this code has legitimacy. Council may like to consider Logan City Council's approach, which is based on the DAS code - <https://www.logan.qld.gov.au/aviary-birds>.

ACA supports the recommendations made by the Canary and Cage Bird Federation of Australia (CCBFA) and Thuringowa Bird Club Inc. Both of these organisations are members of ACA. Further consultation with CCBFA is strongly encouraged should Council find it is not willing to remove the restrictions on avian species.

The restrictions on Poultry again are surprising given the recent resurgence nationally of people keeping a few hens in their backyard as pets and for organic eggs for the home. The keeping of up to 6 hens on land areas less than 1000 sqm should be permitted without approval and larger numbers with approval. Roosters to require approval for lots less than 1000 sqm. Restriction of numbers for lots greater than 1000 sqm are not supported as these lots can accommodate poultry hobbyists well and current nuisance laws with regard to noise, odour, vermin, etc. are sufficient to ensure neighbour amenity is maintained should any problems occur.

Should Townsville City Council wish to persist with numbers based on various land areas rather than as specified above ACA requests Council convene a meeting with us to enable our species representatives to directly address Council and provide a more concise position.