



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

www.animalcareaustralia.org.au

17th April 2022

To whom it may concern,

RE: Bayside City Council -Draft Domestic Animal Management Plan 2022-26

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 **Agriculture Victoria** as a key stakeholder in the review of Animal Welfare Victoria’s Animal Welfare Action Plan and its associated regulations. ACA is 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, bird clubs or small mammal 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 ideological theories. Animal restrictions for many species actually creates animal welfare concerns.

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 Council’s Neighbourhood Amenity Laws. 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.

ACA’s primary objective is ‘education over regulation’ and accordingly, ACA commends Council on the education measures outlined in your Draft Domestic Animal Management Plan 2022-2026. (Section 3 pgs 16-17)

Section 3.2 – Order 5

ACA questions the validity of and purpose of restricting the number of dogs under an owners control in a reserve, public place or designated area to four dogs. This surely restricts proprietors of dog walking businesses?

ACA also has concerns with the following sections of Councils Neighbourhood Amenity Laws:

Section 25 (1) Table of Keeping Animal – restricted numbers

Council's lack of knowledge about different species is highlighted by the ambiguity of terms within the table such as, 'and the like' as well as 'noisy birds'. Nearly all birds make a noise – this ambiguity provides an open slather for complaints against a bird owner as well as contravening standards of care and animal welfare.

Does the exclusion of pet rats indicate Council believes these animals are exotic?

Section 67 (11) allow any animal (other than a dog) of which he or she is in charge to be present in the municipal reserve; (without a permit)

ACA strongly objects to this clause. People with animals other than dogs should (within reason) be allowed to exercise their animals in municipal reserves. If dogs are allowed, all pets should be allowed under the same conditions (on leash, clean up excrement, etc). Many people are now being encouraged to walk their cats (on lead) especially given imposed restrictions on the freedom of cats in local Shires.

Section 86 (4) as soon as possible after impounding, the Authorised Officer or Delegated Officer must, if practicable, serve a notice in writing on the owner or person responsible for the animal or thing which has been impounded setting out the fees and charges payable and the time by which the thing must be collected

Requiring only a written notice is irresponsible of Council. Notice should be made via telephone call/email (digital correspondence) in the first instance. Reliance on Australia Post to deliver a notice within the announced timeframe is impractical – and in the year 2022 – outdated. This section should be changed. The risk for the life of an animal being euthanised before the owner is notified outweighs any additional workload on the authorised officer to make ALL attempts to contact an owner.

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

Imposing number restrictions IS an animal welfare issue!

ACA strongly recommends the removal of restrictions on birds and small mammals 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 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 the ongoing changes allowing pets in strata 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.

Should Bayside City Council wish to persist with restricting numbers 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.

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

Kind regards,

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive style with a large, looping 'M' and a long, sweeping underline.

Michael Donnelly
President
0400 323 843

Annexure 1

Dogs and Cats:

ACA is astounded at Council restricting the number of dogs and cats allowed to just 2 without council approval. There is no logical animal welfare basis for this decision.

This policy blatantly reeks of animal rights ideology and has not no substantive animal welfare grounds.

Perhaps Council would be respectable enough to respond to us on this?

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 Agriculture Victoria's *Code of Practice—Housing of Caged Birds*.

<https://ablis.business.gov.au/service/vic/code-of-practice-for-the-housing-of-caged-birds/24198>

ACA encourages council to refer residents to the *Code of Practice- Housing of Caged Birds*. 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 a similar code - <https://www.logan.qld.gov.au/aviary-birds>.

Council's restrictions are not supported as your residents would be hobbyists and current nuisance laws with regard to noise, odour, vermin, etc. are sufficient to ensure neighbour amenity is maintained should any problems occur.

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 counterparts. 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 Animal Welfare Act.