

25th March 2023

Moreton Bay Council
Local Law Reviews team
E: local.laws@moretonbay.qld.gov.au

To whom it may concern,

RE: Moreton Bay Regional Council -Review of Animal Management Local Law

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 and Fisheries** as a key stakeholder in the review of Queensland’s Animal Care and Protection Act and its associated regulations. ACA is directly consulting and advising during that review, including the future revision of 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.

ACA is engaged with state governments to develop more appropriate model Local Laws and model Subordinate Local Laws governing the keeping of animals in each state. Nationally, ACA is finding Local Councils placing restrictions and permit requirements on their residents which do nothing to improve animal welfare and tend to lead to greater non-compliance.

To this end, ACA would like to make a recommendation that the following statement be included in the opening section of your Animal Management Local Law:

“Moreton Bay Regional 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.”

In reviewing the proposed amendments ACA would like to raise the following points of concern and suggested recommendations:

General comments: In relation to **Animal Management Subordinate Local Law 2023** –

Schedule 1 (1) The prohibitions, restrictions and requirements for approval for the keeping of animals do not apply to the following categories of animals—

(d) animals kept by an animal carer; or

What is the difference between a foster carer having unlimited animals in their care and responsible breeders? Why is one restricted when the other is not?

This is clear discrimination against breeders and is not animal welfare based.

ACA also questions how foster carers are inspected and policed, as this is not clear to us? We trust Council is aware of ideologically based biases and discrimination?

Schedule 1 (2) Despite Schedule 2—

(a) a recognised animal breeder may obtain approval to keep a maximum of 6 cats or 6 dogs on any premises or allotment.

ACA strongly recommends this is based on land size and not solely on numbers. There needs to be availability for larger numbers for the purpose of facilities. This also contradicts the table in which it states: '10,001m2 and over can at a maximum have 6 cats and 6 dogs' So which is it? This requires clearer clarification.

(2) (b) a person may obtain an approval to keep an animal or animals on a permanent or temporary basis in exceptional circumstances.

ACA applauds Council for this clause and reminds Council that one of the conditions for temporary or exceptional circumstance must be the return of a cat or dog to a member of a Breeding Association, due to the new owner needing to surrender it. Breeding Associations require their members to accept previously sold animals back. Council number restrictions inhibit this from occurring only resulting in more abandoned or surrendered animals at Council shelters and pounds or other rescue organisations. Providing members of Breeding Associations with the opportunity to rehome these animals is paramount to stronger animal welfare outcomes.

Division 2 – Part 11 - Minimum standards for keeping dogs - Authorising Local Law s 42(1)

If a koala is on land where a dog is kept or to which a dog has access, the responsible person for the dog must—

(a) tether the dog to prevent it from attacking a koala until the koala has left the land; and

ACA applauds this clause however we do have concerns with the lack of inclusion of a minimum length of tether as well as the requirement of access to water while tethered.

Comments in relation to **Animal Management Local Law:**

Section 7 - Keeping of animals.

This section defines what it means to 'keep' an animal. Previously this was keeping the animal for a period of 30 days, however this has been reduced to 14 days to:"

This reduction in time is highly impractical.

Does this mean someone caring for a pet for an owner who is on holiday or in hospital for longer than 14 days must register that pet? Should that not be included in the reasons additional animals can be approved without discrimination?

Section 20 - Effect of failure to decide application on time.

The local government is taken to have refused an application if the local government fails to decide a properly made application in accordance with—

(a) Section 16(2); or

(b) Section 17(5).

This section provides that if an application is not decided by Council in the timeframe specified in sections 16 and 17 of the Local Law, or such further period as agreed to by the applicant, the application is taken to be refused. This means that an applicant cannot keep the animal in the absence of Council's approval, even if the time in which the decision should have been made has passed. This ensures that, in relevant circumstances, animals cannot be kept unless Council has properly assessed an application. If a decision is taken to be refused because Council did not decide in time, the applicant will need to re-apply. Where an applicant reapplies, the timeframes for deciding an application will recommence.

Under the above condition, if Council doesn't get around to deciding or even dealing with an application, it will be deemed as a refusal, and the applicant will be subject to resubmitting (for another non-refundable fee).

This is absurd. Council MUST ensure that ALL applications made are dealt with properly and within a reasonable timeframe. Residents should not be penalised because Council has the inability to meet a specific deadline!

Section 62 - Immediate return of animal seized wandering at large

This section retains section 23 of the 2011 Animal Management Local Law, which provides that an authorised person may return an animal (including a dog) that has been seized for wandering at large, if they know or can readily find out the details of the owner. This provides Council officers with discretion in deciding whether to impound the animal, or whether it is more appropriate in the circumstances to immediately return the animal to its owner.

Returning the animal immediately should be the default, not the discretion of council officers. Officers should have to provide a good reason why an animal is NOT being immediately returned to the owner.

Section 82 - Attempts to commit offences.

This section provides that a person who attempts to commit an offence under this Local Law commits an offence. This means that even if the attempt is not successful, the person has still committed the offence of 'attempt'. For example, if a person parked in a public carpark at the beach attempts to remove the leash from their dog to let it run down to the beach, but an authorised person intervenes before the dog is released, the person may be penalised under this section for attempting to commit the offence of failing to have an animal under effective control in a public place.

ACA TOTALLY OPPOSES THE ABOVE: People cannot and should not be fined for thought crimes!

Council officers cannot and should not be mind-readers. Who and how can they preempt a person's thoughts prior to an offence being committed. While the example provided in the explanatory notes 'seems reasonable the issuing of fines for offences not actually committed is just revenue raising.

ACA notes the inclusion of the potential breach of Human Rights in the Explanatory Notes provided by Council and we believe the Section above does indeed breach Human Rights. That is:

(3) Right not to be punished more than once.

If this Section is permitted to continue into Law, then there are offences within that could potentially have an additional fine for a "thought crime".

Section 65 - Requirements for reclaiming an impounded animal.

This section sets out what an owner of an animal must do to reclaim an animal that has been impounded. An animal may be reclaimed within the prescribed period under this Local Law. For animals registered with Council, this is 5 business days. For animals not registered with Council, it is 3 business days. All the requirements set out in this section must be complied with (if applicable) before an animal can be reclaimed. This includes, for example, paying a cost recovery fee for the costs associated with Council impounding the animal (as set out in Council's fees and charges schedule), paying outstanding registration fees, or complying with a compliance notice that has previously been issued by Council in relation to the animal under section 86 or section 87 of this Local Law

ACA opposes the 3 business day timeline for non-registered animals. These timeframes do not align with those in NSW which has 7 days for unchipped/unregistered animals, and 14 days for chipped/registered animals. ACA finds NSW to be a much fairer timeframe for owners to find and collect

their lost animals particularly when people are still being hospitalized for lengthy periods of time due to Covid19 etc.

It can often take more than 3 days for family and friends to be notified of the need to go and check on another animal's welfare, realise the animal has escaped and then confidently contact Council.

Greater empathy and patience needs to be enacted by Council especially when you could be destroying a loved member of the family. This empathy should be forthcoming regardless of whether the animal has been registered or not.

Species Specific comments:

Restrictions on the number of dogs or cats permitted on a property.

ACA questions the 'logic' in someone being able to have 6 dogs AND 6 cats (12 animals in total) on an allotment size greater than 10,000m², but they cannot have 7 of one species and 5 of the other still equaling 12, or 12 of either species?

This is irrational especially where the animals in question are not being used for breeding, are desexed, and contained effectively in a way that doesn't cause a nuisance to neighbouring properties.

COLUMN 1 Animal	COLUMN 2 Nature of premises and size of allotment	COLUMN 3 Maximum number that may be kept <u>without an approval</u> granted under this Local Law	COLUMN 4 Maximum number of animals that may be kept <u>with an approval</u> granted under this Local Law (in addition to the animals that can be kept under Column 3)	COLUMN 5 Circumstances where the keeping of animal or animals is prohibited.
<i>Cats and dogs (other than regulated dogs)</i>	Per site in a caravan park or camping ground	0.	No cats or dogs can ordinarily be approved.	1 A person must not keep 7 or more dogs on any allotment.
	Per site in a relocatable home park	1 cat or 1 dog with written permission from the park owner.	No further cats or dogs can ordinarily be approved.	2 A person must not keep 7 or more cats on any allotment.
	Per dwelling in a multi-dwelling complex (any size)	2 of any combination with written permission from the body corporate, i.e. - 1 cat and 1 dog; or - 2 cats; or - 2 dogs.	No further cats or dogs can ordinarily be approved.	3 A person must not keep 3 or more regulated dogs on any allotment.
	0m ² - 599m ²	2 cats or dogs of any combination, i.e. - 1 cat and 1 dog; or - 2 cats; or - 2 dogs.	No further cats or dogs can ordinarily be approved.	4 A person must not keep any cat or any dog to a vacant allotment. 5 A person must not keep a restricted dog.
	600m ² - 3,000m ²	2 cats and 2 dogs	1 cat and 1 dog.	
	3,001m ² - 10,000m ²	2 cats and 2 dogs	2 cats and 2 dogs.	
	10,001m ² and over	4 cats and 4 dogs	2 cats and 2 dogs.	

ACA notes this illogical approach to number restrictions applies throughout for all species.

Additionally, restrictions of permitting only one animal at a time such as cats and horses in your amendments is not good animal welfare and ACA oppose these proposals.

Birds – Aviary, Fowl and others

ACA does not support the current amendments for bird numbers or permits and to that end, we highlight the following in relation to Councils amendments for birds:

ACA also strongly cautions against specifying bird restrictions based on numbers per sq m of floorspace alone, as they are not in the best interest of animal welfare, in particular birds that come in a range of sizes, temperaments and varying requirements. Many are flock species that require a broad range of alternative and legitimate management and housing systems and numerous other factors.

ACA strongly recommends Council excludes all regulation of birds where 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

Council should be referring residents to the DAS Code of Practice—Aviculture rather than introducing the proposed amendments.

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>.

Cats:

Restrictions to just one cat are not supported by ACA, with a recommended change to 2 cats where 1 is currently proposed. Cats are social animals, and the idea that cats are solitary animals is incorrect and not in the interests of higher welfare for cats. Cats should have a friend, especially if they are to be contained to the owner's home or property.

Dogs:

Caps on the numbers of dogs is irresponsible. Having only dogs on a residential block, regardless of the breed (i.e.: size) is clearly an uneducated view. There are no animal welfare justifications to this restriction. Proof of this sits within your own requirements. If a registered breeder can have up to 6 large breed dogs on a residential sized block, then why are all other owners restricted to only 2 dogs (or cats) – especially small breed dogs.

The proposed subordinate legislation states that a recognised animal breeder may seek approval to have up to 6 animals, but the fee schedule regarding approval applications does not specify whether the \$353.00 fee is per animal or covers up to the maximum number of 6 animals to be approved. This needs clarifying.

Horses, ponies and donkeys

The same applies to horses. The maximum number of horses, ponies, donkeys or miniature horses should be increased from 1 per 4000m² to 1 per 3000m². Council has currently set the minimum land size for 1 horse at 6000m², however only one horse would be permitted.

This is a serious welfare issue, as horses are herd animals and absolutely cannot be kept alone. If Council is prepared to allow horses (particularly smaller breeds) on 6000m², then the per horse number should be brought to 3000m², so that 2 horses can be kept in those properties. ACA sees no difference in keeping 2 horses on 6000m² when Council is permitting 2 cows on the same land size.

The current 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 affects 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 landowners.

Instead of limiting the numbers of horses and livestock to unrealistic, 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.

Small mammals – mice, rats or guinea pigs

ACA find the table of permitted numbers confusing and the number restrictions have been clearly determined without any knowledge of the species in question.

The use of allotment sizes in relation to these particular species is absurd. Mice and guinea pigs vary in size difference and the limitation of these to the same square metre has clearly not been taken into account.

How is the size of an allotment relevant to keeping animals that weigh between 10grams and 1kg?

Additionally why are no greater than 10 animals able to be kept? If Council insists on using allotment size why is not possible to keep more animals in larger allotments?

AGAIN: Clearly a decision on bias or uneducated views and not animal welfare!

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, 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 for 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 these 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 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 Care & Protection Act.

In closing:

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 as these theories are animal rights based. 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 the 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 relation to the use of a survey for the purpose of consultation, ACA recognises 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 always commend Council's wherever they seek to further the education of their residents.

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, that being 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 the 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 given the apparent strong animal rights influence on Council Policy, ACA will be making this submission public and is prepared to follow the outcome of this draft Animal Management Local Law.

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 Moreton Bay Regional 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, stylized 'M' and a long, sweeping underline.

Michael Donnelly
President
0400 323 843