

25th May 2023

Snowy Valleys Council
Local Law Reviews Team
E: info@svc.nsw.gov.au

To whom it may concern,

RE: Draft Companion and Non-Companion Animals Policy

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.

Animal Care Australia is currently recognised by the **NSW Department of Primary Industries and the NSW Office of Local Government** as a key stakeholder in the review of NSW’s Animal Welfare Act (nee: POCTAA) and the review of the Companion Animals Pet Registry. Animal Care Australia is directly consulting and advising during both reviews, including the future revision of Regulations and Codes of Practice for the keeping of all pets.

Animal Care Australia 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.

Animal Care Australia 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, Animal Care Australia 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, Animal Care Australia would like to recommend that the following statement be included in the objective of your Policy:

“Snowy Valleys Council acknowledges the importance animals play in 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 Animal Care Australia would like to raise the following points of concern and suggested recommendations:

General comments:

The Draft Policy aims to provide guidance to compliance officers when considering issuing orders under Section 124 Order 18 of the Local Government Act 19931.

Animal Care Australia notes Snowy Valley Council does not have a policy expanding upon Order 18 relating to a number of non-companion animal species. Given the details of the Non-Companion Animal parts of Council’s Draft Policy are new, this will have a major impact on many animal keepers (including our members) who reside within the Shire.

Therefore, **Animal Care Australia strongly recommends Council invest in and implement extensive education of its residents prior to permitting its enforcement/compliance officers to commence regulating.**

This should include extensive communication and consultation with residents and other stakeholders in order to ensure support and ongoing compliance.

Sections 129-135 of the Local Government Act 1993 details procedures that must be observed. before giving orders. These sections have not been given due attention in the Draft Policy apart from some consideration in 14.12 to 14.17 of the Draft Policy under 14. Pigeons.

Accordingly, **Animal Care Australia recommends an additional clause is included that applies to all of Part 2 of the Draft Policy. The additional clause to read as:**

“On receipt of a complaint, prior to orders being made Snowy Valleys Council will advise the owner or occupier of the details of the complaint and advise their rights to respond, to be represented and have their case heard under Sections 132-135 of the Local Government Act 1993.”

Persons who have complied with State and Council regulations on pet keeping should not be forced to “dispose” of pets they have legally, and responsibly owned up to this point. NSW is currently experiencing a surge in surrendered pets due to the end of lockdowns and the cost-of-living crisis and Council must not be contributing to the problem. People who have the time, space, and funds to care for multiple pets should be encouraged to do so and supported by Council.

Therefore, grandfather clauses must be included within the Policy. Animal Care Australia recommends the insertion of the following:

Cats:

Insert at end of 1.1 Automatic exemptions apply to those who already have more than 3 cats registered with council.

and,

Dogs:

Insert at end of 2.2. Automatic exemptions apply to those who already have more than 3 dogs registered with council.

Species Specific comments:

Restrictions on the number of animals on a property is not supported by Animal Care Australia without full consideration of the animal welfare impacts on the individual species, particularly on land great than 1 acre.

Animal Care Australia questions the validity of the proposed number restrictions and the method of ascertaining specific numbers for each species. There appears to be no logic to the methodology in this circumstance and this applies throughout a number of species.

Birds – Aviary, Fowl, and others

Animal Care Australia supports the recommendation made by the Canary & Caged Bird Federation of Australia (a member organisation) and emphasise the following comments relating to the keeping of birds and poultry:

1. The *NSW Code of Practice No 4 - Keeping and Trading of Birds* is not designed to be a set of enforceable standards, rather it is intended as a set of recommendations - general guidance for bird keepers. It is a specified Code for animal trades classified as Pet Shops in Schedule 1 of the Prevention of Cruelty to Animals Regulation 20125, for other legal purposes, compliance with the code can be used as a defence to charges.
2. 10.1, 10.2, 10.3 and 10.8 are open to interpretation. Council may not be aware of the vast range of avian species present in aviculture (over 400 species) and the broad range of aviaries available to be purchased or constructed, as well as the varying manners to ensure rodent prevention

procedures. **Animal Care Australia has concerns as to how these clauses could be utilised by compliance when considering complaints.**

3. The (SEPP) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – Reg 2.86 specifies the development standards for aviaries, including zones, permitted size and number of aviaries that can be constructed without the need for development approval. Animal Care Australia therefore recommends **Council delete 10.9 – 10.12 of your Policy and replace them with a reference to the standards in Reg 2.8 of the SEPP. A note stating that aviaries constructed outside Reg 2.8 may require council approval would then replace 10.7 and 10.12.**
4. Animal Care Australia questions the limitations on Poultry provided within clause 15.12 (table) not permitting the keeping of ducks, geese, turkeys, swans, or peacock/peahen. Regulations Schedule2, part 5, division 2 clearly outlines how poultry may be kept and yet Council then restricts the species to just chickens, pheasants, and quail. Animal Care Australia must question why other poultry are not permitted on land greater than 1 acre if the standards within the Regulations are being met?
5. Additionally, with applied permission Council allows the keeping of a rooster within the breeding season.
 - a. Is Council aware most chicken species can breed 9-10 months of the year, while some will breed all year if housed appropriately?
 - b. If a rooster can be permitted, then why can't the other before-mentioned poultry when they make no more or less noise than a rooster?

Cats:

Restrictions to just three cats without a permit are not supported by Animal Care Australia, particularly if they must be contained to the property. Unlike some other States/territories, there is no current legislation restricting the number of cats/dogs permitted without Council approval.

Animal Care Australia OBJECTS to: Clause 1.11 Breeding of cats for sale/profit is considered to be an industry. This assumption is absurd.

Is Council suggesting an accidental litter that is then sold would require the resident to have a development application for its two indoor living cats?

This section needs to be reworded and the implication that breeding an animal MUST BE profit driven removed.

Dogs:

Restrictions to just three dogs without a permit are not supported by Animal Care Australia. Unlike some other States/territories, there is no current legislation restricting the number of cats/dogs permitted without Council approval.

Again, the breeding of dogs requiring Council approval and development applications is not supported in the manner the Draft Policy requires. The provision of suitable housing etc is already protected and enforceable by the Prevention of Cruelty to Animals Act. Council should not be placing extra requirements as a means of revenue raising.

4.2 Restricted breeds including the; American pit bull terrier, Pit bull terrier, Japanese Tosa, Argentinean fighting dogs, Brazilian fighting dogs; must comply with the requirements of the Companion Animals Act 1998.

4.3 If an authorised officer of a Council is of the opinion that a dog:

4.3.1 Is of a breed or kind of dog referred to above or,

4.3.2 Is a cross breed of any such breed or kind of dog.

4.3 – “is of the opinion” is ambiguous and open to personal bias or misuse. Animal Care Australia strongly recommends this clause be re-worded.

4.3.2 is poorly worded. While Animal Care Australia understand what this clause is meaning to imply, the adaptation by an over-zealous compliance officer could be devastating.

Animal Care Australia strongly suggests the clauses are re-worded to read:

4.3 If an authorised officer of a Council can provide proof that a dog:

4.3.2 Is a breed consisting of a mix or cross of a restricted breed as listed in the Companion Animals Act 1998.

Horses, ponies, and donkeys

8. Horses and cattle

Insert at end of 8.1: excluding stables, camp outs, and huts with accommodation attached to horse keeping yards or enclosures.

It is not unusual for private stables and high-country accommodation to have horse keeping facilities within 9m of the accommodation. Moving the animals further away from overnight supervision by their carers is inappropriate. Many of these accommodations pre-date the existence of Snowy Valleys Council and should be expressly excluded.

12. Goats

Delete 12.4 Goats are only permitted to be kept on land where suitable grazing exists.

Goats are browsing animals, not grazers, and providing them with grazing land is completely irrelevant to the species. This clause could be interpreted to suggest that goats must not receive supplementary feed and should survive solely off the land itself, which is inappropriate and neglectful welfare advice.

This clause is a direct breach of Prevention of Cruelty to Animals Act 1979 - Part 2 - 8.1: “A person in charge of an animal shall not fail to provide the animal with food, drink or shelter, or any of them, which, in each case, is proper and sufficient and which it is reasonably practicable in the circumstances for the person to provide.”

Goat owners will always provide appropriate supplementary feed to their animals, and this should not be interfered with. **Clause 12.4 must be deleted.**

Goats are herd animals whose welfare needs are not met when kept alone or in very small numbers. While 3 goats on 1 acre of land is acceptable, larger numbers must be permitted on larger land blocks without requiring a permit from Council.

Goat proof fencing is a huge investment for goat owners, as they are notorious escape artists. Low numbers mean these animals are likely to be kept in smaller spaces, as the cost is not justified. More appropriately sized herd numbers on larger acreages will fulfil the welfare needs of the goats’ social structure and provide a higher standard of husbandry as their owners will be more inclined to invest in their species-specific infrastructure.

In closing:

Animal Care Australia 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.

Animal Care Australia 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 create 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 based on 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.

Animal Care Australia's primary objective is 'education over regulation' and always commend Councils wherever they seek to further the education of their residents.

Animal Care Australia has references to support our submission and will be happy to supply them on request. Animal Care Australia offers our expertise to recommend more suitable categories and less restrictive numbers.

Should Snowy Valleys Council wish to clarify any of the feedback provided in this submission, Animal Care Australia welcomes the opportunity to meet with Council to provide a more concise position.

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

Kind regards,



Michael Donnelly
President
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References:

Draft Policy: <https://yourvoice.svc.nsw.gov.au/85682/widgets/404385/documents/258359>

Local Government Act 1993: http://classic.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

Local Government General Regulation 2021: http://classic.austlii.edu.au/au/legis/nsw/consol_reg/lgr2021328/

NSW Code of Practice No4 – Keeping & Trading of Birds: [LINK](#)

NSW Prevention of Cruelty To Animals Act: http://classic.austlii.edu.au/au/legis/nsw/consol_reg/poactar2012451/

State Environmental Planning Policy (Exempt and complying development codes) 2008 - reg 2.8: [LINK](#)