

15<sup>th</sup> September 2023

Wyndham City Council  
E: mail@wyndham.vic.gov.au

**RE: Community Amenity Local Law (CALL) 2023**

Dear Mayor & Councillors,

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 **Animal Welfare Victoria** as a key stakeholder in the review of Victoria’s Animal Welfare Act and its associated regulations. Animal Care Australia is directly consulting and advising during that review, including the future revision of 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. We note Council’s current Community Amenity Local Law 2023 which was approved in September 2023 is no exception to this overreach and over restriction. We implore Council to re-consider its restrictions before it is enacted.

Upon reviewing the recently approved CALL Animal Care Australia has concerns relating to number restrictions on birds and small mammals. To this end, Animal Care Australia would like to make the following statements:

Section 48 severely restricts the ability of residents to keep birds and small mammals and the current restrictions will not only and will impact numerous pet keepers but also animal welfare.

Restrictions placed for the keeping of animals without a permit for 10 small birds and 0 large parrots and only 4 pet rabbit, guinea pig or ferret in freestanding residential housing is simply unrealistic and seriously compromises the animal welfare of these species which are community-species – that is they are naturally colony species.

**Birds – Aviary, Fowl, and others**

Animal Care Australia does not support the current restrictions for bird numbers or permits and strongly cautions against specifying bird restrictions for Freestanding Residential Housing.

Restrictions based on numbers alone 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.

Animal Care Australia also strongly recommends Council excludes all regulation of birds where the resident is keeping their birds in compliance with the Animal Welfare Victoria’s Code of Practice for the Housing of Caged Birds.

<https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/domestic-animals-act/codes-of-practice/code-of-practice-for-the-housing-of-caged-birds>

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

Council may like to consider Logan City Council’s approach, which is based on the Queensland equivalent code - <https://www.logan.qld.gov.au/aviary-birds>

For birds, where hundreds of different species are being regulated, numbers are simple for legislators but inappropriate in terms of regulating neighbourhood amenity and ensuring sound animal welfare standards.

### **Small Mammals:**

#### **Ferrets**

Ferrets have become much loved companion pets and while they do require some care, maintenance and ensuring that they are kept very entertained and occupied when awake, they in fact do not require a lot of space which makes them perfect as 'indoor' pets and are a society species.

Ferrets are far more secure indoors and therefore have no impact on noise, odour, or other issues of neighbourhood amenity.

A restriction of 4 ferrets outdoors is simply not a decision that has been based on animal welfare requirements for this species. Adding further complication to this is Council's restriction of only 2 ferrets indoors.

#### **Guinea Pigs**

These animals are colony animals, and it is important for their health and well-being to be kept in larger numbers than what Council's policy imposes and the numbers in your policy are not compatible with the fulfilment 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.

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 is larger than the proposed limit suggesting that these proposals have not considered the biology and needs of these species. Additionally, due to their short lifespans 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 Welfare Acts.

#### **Rabbits**

Many people that keep rabbits in any residential situation keep them as pets and the majority of pet rabbits are kept as indoor pets for their health and safety. Vaccines do not provide protection against all of the government released rabbit haemorrhagic viruses that are designed to eradicate feral rabbits.

As stated above, for the club registered breeding community the proposed limitations of number of rabbits allowable to be kept is unrealistic.

**Animal Care Australia strongly recommends these issues are quickly resolved noting the difficulty given the CALL has just been passed by Council? Clearly passed without proper consultation with stakeholders that have the expertise and understanding of the appropriate welfare needs of these species.**

Animal Care Australia asks Council to consider Section 162 of the CALL...

*Council or an Authorised Officer, may exempt any person or class of persons from the operation of any provision of this Local Law.*

We recommend Council considers passing a statement to exempt recognised aviculturists and members of small mammal keeping associations. Especially give they are required to keep their animals in accordance with the appropriate Codes of Practice.

Perhaps wording such as: Residents living in a Freestanding Residential House who are a member of a recognised animal keeping Association (or birds and small mammal species) and who operate in compliance with the appropriate Codes of Practice are exempt from the relevant provisions of Section 48 of the Wyndham City Council, Community Amenity Local Law 2023.

This will encourage your residents to join these social clubs and continue to keep their animals under higher welfare standards, as they are continually encouraged to do so.

**Animal welfare is NOT about numbers – it is about the conditions, behaviour, 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.

Animal Care Australia welcomes the opportunity to meeting with Council representatives to further discuss any concerns Council may wish to clarify. Please do not hesitate to make contact if we can assist further.

Kind regards,



Michael Donnelly  
President  
0400 323 843

### **About Animal Care Australia**

As a nationally recognised animal welfare organisation, 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, animals used for educational or entertainment purposes or kept for conservation, and in particular native birds, reptiles, and mammals.

Animal Care Australia was founded in early 2018 to establish an organisation run solely by volunteers to lobby for real animal welfare. With extreme animal rights and animal liberationist ideologies influencing government legislation, regulation, and policy at our expense and to the detriment of our animals and pets, it has become necessary to provide government with a balancing voice.

By uniting the broad spectrum of animal groups, collectively we offer an experienced, sensible approach to animal welfare. We estimate our foundation Animal Care Australia clubs currently represent well over 150,000 members and that is just in NSW alone!

By educating our members and the public about the importance of treating animals with kindness and respect for their needs and promoting the humane treatment of animals to improve animal welfare outcomes, Animal Care Australia is in the unique position of lobbying and advocating for all animals within our care.

Animal Care Australia provides priority to the following:

- consulting government for stronger welfare outcomes
- advocating for government to increase education of the public in animal welfare and best care techniques
- educate the public on handling their animals with kindness & respect and the importance of their needs
- educate the public in the differences between animal welfare and animal rights