

11<sup>th</sup> July 2024

Nillumbik Shire Council  
Community Safety  
E: nillumbik@nillumbik.vic.gov.au

**RE: Domestic Animal Management Plan 2021-2025**

Animal Care Australia is a national incorporated association established to consult with government in advocating 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.

Animal Care Australia DOES NOT SUPPORT the single use of surveys as a means of consultation. It is inappropriate for Council to claim you have consulted when organisations are not actually able to lodge a written submission. Surveys are misleading and provide for irresponsible statistical analysis.

It is vital that Councils support the keeping of all pets within their shires/municipalities and that Councils consult with the appropriate stakeholders when looking to address the many myths or phobias that are expressed by uneducated members of the public, in relation to the keeping of some animals.

Animal Care Australia notes the Domestic Animal Management Plan 2021-2025 (pg 6) states Nillumbik Shire Amenity Local Law was adopted in October 2013 and yet when researching for that Law, your website indicates it has been repealed.

Regardless of this, your consultation document highlights the control of the keeping of other animals. We note a permit is required for:

- More than 2 cats - 3 months of age or older, regardless of property size
- More than 2 dogs - 3 months of age or older, regardless of property size
- More than 5 reptiles or rodents, regardless of property size
- More than 10 large birds, regardless of property size
- More than 25 small birds, regardless of property size
- A rooster, regardless of property size
- More than 24 poultry, regardless of property size

Animal Care Australia acknowledges the Domestic Animals Act requires for restrictions on the numbers of dogs and cats without excess animal permits, and yet Council appears to be ‘short-changing’ its residents on the minimum numbers – or more precisely is attempting to profit off all pet owners by introducing ridiculous number restrictions on all animals.

It is equally noted that the restrictions placed will have animal welfare impacts, particularly for the keeping of rodents and other small mammals – who are community species. Please see Appendix 1 for the animal welfare impacts on these species. The restriction on the keeping of reptiles is overreaching as their keeping is permitted

under the Wildlife Act 1975 and associated regulations and again the supposed numbers are unsubstantiated and, in many cases, would have every reptile keeper in breach of the Local Law each time their reptiles breed.

Animal Care Australia strongly suspects the restrictions on birds, rodents and reptiles have been derived out of bias rather than animal welfare concerns OR any scientifically supported basis.

Animal Care Australia then notes page 16 of your General Local Law<sup>1</sup> 2013 does not include reptiles or rodents in its restrictions and places additional restrictions on the keeping of certain birds. That is quite confusing for any resident who may be seeking to check on their obligations.

The one highlight of this Paper that Animal Care Australia commends Council on, is your approach on repurposing the horse arena for an off-lead dog area when ovals are in use.

We do strongly recommend Council need to be aware of the need to consult properly before implementing policies that are derived from the whims of individuals within Council.

This "consultation" says that the survey only applies to cats and dogs – yet current DAMP and Local Law refers to other species with regard to number caps and requirement of permits for certain activities. Is Council not seeking to review all aspects of the DAMP and only those areas specified in the survey?

If so, then the document is misleading.

If not, then the survey is misleading and will provide for no informed community feedback on other animals besides dogs and cats.

Another point of concern is the Council provision of written and online information for residents and visitors about the rules for owning pets is restricted to selecting only 3 of the suggested topics? All of the suggested topics could/should be provided by Council.

Council could also add instructions and fee schedules for applying for excess animal permits or for DABs, as that information is impossible to find on Council's website, unless you actually go through the application process.

### **Stakeholder Consultation**

*This discussion paper has been referred to the following stakeholders:*

- *including local veterinary practices,*
- *the Australian Veterinary Association (AVA),*
- *Cat Protection Society*
- *Save a Dog Scheme (SADS),*
- *RSPCA*

Animal Care Australia notes the lack of inclusion of actual animal-keeping organisations, including dog and cat associations in the consultation process. This is vital given the proliferation of dog and cat policies.

The Cat Protection Society is a rescue/shelter predominantly guided by animal rights ideology, biased against cat breeders, and therefore should not be providing the 'sole' consultation for cats. Animal Care Australia also notes the absence of any dog or cat keeping associations. This again, is vital given the consideration of greater cat confinement policies.

As a national animal welfare organisation, Animal Care Australia would like to be included in the future as a primary stakeholder for Council on ALL animal welfare and pet related consultations.

### **Cat Management**

Animal Care Australia supports a 24/7 cat containment law, especially given a 12-hour night curfew has been enacted for some time.

This, by now, should have allowed for cats (and their owners) to acclimatise to a change in behaviour.

Animal Care Australia supports cat containment that requires cats to remain on their owner's property at all times as curfews have limited impact on the issues relating to roaming cats unless it is a 24/7 containment.

However, there are some items that need serious consideration and any changes to local animal management laws should provide an avenue for greater consultation and feedback.

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<sup>1</sup> [General Local Law – December 2013](#)

- Animal Care Australia commends Council for phasing in its cat containment legislation. Cats that have been allowed to roam need time to adjust to be confined and it may have detrimental welfare impacts if the cat is not allowed time to become accustomed to the changes.
- Animal Care Australia does have some concern with this policy incentivising some residents to not register their cats in order to 'avoid' this legislation.
- Costs of installing cat runs or other methods are expensive, and this should be taken into consideration in the current cost of living crisis.
- Council should provide assistance for cat owners wishing to construct or instal appropriate containment enclosures. Councils should recognise the need to consult with all residents in their catchment area and to provide assistance with approval processes for the construction of enclosures etc.

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, behaviour, cleanliness, housing, and husbandry that each animal is kept under by the owners – your residents.**

Policies that restrict the keeping of animals based purely on preventing noise, odour or other issues for neighbours are strongly discouraged. Laws are already in place to deal with neighbourhood nuisance issues including matters due to poor animal keeping practices. Restrictions including permit requirements inflict an unnecessary compliance burden on residents and staff which only discourages animal keeping needlessly.

Recently, Banyule City Council conducted surveys as a tool to claim the community had been consulted and upon proposing changes to their dog and cat management policies, received considerable community backlash due to their misuse and ignorance of the actual responses received.

We trust Nillumbik will not follow the same path and conduct proper consultation and review throughout each stage of this new Management Plan.

Animal Care Australia would welcome the opportunity to consult with Council as an animal organisation (in this case a national animal welfare organisation) on all aspects of your Animal Management and in particular educational material promoting and encouraging responsible pet ownership.

Kind regards,



Michael Donnelly  
President  
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## **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.

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:

- advocating for stronger welfare outcomes
- advocating 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

## **Appendix 1: 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 greater than 1 acre – even when zoned as residential.

Animal Care Australia questions the validity of the number restrictions and the method of ascertaining specific numbers for each species.

This does appear to be a case of uneducated, ill-informed, or animal rights influenced persons who have drafted this policy.

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 Community Amenity Local Law is no exception to this overreach and over restriction. We implore Council to re-consider its restrictions as a part of this new Domestic Animal Management Plan.

### **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:**

#### **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.

For the club registered breeding community, the proposed limitations of number of rabbits allowable to be kept is unrealistic.

#### **Rats, Mice and 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.

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 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 Prevention Of Cruelty To Animals Act.