

Canine Welfare Alliance of Australia Inc.

25th April 2018

Mark Warner
Committee Clerk
Standing Committee on Legislation
Parliament House, 4 Harvest Terrace
West Perth WESTERN AUSTRALIA 6005

Dear Mr Warner

RE: Animal Welfare Amendment Bill 2017

Canine Welfare Alliance of Australia is an association which was incorporated in 2012 to address concerns related to legislation and welfare affecting canines around Australia. We are a small group of canine advocates, who have volunteered and worked in the animal welfare industry for many years. We all have a common interest in improving management and outcomes for all animals, with our main focus being dogs.

Our association collaborate with animal management facilities, veterinary clinics and other animal welfare organisations or professionals, to improve the number of adoptions and decrease euthanasia rates of canines around Australia. We also campaign for consistent, progressive and humane welfare management practices for all animals, and support penalties being increased for perpetrators of neglect, abuse and deliberate acts of cruelty against animals. Furthermore we provide a referral, advisory and advocacy services via various mediums for the public and pet owners requiring information, assistance or direction in all areas of animal welfare, behavioural concerns and legislative matters such as council disputes. The last area we focus on is educating the public on responsible pet ownership and minimum standards of care.

Canine Welfare Alliance of Australia Inc. appreciates the opportunity to comment of the proposed Bill.

It is our strongly held view that in order to improve welfare outcomes for all animals and bring Western Australia up to date with current best practice in all animal management industries, legislation reform is called for. Changes to our current laws and regulations, which will introduce national standards and guidelines, and improve chances of successful prosecutions where there is non-compliance, are long over-due. The *Animal Welfare Amendment Bill 2017* will be the opportunity for the State Government to bring the *Animal Welfare Act 2002* in-line with welfare legislation in other states and territories, and implement changes which will be consistent with community expectations.

The framework of the existing legislation is out-dated and focuses solely on acts of cruelty; is limited in its capacity to regulate welfare, care, health and safety; and in many cases fails to protect animals. The current *Animal Welfare Act 2002* lacks depth and is too broad for regulatory authorities to determine what an act of cruelty is, let alone account for the psychological, emotional and social needs of animals. In some sections the Act can be contradictory and confusing which leads to interpretation being difficult.

Current Act is Limited in Capacity to Regulate Welfare, Care, Health and Safety

As an animal welfare organisation, which has members who have been in the forefront of animal rescue in this state for the past decade, we have experienced firsthand how the Act has failed to protect animals. One example was when members of this organisation were attempting to assist an individual who had a mental health disorder which manifested itself in hoarding of animals.

The individual was a registered Veterinarian, who took home lost or injured animals handed into their clinic and pets belonging to people who could not afford surgery. By the time we became aware of the situation, it had reached the point where roughly 200 cats, 60 dogs, 6 rabbits and a number of birds were housed on this individual's property and more at their veterinary clinic. While the animals were provided with adequate shelter, daily food and fresh water, and had received basic vet work such as sterilisation, there were numerous concerns with the conditions in which the animals were forced to live. Conditions which as animal welfare advocates we found unacceptable, but were powerless to change. While the majority of the cats and dogs had most of their basic physical necessities met, the animals were all starved in terms of their social and emotional needs

Some of the dogs housed at the property had spent almost their entire lives in individual kennels with limited human interaction and time outside their kennels. Most were not well socialised with other animals, and although the kennel runs protected them from the elements, they were fed each day and had fresh water, they had very little in the way of bedding and none had toys. Many of the dogs had developed behavioural issues from the stress of the constant confinement and lack of companionship with humans. They essentially had become 'institutionalised' from being confined for so many years and were unable to cope with anything outside that environment.

The cats were divided up into three large enclosures and forced to share these areas with up to 70 other cats. Some of the cats were quite obviously unwell, with ongoing health issues like dental disease that weren't being appropriately treated; many of the long haired cats had matted coats; one cat sharing an outside enclosure was paralysed, so could only drag himself around; and another had lived for years with an open wound under his arm. On a couple of occasions dead cats were found under furniture. Despite receiving assistance to keep the enclosures clean, with that number of cats, the outdoor areas of these pens were used as large sandy toilets, full of faeces and urine.

One the rabbits, was not so lucky. He had a leg that had been broken and was so badly displaced; it faced in the opposite direction to what it should have. The native birds, who should have been euthanased, were forced to live with breaks that had healed awkwardly, in cages which had little in the way of stimulation. The situation was an exceptionally difficult one in terms of enforcing the current legislation, as this individual owned their property in a kennel zone, so restrictions on numbers due to By-Laws couldn't be enforced, and negotiations to improve the environment or rehome some of the animals were often met with hostility, which is common in hoarding cases.

We contacted the RSPCA on several occasions regarding the matter, but were informed they were unable to issue a Notice or Direction, due to the fact the animals for a large part had their five freedoms met and the limitations of the *Animal Welfare Act 2002*, which focuses on cruelty rather than welfare, health and safety. We also contacted the council to regarding the health concerns due to smell from the property, but they didn't feel they were in a position to assist either. In our opinion many of the animals were suffering, and we found it frustrating that under the law, these standards were acceptable. Discussions with the RSPCA, led us to believe they felt the same. We are certain that had the proposed amendments been in place, that the welfare of those animals would have been protected and the RSPCA would have had more power to alleviate the suffering of some of the animals at this property.

Amendments will Simplify the Act

One example of how the Act can be confusing and contradictory, can be found in *Part 2 – Offences Against Animals, Animal Welfare Act (General) Regulations 2003*, in which *Section 3* states:

3. Inhumane devices (s. 19(2)(b))

For the purposes of section 19(2)(b) of the Act, the following devices are prescribed as inhumane —

(a) a device, other than an electric fence, that is designed or modified to deliver an electric shock to an animal;

7. Use of devices — electric shock (s. 29)

For the purposes of section 29 of the Act, it is a defence to a charge under section 19(1) of the Act, committed in circumstances described in section 19(2)(b) of the Act, if the device used is one set out in the Table to this regulation, and the device is used on an animal for the purpose, and in accordance with the conditions, set out next to that device in that Table.

The Table which follows specifically allows for use (defence) of a device which delivers a shock if it is an:

Electric training collar activated by the animal or a person in the course of training an animal. For the purpose of training of animals. Must be used in accordance with the generally accepted method of usage for the type of collar.

At no point in the *Animal Welfare Act 2002*, does the Act describe what a “generally accepted method” is, to use an electric shock on a dog for the purpose of “training”. If methods are those in which a dog is not subjected to injury or pain, or is distressed evidenced by severe abnormal physiological or behavioural reactions, (which is considered by definition of the Act to constitute cruelty and harm), then the Act requires amendment. Research indicates collars which deliver a shock to a dog, cause injury through friction sores and burns; are painful when the shock is delivered; and can lead to emotional distress such as fearful, aggressive, and/or unpredictable behaviour. Therefore using such a device should by definition should be considered cruel. The *Animal Welfare Amendment Bill 2017* will allow for amendments to be made which will result in clearer definitions of what is considered a breach of the Act.

Need for Better Inspection Powers

There is presently no obligation for industry in this state that farm, manage and transport animals to be transparent and accountable. Current legislation does not sufficiently protect animals which are fall under these industries, as businesses are not subjected to complying with any standards enforced by laws. An unreasonable number of companion animals and livestock are suffering because of the system failure to protect their welfare. In some cases companion animals are suffering in kennel and catteries for their entire lives, as there is no legislation which limits the number of years they can be kept in one of those facilities. Livestock are being subjected the cruellest of transport methods and dying in their thousands as a result of lack of regulations regarding live export.

Under the existing Act inspectors have insufficient power to enter non-residential premises and vehicles without notice, unless - there is a reasonable suspicion an offence has taken place; the inspector has a warrant; or they have the approval of the business owner. As a result, private businesses, such as sale yards, feedlots, breeding establishments, farms, transport companies, live export vessels and abattoirs, knackeries and slaughterhouses, can prepare for inspections, even in cases where there are cause to believe breaches of the Act have taken place. The proposed Bill will give inspectors new powers of entry without notice to monitor and ensure compliance with animal welfare legislation, particularly National Standards and Guidelines.

Opportunity to Implement National Standards and Guidelines

In order to have an impact on the welfare outcomes for not only companion animals, but livestock, poultry, circus and racing animals, breeding animals and wildlife, industry leaders must set an example by adopting minimum standards of care, that are reflective of National Standards and Guidelines. The current *Animal Welfare Act (General) Regulations 2003* does not outline national minimum standards and guidelines of care for any species that can be enforced effectively. While the livestock, poultry and farming, circus and racing industry have Codes of Practice, and wildlife rehabilitation industry has suggested standards, these are recommendations only. The companion animal industry falls shorter again, and currently does not have a code of practice for breeding establishments, pet shops, animal management facilities, boarding kennels or catteries, shelters or in-house training facilities.

If the proposed Bill were to be passed it would give state legislators the opportunity to implement national standards and guidelines which would result in the ability for regulators to have a benchmark to measure welfare of animals against. As a nation our views on what is considered humane handling and care has progressed. In the past decade we have learned an incredible amount about the social and emotional needs of all animals, and there is now a greater focus on the well-being of animals as opposed to simply preventing cruelty. Other states and territories are setting welfare milestones for companion animals and livestock by passing legislation which is progressive and will result in a more humane future for all animals. If we don't pass the *Animal Welfare Amendment Bill 2017*, Western Australia will fall even further behind the rest of the nation in our management and care of animals.

Key recommendations

The Canine Welfare Alliance of Australia Inc. recommends:

The Committee endorse that the proposed *Animal Welfare Amendment Bill 2017* be passed in the upper house.

Legislation is drafted by the Western Australian Government to adopt minimum National Standards and Guidelines for all animals that are in-line with current best practice for each species and/or their relevant industry.

Legislation is drafted to introduce minimum standards for breeding, keeping, and sale of companion animals in breeding establishments, animal management facilities, boarding kennels and catteries, which are in-line with National Standards and Guidelines.

Conclusion

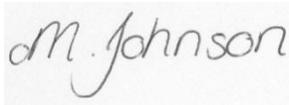
The Canine Welfare Alliance of Australia Inc. supports the *Animal Welfare Amendment Bill 2017* being passed in parliament.

The feedback we have received from the community suggests that there is an overwhelming opinion that the current laws and regulations are lacking, and animal welfare in this state has not been prioritised. It is our view that any changes to legislation that improve welfare outcomes for wildlife, livestock, poultry, farmed, circus, racing and companion animals, is supported by the general public. Our experiences in the animal welfare industry indicate legislative reform, which not only accounts for cruelty, but has provisions to safeguard animals from harm and take their overall well-being into consideration, is long overdue.

In order to achieve maximum protection from neglect, and quality of life for all animals continues to evolve; changes to the *Animal Welfare Act 2002* are urgently required. The *Animal Welfare Amendment Bill 2017* will simplify what is classed as a 'prescribed act' for courts in determining a judgement, and give greater power to regulatory authorities to pursue non-compliance. If passed, the proposed Bill will give the State Government the power to pass essential amendments to the Act and secure the future welfare of all animals in Western Australia for years to come.

Our organisation thanks the Committee for allowing us the opportunity to comment on the *Animal Welfare Amendment Bill 2017* and for taking the time to consider our submission. We feel this is an invaluable opportunity for this state to address the legislative and regulatory framework on *Animal Welfare Act 2002* by implementing effective, consistent and progressive amendments, to provide a more humane outlook for our animals. We commend the State Government for introducing this Bill, which will restore public confidence in the management of the welfare, care, health and safety for all animals in Western Australia.

Kind regards

A handwritten signature in cursive script that reads "M. Johnson". The signature is written in dark ink on a light-colored, slightly textured background.

Melissa Johnson

President

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