



Animal Care Australia

2023

Welfare, Law & Enforcement



Animal Welfare Policy & Position Statement

Version 3 — July 2023

Animal Welfare is Animal Care

Animal Welfare Policy & Position Statement

This document sets out the policies and position statements of Animal Care Australia Incorporated. It is intended that this document will operate as a living document, which will be improved upon as policy is updated.

We encourage all members to suggest edits and additions, with a view to clarifying policy and to improve the administration of the organisation.

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“Animal Care Australia acknowledge the Traditional Custodians of the land on which we reside, and pay our respects to their Elders past and present.”

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Definitions

For the purpose of this document, Animal Care Australia utilises the following definitions:

Animal welfare means the physical and mental state of an animal in relation to the conditions in which it lives and dies.

An animal experiences good welfare if the animal is healthy, comfortable, well nourished, safe, is not suffering from unpleasant states such as pain, fear and distress, and is able to express behaviours that are important for its physical and mental state.

Animal Rights means humans should not make use of, own or benefit from animals in any manner, and the immediate abolition of animal ownership in any form.

Historically this has taken the form of animal rights, animal liberation, animal justice and animal protection.

Animal Rights Extremists/activists are political parties, associations/organisations, and individuals that will go to any length to manipulate societal understanding and legislative reform to achieve the abolition of animal ownership. Throughout this document referred to as ARE's.

Commercial Pet Industry means businesses or other services where the aim is to make a profit from selling animals, products or services directly relating to the keeping of pets and animals.

This includes entities such as pet shops, grooming services, agistment providers, etc

Commercial Shelter Industry means the commercialisation of shelter/rescue services that are operated under a profit-driven model and/or placing the existence of the service as a priority over the welfare of the animals. The Shelter industry has existed for years. The commercialised shelter industry is relatively new and is a concept driven by animal rights ideologies and a lack of government commitment to resolving the issue of abandoned animals.

'personhood' rights means the legislated removal of the property status of animals from being owned by a person/s resulting in the animal acquiring its own 'rights'.

Pet and Companion Animal Community means the collective of community-based associations, groups, and individuals (both keepers and breeders) who share the common interest of the caring for and keeping of pets and companion animals.

Pet Factory, Puppy Factory/Farm is any unethical operator/breeder is any person/entity who is breeding an animal with poor welfare outcomes in defiance of the animal welfare standards.

(Animal) Sporting Industry means the collective of events and activities in which people, business/enterprises, and organisations are involved in the producing, facilitating, promoting, or organising of activities involving the inclusion of animals in a sporting capacity (such as racing).

Introduction

Animal Care Australia was founded in early 2018 to represent the interests of animal keepers and breeders throughout Australia. Animal Care Australia was established as an organisation where the real animal welfare experts, those who keep, care for and breed animals would advocate for real and improved 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.

Just over 60% of Australian households own pets. It is estimated more than 24 million pets are kept in the care of our community. Pet/animal ownership provides companionship for many within our society including, the elderly, the lonely, and our young generations.

The keeping of pets and animals teaches a sense of responsibility, an awareness of the importance of animals to exist and to co-exist with us. Animals provide us with an understanding of life, love, loss, and a sense of belonging. The continued keeping of animals as we grow from youngsters into adults allows us to improve our skills in animal husbandry, and leads to advancements in animal welfare.

Originally founded to speak on behalf of owners of pet and companion animals, Animal Care Australia quickly recognised there is a need to expand our purview to include all animals held in 'captive' care with the exception of commercial livestock and it's directly associated activities, such as live export etc.

The Association has a strong committee composed of representatives for each major animal group – dogs, cats, birds, horses, fish, insects, reptiles, hobby farm animals, small mammals, (pet) native mammals and exhibited animals.

Animal Care Australia's membership base is comprised of animal keeping associations (members) and individual pet owners (supporters). We recognise the role played by animal keeping organisations in educating their members, and we call upon government to fund educational initiatives for the general public.



Animal Care Australia's position is to promote welfare education over regulation. Our goal is to promote and encourage high standards in all interactions with the animals in our care, to encourage responsible pet ownership, and the respectful treatment of all animals in our community.

We support and consult in the continued development of animal welfare law at all levels of government, including federal, state and local government. ACA will consult on all relevant legislation to protect your rights as an animal owner. We will continue to defend against changes that could impair your ability to keep, show, compete or work with, and to engage in all lawful activities with your animals and pets.

Animal Care Australia acknowledges the requirement under legislation to ensure minimum animal care standards can be enforced. We support mandatory minimum standards and codes of practice designed to encourage the improvement of higher animal welfare. Animal Care Australia recognises animal keeping organisations are well placed as experts in their specific species and we strongly encourage their inclusion in the development and review of both minimum standards and codes of practice.

As a society we have a responsibility to provide 'whole of life' welfare and protection for all animals living within our care, and accordingly Animal Care Australia will continue to advocate for the rights to ethically breed animals, and promote responsible breeding activities that are designed to ensure the highest welfare outcomes, thereby protecting the continued existence of each species and breed. Animal Care Australia does not discriminate against species or breeds where the appropriate care for the health and welfare, in compliance with all state/territory laws that govern the keeping of those animals, is being met.

For the purpose of this document all legislated Acts of federal and state parliament, associated regulations, policies, standards and guidelines, codes of practice, local government laws, etc. that influence or deal directly with matters of animal care and welfare will be referred to hereafter as "animal welfare laws".



What is Animal Welfare?

Animal Care Australia's definition of Animal Welfare recognises the **World Organization for Animal Health's** definition*, with a few minor adjustments.

Definition:

Animal welfare means the physical and mental state of an animal in relation to the conditions in which it lives and dies.

An animal experiences good welfare if the animal is healthy, comfortable, well nourished, safe, is not suffering from unpleasant states such as pain, fear and distress, and is able to express behaviours that are important for its physical and mental state.

How it is achieved:

Good animal welfare is achieved by following the **Five Domains**. This requires disease prevention and appropriate veterinary care, shelter, management, nutrition, a stimulating and safe environment, humane handling, and a stable mental health outcome. Good animal welfare also requires humane end of life at the appropriate time. While animal welfare refers to the state of the animal, the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment.

Ideas about animal welfare began in ancient civilisations and exist in many religions and cultures today. Many countries incorporate some elements of animal care in their laws.

The **Five Domains** is a science-based structure for assessing animal welfare, which recognises that animals can experience feelings, ranging from negative to positive. It provides a best-practice framework to assess welfare in animals of all species.

The first four domains:

- ⇒ **Nutrition**
- ⇒ **Environment**
- ⇒ **Health and**
- ⇒ **Behaviour**

all help inform us about the animal's various experiences, which make up the fifth domain:

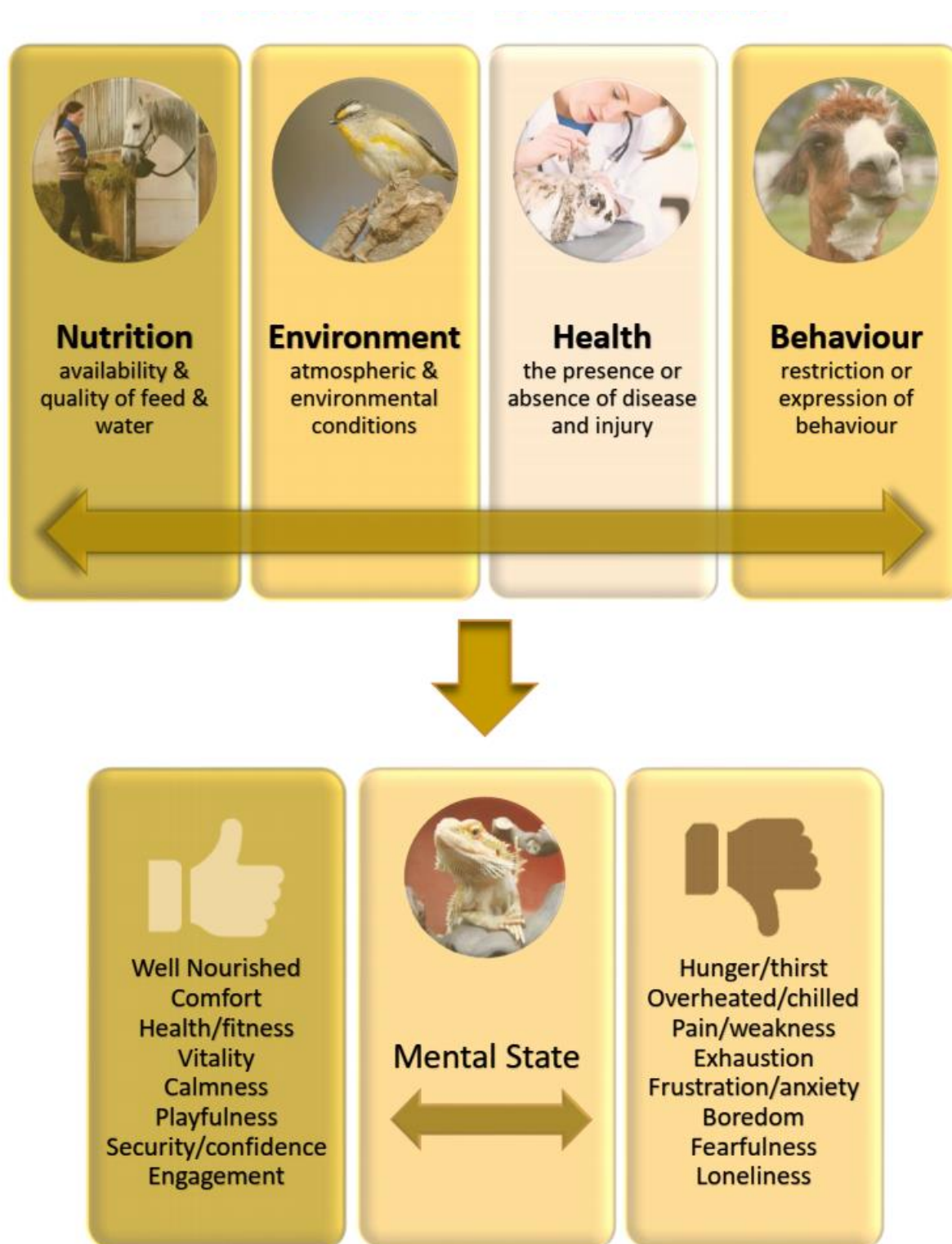
- ⇒ **Mental.**

The Five Domains, developed by Professor David Mellor, former Director of the Animal Welfare Science and Bioethics Centre at Massey University, is considered more contemporary in the field of animal welfare science and is a refinement of the **Five Freedoms** and a framework for overall assessment of quality of life.

* **World Organization for Animal Health:** https://www.oie.int/fileadmin/Home/eng/Health_standards/tahc/2016/en_chapitre_aw_introduction.htm

The Five Domains Model:

This approach allows for a distinction between the physical and functional factors that affect an animal's welfare and the overall mental state of the animal arising from these factors. Since its inception this model has been widely adopted as a tool for assessing the welfare impacts of research procedures, pest animal control methods and other interventions in animals' lives.



Based on the infographic from Animal Health Australia 2022

Five Freedoms vs. Five Domains

Whilst many still recognise the value of using the Five Freedoms for maintaining the prevention of negative welfare in animals, the Five Domains are applied for animal welfare assessment as they allow progression beyond preventing bad animal welfare to include actively promoting positive animal welfare. The promotion of positive animal welfare is strongly supported by Animal Care Australia.

Signs that an animal has a good state of welfare can include longevity, having low levels of disease, displaying normal behaviour, and reproducing normally.

Concerns about animal welfare are normally based on the idea that we should take steps to maximise the well-being of animals whenever and however we interact with them. This includes those we keep as pets, all animals in the wild, those we include for entertainment or research, and those that we breed for food. Animal Care Australia recognises there are circumstances where the best welfare outcome for an animal is death. Animal Care Australia supports the use of humane euthanasia where it is deemed an animal should no longer be made to suffer, or where it is impossible to secure a responsible and healthy living outcome.

Five Freedoms

1. From hunger and thirst
2. From discomfort
3. From pain, injury and disease
4. To express normal behaviour
5. From fear and distress

Five Domains

1. Nutrition
2. Environment
3. Health
4. Behaviour
5. Mental state

What is Animal Rights?

It is Peter Singer's work that has underpinned the Animal Rights movement since the 1970s. Singer, a professor of bioethics at Princeton and the University of Melbourne, is the author of the controversial book *Animal Liberation*, which asserts that animals' interests should be given equal weight to those of humans. The book drew criticism upon its release in 1975 and remains controversial to this day.

Animal rights advocates believe humans should not make use of, own or benefit from animals. They strive for the immediate abolition of animal ownership in any form.

Advocates of animal rights oppose the owning or keeping of all animals in captivity, including for food, entertainment, research, companionship, conservation or any other reason.

Some Animal Rights advocates, such as Ingrid Newkirk of People for the Ethical Treatment of Animals (PETA) believe immediate abolition is needed but is simply unrealistic. Instead, these advocates support the pursuit of incremental welfare reform as a means to eventually abolishing all animals in captivity. They endorse animal welfare because it facilitates a "springboard into animal rights."

Animal Rights advocates use Animal Welfare to garner support for their beliefs. Their aim is to end the ownership and keeping of all animals in captivity.

Consequences of an Animal Rights philosophy include:

- × No breeding and killing animals for food, clothes or medicine.
- × No use of working animals – no guide dogs, no police horses, etc
- × No selective breeding for specific traits/features, other than the benefit of the animal.
- × No hunting.
- × No zoos, or use of animals in entertainment.
- × No pets or companion animals.
- × No sport involving animals.
- × No competitive animal competitions.
- × No research involving animals (now re-framed as no experiments on animals)

Over the years these organisations have adjusted the terminologies used when promoting their goals. First they used animal liberation and then animal rights, with some even adopting animal justice and animal defenders.

Today they attempt to justify their ideologies under Animal Protection.

Animal Protection is the new catch cry for the animal rights movement because it isn't viewed as being extreme.

Why does ACA not support animal protection in its current use?

Because animal protection is animal rights.

Why is that a problem?

Because animal rights and animal welfare are like oil and water – they don't mix. You cannot have legislation that continues to allow animals under human care/ownership while the animal rights advocates to liberate animals from being used by humans at all.

The term, 'Animal Protection' on its own is oxymoronic.

Regardless of the term or marketing spin, they are still striving for the same ideological outcomes.

**Animal Care Australia supports animal welfare
and opposes animal rights**

A close-up photograph of dark brown animal fur, possibly a horse's coat. A diagonal highlight of lighter brown and gold tones runs from the upper left towards the lower right, creating a strong sense of texture and depth. The rest of the image is in deep shadow, emphasizing the fine details of the hair.

Animal Law

The use of the term 'Animal Law' is consistently being misused by animal extremists. This is most prevalent in courses being offered within our universities, where animal rights activists have successfully made their way into the teaching roles and have re-orchestrated the structure of the courses away from the traditional aspects of law and drastically increased the philosophical argument in order to indoctrinate the next generations of the legal profession.

The most complex and sought after change being pursued is the removal of 'the property status of animals' and providing animals with 'personhood' rights. Activists refer to this as animal guardianship, rather than animal ownership. Many within the dog and cat breeding communities will recognise 'guardianships' as something completely different.

The current use of guardianship agreements within the pet breeding community is strongly opposed by the animal rights extremists and activists, and for good reason, they want to lay claim to the use of guardianship which is of course, a stark conflict.

The removal of animal ownership to 'personhood' (guardianship) rights will have significant legal ramifications and will impact on the right to own any animal.

Animal 'personhood' will require a third person being appointed to intervene in decisions regarding the care and welfare of our animals, and ultimately this could result in the government or other 'appointed associations' such as the RSPCA, taking full responsibility for the wellbeing of your animals. This will allow them to legally act on behalf of the animals that you (once) owned and potentially the right to take legal action against you if you are deemed not to be acting in the best interest of the animal. This would extend far beyond the current powers of animal welfare law compliance, as it would likely include all decision making rights currently held by you (as the owner), such as decisions on medical treatment or terminally ill animals being challenged, including early intervention to euthanise your animal before you wish to do so, or to place your animal under prolonged medical treatments if they believe you have not exhausted all the options. The ramifications are endless and frightening.

Animal Care Australia opposes the removal of your rights to own, keep and breed animals

An Office (and potentially Minister) of Animal Welfare

The Animal Rights movement is fixated on introducing an Independent Office of Animal Protection (IOAP). They are targeting both federal & state/territory governments for this to be introduced.

Animal Care Australia does not support this because of their public statements regarding the responsibilities of the IOAP, that primarily being, *“With the power of an IOAP, the Animal Justice Party will enable the current conflicts of animal and human interests to be removed, and for animals to have better protection under law.”**

When combining this with their position on providing animals with ‘personhood’ rights, this creates numerous flaws and legislative nightmares for those of us who keep pets and companion animals.

Exacerbating our concerns further is the following statement, *“ The IOAP will promote animal rights on farms and in other related industries, and prosecute offenders.”**

(* Excerpt from the Animal Justice Party 2022 Federal Election Platform document.)

Effectively the IOAP will be an office of animal rights enforcement. This is something we must avoid at all costs.

Animal Care Australia strongly advocates for federal and state recognition and funding to ensure the development of consistent laws throughout Australia.

Far too long pets and animal welfare have been forgotten by our governments. Today Animal Care Australia implores our governments to start recognising the importance of our pets and animals in our lives. The continued enhancement of animal welfare must include the development of animal welfare departments within the Federal and State governments – not independent to, where they can be more easily infiltrated by animal rights ideologies.

Animal Care Australia would support an Office and Minister for Animal Welfare if:

- ⇒ the current Chief Animal Welfare Officers and their departmental staff were moved across under the new Office
- ⇒ all animal welfare legislation enforcement officers reported to and were held directly accountable by the Chief Animal Officer (or a similarly specially designated senior staff position) and not a charitable or privately run organisation
- ⇒ the determination of whether a prosecution of an alleged offence of animal cruelty would only progress if assessed and approved by either the Department of Public Prosecutions or the Chief Animal Welfare Officer (or a similarly specially designated senior staff position)
- ⇒ a Minister for Animal Welfare and the Office must report annually via a Parliamentary Inquiry in order to ensure full transparency and accountability

Their responsibility must include a full review of all legislation including:

- ⇒ to clearly define and implement appropriate legislative safeguards to ensure the ongoing and ethical breeding of pets and companion animals while identifying and prosecuting those who breed unethically
- ⇒ probate and guardianship laws for after the death or incapacitation of their carer
- ⇒ reforms to the family law system to consider animal welfare during divorce proceedings and make it easier for victims to amend animal registration and microchipping details without alerting the perpetrator as to their whereabouts
- ⇒ provide resources including homing opportunities for victims of domestic violence to remain together without needing to be separated
- ⇒ review environmental and land clearing legislation to include the mandatory inclusion of native wildlife animal welfare concerns into environmental impact reviews prior to and overriding of any clearing of lands
- ⇒ regularly review the animal agriculture industry while continuing to implement new initiatives and technologies for the advancement of animal welfare outcomes

Animal Care Australia conditionally supports an Office and Minister for Animal Welfare

Domestic violence and animals

For some people who experience family violence, their pets become a significant tool used against them, effectively forcing them into making the decision to leave without the pet, risk the pets' lives or persevere and continue the lifetime of abuse on both themselves and their pets.

This problem is exacerbated by the fact that most rental homes and refuges around Australia still do not permit animals.

Our laws must be brought up to date and community expectation to allow the human and animal victims access to rental and supported accommodation. For many people their pets are their last remaining hope of comfort and a foreseeable future. Law enforcement and community organisations are not empowered to be proactive in the cases of family violence against pets. Animal Care Australia supports and will fight for reforms to protect all victims of domestic and family violence - both human and animal. We will continue to lobby for legislative changes to ensure their safety is not jeopardised or compromised by the perpetrators of family and domestic violence who threaten them with harm in order to make family members comply.

Pets (animals) in hot vehicles

Animal Care Australia highlights this offence should cover animals and not be restricted just to dogs.

Equally Animal Care Australia supports the inclusion of exemptions for working dogs being used for working livestock as well as the additional consideration of ambient temperatures and the length of time involved, as part of any proposed or introduced legislation.

Animal Care Australia supports protecting animals from experiencing this kind of irresponsible neglect!

**Animal Care Australia strongly supports
ongoing legislative review of laws pertaining to
and protecting of animals and their welfare**

A close-up photograph of dark, textured fur, likely from a horse or similar animal. A bright, diagonal highlight of light reflects off the surface, creating a shimmering effect. The text is centered over this image.

Animal Welfare Law Enforcement

Enforcement of Animal Welfare Laws

With such a large number of people and animals living together and despite regulations and legislation being implemented, it is unfortunate that in some circumstances the welfare and care of animals falls below the standards and needs that our animals deserve requiring welfare laws to be reviewed.

Animal welfare laws at all levels of government until recent times have been outdated and are mostly now under review.

- 1. Animal Care Australia supports the rigorous review of animal welfare laws.**
- 2. Animal Care Australia as the peak body representing animal keepers and breeders will continue to ensure Animal Care Australia is central to the review of all animal welfare laws.**
- 3. Animal Care Australia supports and encourages government to legislate the formation of consultative groups that include Animal Care Australia and other major animal welfare stakeholders.**

Animal welfare law making has evolved in recent decades from a user driven to a department driven process.

- 1. Animal Care Australia supports a user driven animal welfare law development process. Those who keep and breed animals are the experts.**
- 2. Bureaucracies should be advisors and managers of the animal welfare law development process, not the dictators of what should be law.**
- 3. Animal welfare law should be supportive of the keeping of animals in our community, acknowledging the benefits for people in terms of empathy for animals, overall health benefits for the community and sustainable outcomes for the animals.**

There is insufficient funding to ensure compliance with animal welfare laws, and this is unlikely to change in the near future.

Approved Charitable Organisations (ACO's) such as the Royal Society for the Prevention of Cruelty to Animals (RSPCA) in each state and Animal Welfare League (AWL) are currently placed to perform compliance and enforcement, however Animal Care Australia strongly encourages the individual state and territory governments to be directly responsible for compliance and enforcement and to cease outsourcing this vital function. RSPCA and the Animal Welfare League receive minimal government funding and rely on charitable fundraising to operate.

Currently, the different states and territories have different arrangements for meeting their compliance requirements.

- ⇒ The Australian Capital Territory allows the RSPCA to carry out compliance inspections, however the Department of Public Prosecutions follows with any prosecutions.
- ⇒ The Northern Territory Government complete their own compliance investigations and prosecutions.
- ⇒ In Western Australia the RSPCA carry out the inspections, the Department of Primary Industries & Regional Development oversee and approve prosecutions that are then continued by the RSPCA.
- ⇒ Queensland is following the Western Australian model
- ⇒ New South Wales, Victoria, South Australia and Tasmania all still have the RSPCA functioning under full autonomy with little to no real accountability. NSW also has the Animal Welfare League under its own autonomy.

Within this current situation Animal Care Australia makes the following recommendations and encourages these to be applied nationally where appropriate including individual State/territories:

1. Charitable organisations are to be more accountable and transparent in their actions and investigations.
2. Animal Care Australia recommends the accountability of the organisations be overseen by the Ombudsman's Office or equivalent.
3. Animal Care Australia recommends a review of the powers for enforcement – on the basis of law and the protection of the presumption of innocence until proven guilty. Animals are being seized on the presumption of guilt – this is not in the animal's best interest.
4. Animal Care Australia recommends the prosecutorial stage of an investigation be transferred to the Department of Public Prosecutions (DPP) within each state/territory.
5. Animal Care Australia supports the need for more sustainable funding. ●
6. Animal Care Australia does not support charitable organisations having exemption from the provision of the Government Information (Public Access) Acts or Freedom of Information Acts.
7. Animal Care Australia recommends a stronger focus on welfare education over prosecution within the current review of all Acts overseeing the prevention of cruelty to animals.
8. Animal Care Australia recommends streamlining prevention of cruelty Acts with a focus on improved understanding of standards & guidelines by owners and enforcement officers to guarantee best and improved animal welfare outcomes for all animals.

Until these arrangements can be challenged and changed:

- a. Animal Care Australia no longer supports the RSPCA as a compliance and enforcement organisation
- b. Animal Care Australia continues to support the Animal Welfare League as an investigative and enforcement organisation
- c. Animal Care Australia supports the prosecutorial process of enforcement to be the responsibility of the appropriate government department and/or the Department of Public Prosecutions

- d. Government must ensure sufficient measures of accountability, transparency and appeal are in place, regardless of the organisation/ department carrying out investigation and enforcement roles.

Education of the general public is in most cases - a more economical means of improving animal welfare outcomes given limited funding. All animal welfare acts must include legislative clauses requiring funding for education and promotion of higher animal welfare outcomes. Animal Care Australia member clubs are well placed to assist in educating

The current focus on reacting to reported infractions whilst most infractions go unreported is an inefficient use of resources. Extraordinary resources are often directed at single cases. Animal Care Australia encourages a review of resource policy to better target resources to improve animal welfare outcomes strategically.

Animal Care Australia strongly encourages the individual state and territory governments to be directly responsible for compliance and enforcement of animal welfare legislation



Animal Care Australia