

17th November 2023

Local Government Policy and Legislation
Department of Local Government, Sport and Cultural Industries
E: puppyfarming@dlgsc.wa.gov.au

RE: Western Australian Stop Puppy Farming consultation 2023

Animal Care Australia (ACA) 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.

As a nationally recognised animal welfare organisation sections of the consultation remain outside of our purview, however, we provide feedback relevant to animal welfare and to the impact’s regulations may have on dog (and cat) breeders. Our primary points of concern are separated from the consultation questions.

Due to the high number of questions and concerns, please see our submission for a full breakdown.

Animal Care Australia finds the purpose of some of the questions to be confusing and/or totally unnecessary in achieving the outcome of Regulation review, and accordingly will not complete the survey, as the results will be misleading and not an accurate response.

We respectfully request a meeting with you, and look forward to hearing from you regarding a suitable time to discuss the now urgent matter.

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's member 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:

- lobbying government for stronger welfare outcomes
- lobbying 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

Western Australian Stop Puppy Farming consultation 2023



Animal Care Australia submission

Approved: 17th November 2023
“Animal welfare is animal care”



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ACA Background

Animal Care Australia Inc. (ACA) represents the interests of all hobbyist and pet animal keepers nationally. Our members are comprised of most major animal keeping representative bodies including those representing dogs, cats, birds, horses, small mammals, reptiles, fish and exhibited animals. Some individual members also work in the rescue, care, and rehabilitation sectors.

Supporting statement

As a nationally recognised animal welfare organisation sections of the consultation remain outside of our purview, however, we provide feedback relevant to animal welfare and to the impact's regulations may have on dog (and cat) breeders. Our primary points of concern are separated from the consultation questions.

Primary points of concern/note:

1.2 Classes of dogs exempt from sterilisation

- Access to veterinary services due to remote location is not a reason in itself to exempt a dog from being sterilised. Owners living in remote locations are still required to comply with animal welfare legislation
- Govt should provide assistance to those in remote locations to be able to provide veterinary services
- Government should consider programs to allow owners in remote locations to attend clinics to ensure the owners are able to meet all of the welfare requirements of their animals
- If an exemption is given to owners living in remote locations, does this also exempt them from meeting general health and animal welfare requirements?

2.2 Application for grant of pet shop approval

5. When a pet shop applies for a licence should the premises be inspected:

- for suitability
- on an ad hoc/unannounced basis.

Yes. Suitability to be granted approval to become a pet shop should be accessed at random – BUT – within reasonable working hours and not outside of the standard operating hours.

2.3 Renewal of pet shop approval

6. Are there any other requirements that should be prescribed in relation to an application for renewal of a pet shop approval?

Application renewals should be subject to a recent inspection for assessment of suitability to upholding animal welfare standards.

2.5 Cancellation of pet shop approval

8. Are there any circumstances which should be prescribed in which a local government may cancel a pet shop approval?

Firstly, the emphasis MUST be on the word 'MAY' – as cancellation should not be the first response. Owners must be provided with an opportunity to explain or remedy any concerns of the LGA. Animal Care Australia would see poor animal welfare standards and a repeated lack of following proper procedures as valid reasons for consideration of cancellation.

9. How would the death of an individual who is responsible for the day-to-day running of the pet shop be dealt with?

A requirement for one additional person (other than the owner) to be trained in the care of animals within the pet shop.

2.9 Pet shop to provide certain information

Prescribed information for person who is offered a dog (about the person who supplied the dog to the relevant pet shop business):

- **If dog is dangerous dog**

This is of major concern. Dangerous dogs SHOULD NOT be provided to pet shops or made available from pet shops.

2.10 Pet shop to keep records

Prescribed information about the dog:

- Temperament and behavioural issues around children and other animals (if known)

Again, these dogs should not be in pet shops. Dogs should be rehomed via rehoming organisations accompanied by follow-up training and support.

17. What information should pet shop businesses be required to keep in relation to the person who supplied the dog to the business?

Details of the purchaser, relevant health reports and transfer paperwork, along with copy of purchaser's ID

3.7 Dog supplier to provide information to approved pet shop

- **Details of the health assessment, noting any limitations of the assessment including:**
 - clinical signs of infectious and/or contagious diseases,
 - the existence of parasites
 - the existence of any wounds, swellings, lumps or discharges from eyes, nose mouth or ears

These animals SHOULD NOT be in the pet shops and should be under veterinary care with the dog supplier.

10. What information should be included in a health assessment (health certificate) of a dog?

Age, current condition, weight, vaccination status, worming, accompanied by a health guarantee by the supplier, that is then carried forward by the shop.

3.8 Holder of dog supply approval to keep records

12. What information should dog suppliers be required to keep in relation to the person who supplied the dog to the business, and the dog's history?

ID records, Breeder Number and health records.

15. Should a time be prescribed for the making of a record?

No greater than 48 hours from time of transition of animal from the supplier.

4.1 Approval to breed applications

Under section 26J(2), a local government may refuse to grant an approval to breed only if the local government is satisfied that at least one of the following applies —

(d) the applicant is not a fit and proper person to breed dogs.

What is a fit and proper person? The legislation (both Act and Regulations) does not define what criteria may be needed to make such a determination. This is subject to individual perception and will permit personal biases to be evoked far too heavily without any form of accountability.

Prescribed information Part A: Owners details (note: specify individual)

- **Include address: note change of local government district needs to trigger cancellation of approval to breed**

Animal Care Australia DOES NOT SUPPORT an ‘automatic trigger’. This leaves the owner/approved breeder open to being in breach of the Act/Regulations as their approval would become void until a new application is submitted and approved.

This MUST include legislated provision for the owner moving to a new LGA to be provided with a transition time to apply for a new approval (ideally a minimum of 6 months - which would cover any dogs that are pregnant, or have a record of mating, or puppies - at the time of the move)

Guiding questions

6. When a breeder applies for a licence should the premises be inspected:

- **for suitability**
- **on an ad hoc/unannounced basis?**

Animal Care Australia has no objection to an inspection for suitability BUT with the provisions already allowing for LGA’s to set their own criteria for each application this will lead to inconsistencies between LGA’s as well as individual inspectors within the same LGA. An expanded (and stakeholder consulted) Breeding Code of Practice should be implemented to provide a minimum standard for suitability. The current Standards & Guidelines for the health and welfare of dogs – is in our opinion insufficient.

Animal Care Australia does not support an ad hoc/unannounced inspection, as these inspections should always be planned & agreed with the applicant so that they can be prepared with any information that an inspector might require. This also MUST be at a reasonable hour and if the applicant is unavailable then a suitable time must be agreed to.

4.2 Classes of dogs not subject to approval to breed requirement

7. Should breeders of Crown dogs such as Police dogs be prescribed as being not required to hold an approval to breed?

Animal Care Australia questions the reasoning that a breeder supplying dogs for Crown use would be exempt? These breeders are still breeding dogs and if animal welfare is truly at the heart of these regulations, they should be required to comply with all legislation, with the exception of numbers of breeding (not to be confused with entire) bitches and/or males, in order to ensure a consistent supply of dogs.

10. Are there other exemptions necessary from the approval to breed system, noting this is a potential loophole?

If Crown dogs are to be exempt, then Registered Assistance Dog organisations should be afforded the same exemptions.

4.3 Decisions regarding approvals to breed

Under section 26J(2) of the Dog Act, a local government may refuse to grant an approval to breed only if the local government is satisfied that at least one of the following applies:

(b) the applicant is a convicted person.

What convictions does this include? Convictions should be those related to serious crimes and in particular animal-based convictions. Why should a person convicted of speeding (for example) not be permitted to breed dogs, or any animal for that matter?

(d) the applicant is not a fit and proper person to breed dogs.

Again, what is a fit and proper person? The legislation (both Act and Regulations) does not define what criteria may be needed to make such a determination. This is subject to individual perception and will permit personal biases to be evoked far too heavily without any form of accountability.

Further circumstances for refusing an application for an approval to breed could include:

- **In the event of a death of the breeder – Propose that approval to breed continues to be held by the estate of the deceased and that it is cancelled upon the sale/transfer of the dog(s). Sterilisation exemption continues to apply until the dog(s) is sold/transferred. Executor is the contact person/owner's delegate.**

Animal Care Australia has no issue with the sentiment & wording of this proposal; however, it could be a loophole and it should be made clear that the person dealing with the deceased person's estate cannot conduct any new breeding activity (i.e., no new mating to occur).

5.3 Update to microchip implanter qualification provisions

Regulation 9(2) of the Dog Regulations prescribes the qualifications for microchip implanters:

The list is missing: ACM40322 Certificate IV in Behaviour & Training.

5. Are there any other additional qualifications that should be prescribed for the purposes of obtaining microchip implanter qualification?

ACM40322 Certificate IV in Behaviour & Training as ACM40310 is superseded.

6. While the current proposal intends to recognise existing qualifications, is there a need for relevant staff to upskill as microchip implanters?

Yes – staff should undertake the Microchip Unit of Competency.

7.9 Warrants

Section 29(5C) provides that if a justice of the peace is satisfied that there are reasonable grounds to believe that a dog is required under the Dog Act to be sterilised but is not, the justice of the peace may issue a warrant authorising any authorised person to enter any premises and seize and detain the dog.

While Animal Care Australia acknowledges the inclusion of Justice of the Peace within the Dog Act for the issuing of warrants – we DO NOT SUPPORT this being utilised by LGA's.

Most LGA's have their own JPs within Council and as such the burden of impartiality and assessment of the facts is severely compromised.

Other General responses to the consultation questions:

Topic 1 – Sterilisation of Dogs

1.1 Identifying a dog as sterilised and registration tags

- 1. Should regulation 20(3)(b) of the Dog Regulations (application of a tattoo) be deleted? If so, is there a visual way (other than application of a tattoo) to identify a dog as sterilised?**

The suggestion that different coloured tags for the term of registration could be extended to include colours designating desexing status also. Tattoos aren't always permanent (can fade over time) and can be hard to see on dark skinned dogs. However, Animal Care Australia does see any justification in removing the provision as it provides for an alternative method of identification.

- 2. Would a requirement for a tattoo affect show dogs?**

Unlikely – unless the breed has specific ear issues.

- 3. How are dogs in public places currently checked for sterilisation status/registration compliance?**

Doesn't the department already have an understanding of this?

4. Would the proposal assist with monitoring and enforcing the sterilisation of dogs?

No.

5. If yes, how should a registration tag indicate that a dog is sterilised/is not sterilised? e.g., should a symbol, letters or abbreviation of some kind be inscribed on the registration tag?

The tag could be colour coded or have a trailing letter on the registration number designating desexing status.

Topic 3 – Dog Supply Approval

3.1 Grant or renewal of dog supply approvals

1. What circumstances should be prescribed for a CEO to refuse to grant a dog supply approval?

The same requirements as for a pet shop approval should apply. No exceptions/exemptions.

3.3 Cancellation of dog supply approval

2. What further circumstance should be prescribed when considering the cancellation of a dog supply approval?

The listed suggestions seem adequate.

3. How would the death of an individual who is responsible for the day-to-day running of the dog supply organisation be dealt with?

Legislate a requirement for a second qualified person to be available to take over that role. If the person is a sole trader and/or the second person, no longer wishes to continue in the role then cancellation of the approval would be merited.

3.4 Review of decisions about dog supply approvals

4. What review process should be prescribed?

The listed suggestions seem adequate.

5. **Should this process mirror the review processes for decisions about dog/cat registrations, approvals to breed and pet shop approvals (see topics 2.8 and 4.6)? If not, why not?**

The process should be the same as for pet shop approvals.

3.5 Information about dog supply approvals to be recorded

6. **What information is to be prescribed regarding a dog supply approval?**

The inclusion of having a strategy for when an adoption is unsuccessful is paramount when it comes to rehoming organisations (including RSPCA) – they MUST have a backup plan for animals that need to be returned due to not working out in the new home.

Rehoming organisations should not rely solely on supplying animals to pet shops to rehome – they must also actively be using all available methods (social media, etc) to find homes for the animals.

3.6 Certificate of dog supply approval

7. **What information should be prescribed for a certificate of dog supply approval?**

Date of commencement should be recorded on the certificate. The information listed seems adequate.

8. **Should a dog supplier's affiliation with a pet shop be recorded on the certificate of approval?**

No.

3.7 Dog supplier to provide information to approved pet shop

9. **What information should be included in a health assessment (health certificate) of a dog?**

This should be determined by the veterinarian as only they can provide any assurance that ***on the day that animal was seen***, it was of good health or otherwise.

Topic 7 – Miscellaneous

5.1 Establishment and maintenance of the Centralised Registration System (CRS)

- 1. Who should be able to access the CRS and what information should they have access to read and record?**
 - Pet owners
 - Compliance officers
 - Local government administrative staff
 - Vet clinics

- 2. What other items/matters should be prescribed in the regulations in relation to the maintenance and accessibility of the CRS?**

The requirement of funding for the CRS should be legislated.

5.2 Information to be recorded to facilitate the management of cats

- 3. What information should be prescribed for recording into the CRS that balances the time required to provide information (and update information) with maximising compliance in cat management in the public interest?**

The Cat Act is thorough in describing information that must be recorded.

5.3 Issuing infringement notices through the CRS

- 6. Are existing modified penalties adequate? If not, should they be reviewed?**

Yes, more than adequate.

7.5 Form for appointment of owner's delegate

- 7. What other details should be included in the prescribed form for the appointment of an owner's delegate?**

The suggested details appear to be adequate.

7.6 Form for change of ownership

8. What other details should be included?

The suggested information appears sufficient.

7.10 Investigations and enforcement

9. What other training, upskilling or enforcement assistance do rangers and local government staff need to administer and enforce the requirements under the legislation?

Administrative staff will need training in the CRS system.

Compliance officers (including those tasked with enforcement) need to be trained to make all attempts at first educating the recipient of their inspection in order to encourage compliance before issuing infringement notices, etc This approach is currently lacking in current compliance and enforcement officers.

Animal Care Australia thanks the department for this opportunity and we welcome an opportunity to meet with the Review Team to discuss the Review in greater detail.

This submission can be publicly listed.

On behalf of the Animal Care Australia Committee,



Michael Donnelly
President
Animal Care Australia