

Submission
No 58

**INQUIRY INTO ANIMAL WELFARE POLICY IN NEW
SOUTH WALES**

Name: Name suppressed

Date Received: 15 February 2022

Partially
Confidential

My name is . I'm retired and live on a hobby farm in Northern NSW where I keep a selection of poultry for eggs and just because I like them, tropical fish and my four dogs. I loathe any form of animal cruelty to any and all animals, birds and fish. I also happen to be a vegetarian but try not to be a fascist about it as long as animals bred and kept for food are well treated, properly fed and housed, before being swiftly and humanely sent on their way.

Sometimes I sell my excess chooks and geese, so people come to my place to see them displayed in separate cages. That way if they decide to buy I don't have to chase them around their (very large!) regular pen to try and catch them. I'm old and a bit cranky so chasing chooks around the orchard is not in my purview!

Sometimes I go to our local showground market to see and possibly buy poultry so my flock doesn't get too inbred. These birds are displayed for sale in the shed that is used for the poultry exhibition during show week, so cages are quite small but adequate for short periods of time in my opinion. However as the Act stands I believe an RSPCA inspector could decide they're too small and issue fines with no recourse for the exhibitors other than Court. I'm also a bit concerned that the Act seems to imply that exhibitors, or in the very least the Showground Committee, needs to be licenced to display and/or sell these birds. How is destroying local poultry shows and markets in the best interest of these birds?

Sometimes I "baby-sit" friends' dogs when they have to go away for whatever reason. I've had anything up to about 14 dogs on a day visit and 6 dogs (including my own) overnight. As everyone is well-trained and are fully socialised so get on well (or they wouldn't be welcome), none of the dogs are kennelled when they're here for whatever reason or however long.

I'm not a registered breeder of anything, so I have no vested interest in the Act other than to be concerned that it's fair and equitable; and that I don't have to be licenced to sell my chooks.

I see nothing in the Act to state that "inspectors" should be properly trained, fair, equitable and reasonable; or that there is a free and simple method of complaint against the inspector/inspecting body should that not be the case. I believe that at present if one has a complaint or refutes a decision made by an inspector then the inspecting body is in charge of review. Is this not allowing the fox to patrol the hen-house? Should there not be a third party mediator to ensure the inspecting body is kept honest and accountable?

It seems to me that in an effort to wipe out unscrupulous and cruel breeding, housing and treatment of animals, the Act gives Carte Blanche to the inspecting body to run rough-shod over everyone with no method for objection or

complaint other than Court proceedings. I have given examples elsewhere in this submission.

In my opinion there needs to be a broader reach for the “reviewable decisions” clause referred to in **Clause 48 – Administrative Review of Certain Decisions**. What are the “certain decisions” and why isn’t it ALL decisions? Does the inspector have to inform this option at the time they issue a complaint notice? If not, why not?

Division 2. Application of Act. 2(a)

Why does the Act not apply equally to Police dogs/horses and dogs used in Correctional Facilities? Surely there would be no reason that police and correctional facility animal handlers should not take care of their charges in the same way as owners and legitimate breeders of dogs and horses? The Act implies that there are no cruel or negligent Police or Prison Officers – and whilst that is unlikely and rare it is patently ridiculous to assume they don’t exist. I realise that by the very nature of their work, police/correction animals may be exposed to dangerous and threatening situations; but surely this clause should take their working hours and situations into account rather than give their handlers a blanket exemption?

Exhibiting an Animal – section 3(a): not allowed to display animals purely for sale

If I’m reading this correctly, I’m not allowed to display my chooks for sale at the local market, nor may I keep them in a separate cage at home for display to potential purchasers.

Come to that, I will no longer be able to go to any kind of pet shop and see any kind of animal on display for purchase no matter how they were bred or how they’re being kept, including my tropical fish. Neither will I be able to go to a licenced and legitimate breeder of ANY animal and see any animal kept in any kind of display cage, tank or paddock for the purposes of sale.

How is this going to prevent animal cruelty? It certainly won’t stop the horrendous practice of puppy farming. All it will do is drive these people (and I use the word “people” loosely) further underground.

18 – Appropriate Exercise: 3(a)

Why are stock animals other than horses excluded? This section implies that it is fine to keep cows, pigs, sheep, poultry etc. etc. in tiny pens where they cannot get appropriate exercise. Surely this clause should include a time limit, taking into account that sometimes stock animals have to be confined for purposes of vet treatment, drenching, transport etc? Surely the Act should address permanent confinement such as in factory piggeries and feed lots? Why do the animals we eat not deserve the same consideration whilst alive than all the other animals we keep?

Div. 3 Prohibited and Restricted Procedures: 1(e) surgical AI of a dog

There is no logical reason why is this not allowed to be carried out on dogs by a qualified vet practitioner in the same way as the other procedures in this clause are allowed if carried out by a qualified vet practitioner. Have you asked any qualified vets what they think? I presume not – so why not? I would be fascinated to know the reasoning behind this clause.

Not allowing AI may result in loss of valuable bloodlines for legitimate and registered dog breeders. If you are trying to stop puppy farmers from using AI to increase puppy output, this clause will fail miserably as there has been little evidence to show that they are ever caught! The RSPCA certainly prefers the easy option of visiting legitimate registered breeders and issuing “notices” for insignificant “breaches”, such as a fence being a few inches too low (actual example – from memory it was 175cm instead of the prescribed 180cm tall – even more *ridiculous* when you know that the dogs contained were all miniatures!); or the breeders’ own dogs free-ranging in the garden rather than being kennelled (actual example). In both examples fines were issued with little or no recourse for the breeder other than the (much higher) expense of Court proceedings. If it was covered by *Clause 48 – Administrative Review of Certain Decisions*, the breeder was not made aware of this by the inspector. Thus the breeders in question had no option than to pay the fines.

If you are going to insist on clause **1(e) surgical AI of a dog** then I would also ask why are dogs the only animal included in this procedure when surgical AI is carried out on a vast range of animals? I would maintain that there is no logical reason that a qualified vet should not be allowed to carry out surgical AI on *any* animal including dogs.

Animal Welfare Advisory Committees

Nowhere does it state that committees should have industry body and veterinary representation. Are you expecting “lay people” to always know what is in the

best interests of the animal(s) in question? Particularly with reference to dogs, there are vocal “fringes” of so-called “animal rights” groups who think that dogs and cats (in particular) should not be kept as pets at all. Surely this faction should be offset by ethical groups such as the AKC (Australian Kennel Club) and the MDBA (Master Dog Breeders & Associates) who can represent a considered and experienced view?

Summary:

The above are a few points that bothered me when reading through the proposed Act, but my main area of MAJOR concern is that the “inspectors”, presumably the RSPCA, pretty much have “carte blanche” to nit-pick ridiculous things with no recourse by the owner/breeder unless they are prepared to go to Court. Court proceedings involve time, stress and a lot of money so most people will pay the fine and keep quiet. If *Clause 48 – Administrative Review of Certain Decisions* is an option then as things stand there appears to be no onus on the inspector to make anyone aware of this fact at the time of issuing a notice or fine.

I feel that in the interests of equality and fairness, there needs to be an independent third party body of qualified people from all areas of animal care, breeding and husbandry who can ensure that “inspectors” are correctly trained and reasonable. This would perhaps ensure that they spend their time pursuing **real** offenders other than people who have the vet’s phone number on the fridge rather than a sign in the window so visitors can see it (another true example).

I’m a great proponent of wiping out the real animal cruelty offenders, but for this to happen the inspectors need to be called to account when they make puerile decisions. In these cases, the so-called “offenders” need an easy and free appeals process and well as some kind of complaints process against the inspecting body. This would need to be simple and free in order to ensure that “rogue” inspectors with either insufficient training or a nasty attitude to registered breeders could be held to account in the same way as genuinely bad breeders and puppy farmers should most definitely be held accountable.