

**Submission
No 68**

INQUIRY INTO ANIMAL WELFARE POLICY IN NEW SOUTH WALES

Organisation: The Australian Pig Doggers and Hunters Association

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APDHA SUBMISSION

Inquiry into Animal Welfare Policy in NSW and the Draft NSW Animal Welfare Bill February 2022

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ANIMAL WELFARE IN A HUNTING CONTEXT

WHO ARE WE?

The Australian Pig Doggers and Hunters Association (APDHA) is the peak body representing legal, ethical pig hunters nationwide.

It was incorporated in Queensland in 2005 and seeks to represent the interests of its national member base to government, private landholders and the general public as well as provide education, legal guidance and leadership to its membership.

Our base position is that hunting in general, and specifically using well trained and managed dogs, is a legitimate cultural activity that also provides significant environmental, agricultural and economic benefits to the community.

Our membership is required to adhere to a strict Code of Conduct (see attachment) which features a strong animal welfare focus.

We fully accept and respect community concerns about animal welfare whether expressed through legislation or the concept of social licence and seek to maintain a welfare focus while dealing with the realities of animal control.

WHAT DO WE DO?

The APDHA is formally recognised by the NSW Government as an Authorised Hunting Organisation (AHO) under the Game and Feral Animal Control Act 2002 with responsibility for insuring, educating and, if required, disciplining members who are entitled to seek approval to hunt on certain public land in NSW under the Restricted Hunting Licence system.

The association was also a key contributor to the NSW Government's statewide pest management review and has also been party to the rural crime review, a consultative process that led to the significant strengthening of laws which had the effect of exposing trespassers and illegal hunters to prosecution under animal welfare laws as well as those dealing with trespass and theft.

In the Northern Territory we are in partnership with the Northern Territory Government through the Department of Parks and Wildlife to assist in the management of feral pigs in environmentally and culturally sensitive National Park estate. Our NT leaders manage access, reporting and resource allocation for research and control of feral pigs on behalf of the department.

In Queensland, our advice and input was sought in the development of amendments to the Animal Management (Cats and Dogs) Act 2008 to ensure anyone using a defence of hunting in a matter in which a dog confronts another animal had to be able to prove they were hunting legally on private land ie with explicit landholder knowledge and approval and within relevant laws requiring no unreasonable nor unjustifiable pain or distress and within the parameters of Biosecurity legislation. We are also a contributor via submission and follow-up meetings and advice to the review of the Queensland Animal Care and Protection Act 2001 this year.

We are an invitee and participant in the National Biosecurity Roundtable with special interest in the humane management of animal pests among other considerations as well as a participant in the development of the nationwide African Swine Fever management plan.

Underpinning all of this is our code of Code of Conduct to which members are required to become a signatory and which is enforced by the APDHA and its executive.

WHAT WOULD WE LIKE THE INQUIRY TO CONSIDER?

Our submission in relation to the NSW Animal Welfare Reform Discussion Paper acknowledged and supported the focus on welfare in all animal-related activities and, particularly, in relation to the use of dogs in hunting.

We support the Draft NSW Animal Welfare Bill 2022 in general terms and appreciate the opportunity to further comment on animal welfare in a hunting context.

We now seek to focus on what we see as four key discussion points of the Draft Bill.

To that end, we would ask the inquiry to consider:

- Part 4 Offences Relating to Animal Cruelty, Division 4, Transport of Dogs.
- Part 4 Offences Relating to Animal Cruelty, Division 5, Animal Cruelty Material.
- Part 5 Licensing and Approvals.
- Part 6 Stock Welfare Panels.

IMPROVING ANIMAL WELFARE OUTCOMES

TRANSPORT OF DOGS

Let us begin with the issue of dog transport:

Draft NSW Animal Welfare Bill 2022
Part 4, Division 4, Section 37
Transport of Dogs

Requirements for transporting dogs

(1) A person must not—

(a) leave a dog unattended in a vehicle in hot weather for more than 5 minutes, or
(b) transport a restrained dog on the tray of an open-backed vehicle in hot weather unless insulating material is used to provide protection from the heat of the surface of the tray. Maximum penalty—category 3 penalty.

(2) Subsection (1)(a) does not apply—

(a) if the dog left unattended in the vehicle is not affected by the hot weather because the vehicle is adequately ventilated and shaded, or
(b) in the following circumstances—
(i) the vehicle is fitted with a cooling system that keeps the interior temperature of the vehicle cool, and (ii) when the dog is left unattended in the vehicle, the cooling system is operating in a way that ensures the dog is not affected by the hot weather.

(3) A person must not carry or convey a dog on the open back of a moving vehicle on a public street unless the dog is restrained or enclosed in a way that prevents the dog from falling from the vehicle. Maximum penalty—category 3 penalty.

(4) Subsection (3) does not apply to a dog being used to control or protect stock animals.

(5) To avoid doubt, this section does not limit the operation of section 25.

(6) In this section— hot weather means an ambient temperature of 28°C or more.

The specific area in which we believe there can be a broader focus is:

(4) Subsection (3) does not apply to a dog being used to control or protect stock animals.

We agree with this exemption as a sensible acknowledgement of the reality of stock management particularly, that being carried out on public roads many of which are often remote and little used. It also acknowledges the significantly reduced speed of any vehicle carrying dogs for this purpose.

In the same way we seek acknowledgement of the special circumstances surrounding the legal use of dogs on NSW public land declared for hunting. Dogs are used to locate and bail or hold feral pigs and, on private land, one of the most effective ways to do this is have one or more dogs loose on the tray of a slow-moving vehicle to allow them to leave the vehicle of their own accord upon sight or scent of a feral pig.

Use of the dogs in this way has a number of animal welfare benefits:

Significantly reduces the amount of ground a dog must cover under its own power to locate scent and/or the pig. A very important consideration in hot weather and difficult terrain.

Significantly reduces the head start given to a pig (by reducing noise, changes in vehicle movement or hunter behaviour that alert an animal), thereby reducing the potential length of a pursuit. Very important for the dogs and the pigs.

Allows the dog to maintain focus on its objective thereby reducing frustration and/or over excitement in the dog which has the potential to increase risk to the dog. Over stimulated dogs, restricted from carrying out their work can risk injuring themselves.

Keeps the scenting dog above physical obstacles that can impede its progress and increase risk of potential injury. The same goes for contact with snakes etc. Less time of the ground equals less risk.

The underpinning objective of legal, ethical pig hunting using dogs is to minimise pursuit and contact times for dogs and the pigs. Allowing a dog or dogs to free scent off a vehicle tray helps achieve this.

The issue on NSW public land declared for hunting, however, is that the vast majority of tracks and trails through State Forests (which form the majority of public land declared for hunting) are classed as public roads. There are many main roads that traverse declared hunting land but many, many more roads listed as public but barely trafficable by four-wheel drive, let alone a standard sedan. Potential vehicle speed is greatly reduced and, with it, the risk to a free scenting dog riding on the tray of a vehicle.

We would like to see a further review of the rules surrounding the transport of dogs to allow an exemption for legally hunting dogs being used on public land tracks from the tray of a vehicle travelling at no more than 25kms an hour.

ANIMAL CRUELTY MATERIAL

On the matter of animal cruelty material:

Draft NSW Animal Welfare Bill 2022
Part 4, Division 5, Sections 38 and 39
Animal Cruelty Material

This section has our full support.

The reason for our interest is not in suggesting any further exemptions or clarification. As stated above, the underpinning objective of legal, ethical pig hunters is to minimise the contact between dogs and pigs.

To that end we see this section of the Draft Bill as particularly important in guiding new hunters in that process.

Many hunters seek to record their activity but our position is that this can never take precedence over the quick control and dispatch of the pig and release of the dog from its work. So, one person filming a second running to a held pig, grabbing it and killing it as quickly as possible (and within the law) would not be likely to fall foul of this legislation. However, one person filming as others stand around and watch a dog hold a pig without seeking to control the pig, the dog and the situation might..

We would be keen to help distribute more information and conduct an education program on this section of the Bill.

LICENSING

In relation to the issue of licensing:

Draft NSW Animal Welfare Bill 2022
Part 5, Licensing and approvals, Section 42
Requirement to be licensed

(1) A person must not carry out any of the following activities (a licensed activity) unless the person holds a licence to carry out the activity—

- (a) animal research and the supply of animals for animal research,*
- (b) exhibiting animals,*
- (c) another activity prescribed by the regulations for this section.*

In NSW, the only licence required to hunt pigs with dogs applies to the use of dogs on public land declared for hunting. There is no licence for the use of dogs on private land.

We advocated for the introduction of a licence for all pig hunting with dogs in NSW in our submission on the discussion paper which led to this Draft Bill.

We note that in this section of the Draft there remains room for the introduction via regulation of a licence with education component and compulsory membership of a duly authorised hunting organisation.

We believe this has the potential to significantly increase the focus on animal welfare and provide a clearer path to education and enforcement.

WELFARE PANELS

On the issue of welfare panels:

Draft NSW Animal Welfare Bill 2022
Part 6, Stock Welfare Panels

The Draft Bill makes specific reference to the structure of Stock Welfare Panels. We are supportive of the expansion of that concept to include a Hunted Animal (or Game) Welfare Panel.

Legal, ethical hunters are supportive of the pursuit of animal welfare in a hunting context and see it as integral to the future of hunting as a legitimate recreational and cultural pursuit, an effective means of animal population control and a significant economic driver in post Covid NSW. The APDHA would support the expansion of the welfare panel concept to include hunting and would seek to be one of the hunting groups represented.

The APDHA Code of Conduct

THE AIM OF THE CODE IS TO PROMOTE SELF-REGULATION AND ENSURE USING DOGS IN THE MANAGEMENT OF FERAL PIGS REMAINS A LEGITIMATE AND LEGAL MEANS OF PEST CONTROL, FOOD GATHERING AND RECREATION. THE APDHA SEES THE USE OF DOGS AS EFFECTIVE IN CONTROL OF A POTENTIAL BIO-SECURITY THREAT, HAVING PARTICULAR CULTURAL AND RECREATIONAL VALUE AND INTEGRAL TO THE GENERATION OF DOMESTIC AND EXPORT INCOME.

While various methods of wild animal management can be effective, an integrated approach is recognised as the most effective, particularly in relation to wild (or feral) pigs. Hunting with dogs allows the handler to dispatch animals that are concealed in their environment and still be able to observe the live animal and its carcass for signs of exotic disease. It is widely used because of its adaptability to the different environments found in this country as well as its cultural significance. Capturing feral pigs is a specialised operation. Training should be provided for people and dogs to ensure a skilled process of dog handling and humane slaughter.

1. **Housing requirements:**

- a. Kennels must protect dogs from rain, wind, extreme heat and cold.
- b. Kept clean, hygienic and free from odour.
- c. Be designed and maintained to avoid injury/escape.
- d. Of sufficient size to allow dogs to be comfortably and humanely housed.
- e. Be kept in such a way as to not cause a nuisance to others.
- f. Be kept in such a way as to reduce stress to the dog.
- g. Fencing must not allow dogs to roam from premises where they are kept.
- h. Bitches on heat must be securely confined.

2. **Care of dogs:**

- a. Fresh, clean water must be provided at all times.
- b. Diet must be balanced and maintain health.
- c. Dogs must receive prompt veterinary attention when and if required.
- d. Dogs must be treated on a regular basis for external/internal parasites.
- e. Dogs must be vaccinated as advised by a vet.
- f. Dogs must be kept in good physical health.

3. **Keeping of dogs:**

- a. Dogs are to be kept with reference to applicable local, state and federal laws.
- b. Dogs should be sought with the lifestyle and needs of the owner in mind.
- c. Dogs are to be identifiable at all times. The minimum requirement is local council registration. Microchipping and tags displaying owner's name and phone number and identification, where not mandatory, are also encouraged.

4. **Training of dogs:**

Dogs should be:

- a. Well trained and obedient, through the use of appropriate and humane methods.
- b. Stock proof and socialised with other dogs, animals and people.
- c. Discouraged from exhibiting anti social and undesirable behaviour.
- d. Under appropriate control at all times.
- e. Trained either to bail or to hold pigs with the minimum of contact needed to keep the pig in one place.

5. **Sale of Pups/Dogs:**

Dogs are to be:

- a. Bred from animals which are healthy, of good temperament and free from known genetic faults.
- b. Properly represented at time of sale.
- c. Guaranteed to work unless new owner is advised otherwise.
- d. Vaccinated unless new owner is advised otherwise.
- e. New owners are to be advised on parents' temperament, appropriate care, training and housing for their new dog.
- f. Pups/dogs must only be sold to suitable homes. Fencing, use, yard size, children and other circumstances must be taken into account before sale.
- g. Pups and dogs are not to be homed as pets unless their temperament is suitable for such a lifestyle and the new owner is properly advised of their need for exercise, training and stimulation.
- h. Dogs not specifically required for breeding are to be desexed before rehoming, or the new owner advised to desex the dog at a more suitable age.
- i. All relevant laws in relation to dog breeding are to be followed.

6. **Transportation of Dogs:**

- a. When travelling on public roads, dogs must be suitably restrained, crated, tied or caged and protected from the elements. In the case of tying, the lead must be short enough so the dog cannot fall from the edge of the tray or tub back of a utility or four-wheel-drive. In the case of cages and crates, ample room must be available for each dog to comfortably stand, turn around and lie down.
- b. When hunting in the field, dogs being worked do not have to be restrained as above.

7. **Working of Dogs:**

- a. The weather conditions, temperature and fitness of the dog are to be taken into account when being worked so as the not cause stress to the dog.
- b. Tracking collars, where not mandatory, are strongly encouraged.
- c. Dogs must wear protective gear when working. Minimum requirement is a neck collar, which protects the throat and neck. Breastplates, vests, tracking collars, reflective tags, flashing tags and glow tags/sticks, where not mandatory, are also encouraged.

8. **Number of dogs used on a pig:**

Maximum number of dogs on a pig at any time is:

- 2 holding dogs
- 2 bailers
- 1 pup in training.
- The fewer dogs the better. The number of dogs you need will depend on their working ability, size/condition of the pigs and country you are hunting. We advocate the use of the minimum number of dogs required to catch and allow for the effective and safe dispatch of the pig without causing undue stress to either animal.

9. **Handling and dispatch of pigs:**

- a. The dispatch of the pig should be carried out with full regard for the welfare of the animal. It is unacceptable to use killing methods that:
 - Cause severe and prolonged pain and distress.
 - Result in deliberate mortal wounding of animals so that they die later away from the shooting or capture area.

- b. The Queensland Animal Care and Protection Act 2001 (as an example) specifies unacceptable behaviour which is classed as cruelty to an animal, including to:
- Abuse, terrify, torment or worry it.
 - Overdrive, override or overwork.
 - Kill it in a way that is inhumane, cause it not to die quickly, or cause it to die in unreasonable pain.
 - Unjustifiably, unnecessarily, or unreasonably injure or wound an animal.
- c. Use of dogs to handle captured feral animals should be minimised. The aim at all times should be to handle captured animals quietly.
- d. It is preferable that dogs be only used to locate and bail feral pigs to enable humane dispatch. Dogs must respond to commands from the controller/handler and not harass the pig.
- e. Holding dogs should be used to hold the pig for the shortest time possible while the pig is humanely dispatched.
- f. The use of dogs to attack, mutilate or bring down a pig should not be allowed. It is an offence in some areas to allow dogs to do this.
- g. When the pig has been caught, it must be dispatched humanely and as quickly as possible. All captured pigs are to be dispatched. Catch and release must not occur. It is illegal in every State and Territory in Australia.
- h. Methods used to dispatch pigs must be rapid, effective and the most humane alternative possible to minimise pain and distress.

Option 1

The handler controls the dogs so that they are positioned safely to enable dispatch of the pig with an accurate shot to the head. (See diagram a - for shot placement).

Firearm user must hold the relevant licenses in their state, and the calibre of gun to be used must be a minimum .22 magnum.

Option 2

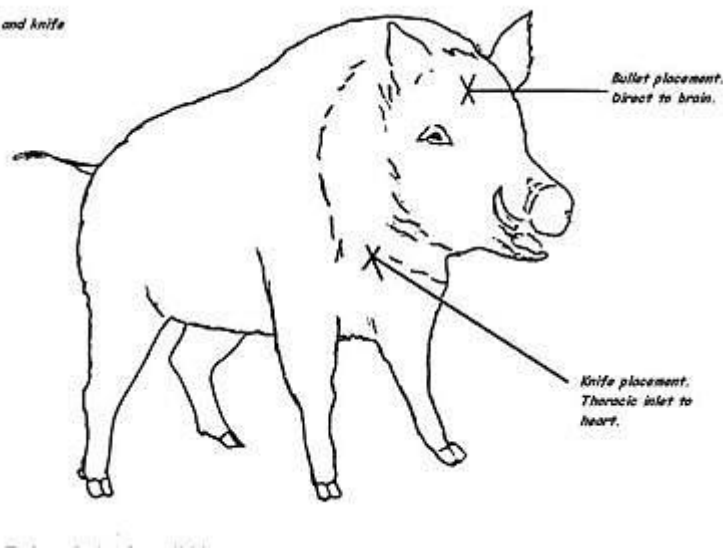
Dogs control the pig to enable the hunter to grasp and restrain the pig so that a single knife stick to the heart can dispatch it. (See diagram a below for knife placement). Knife must be of good quality with a steel blade with a minimum blade length of 170mm.

To ensure that the welfare of the pig is considered at all times, training in these procedures is essential to ensure the procedure is efficient and effective. No training must take place on a live animal.

- i. If carcasses are not used for human or animal consumption they must be disposed of as requested by the landholder. It is desirable to cut the stomach to speed up decomposition.

Under no circumstances are carcasses to be dumped along public roads, on public land or at Council tips, unless at specific dead animal facilities.

Diagram A for shot and knife placement.



DISCIPLINE POLICY

All members must read the rules. Ignorance is no excuse.

1. The association committee has the power to fine, suspend and/or expel any member who is convicted of an offence relating to hunting, i.e. cruelty to animals, trespass (illegal hunting) etc.
2. Violation of the APDHA code of conduct, procedures, by-laws or other applicable rules may be the subject of discipline, up to and including removal from the association, as recommended by the President and approved by the committee.
3. The President shall have discretion to immediately and temporarily suspend any member (as detailed in the APDHA Policies and Procedures) pending a hearing and consideration by the committee of further discipline, if immediate action is deemed necessary for the protection of the association.
4. The person shall be notified and given a chance to request reversal of the suspension as detailed in the APDHA Policies and Procedures.

Approved & adopted by the Australian Pig Doggers & Hunters Association Inc. April 2005. Amended January 2016 and February 2019.