

**Submission
No 222**

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

Name: Dr Susanne Pedersen

Date Received: 28 February 2022

Parliament of New South Wales, Standing Committee of Animal Welfare Policy in NSW
C Cusack; M Veitch; M Banasiak; W Fang; S Farlow; J Graham; E Hurst; P Poulos

Subject Matter
NSW Government's Animal Welfare Bill 2022

Dear Committee Chair of Animal Welfare Policy in NSW, Hon. Cusack;

I welcome the NSW Government's intent to reform its policies pertaining to Animal Welfare. I have with interest read the Animal Welfare Bill 2022 [**Bill Draft**] and associated material.¹⁻⁵

To provide context for my submission: my profession is science and my spare time is devoted to the German Shepherd Dog. I hold a doctor degree in Molecular Biology and have a full-time position as the Chief Scientific Officer in an Australian biotech company that I co-founded. In short, we discovered biomarkers for colorectal cancer (CRC) and developed a blood-based PCR test for monitoring CRC-treated patients for disease relapse. The test is commercialized in the United States. I'm a principal co-investigator on several clinical trials running at Flinders Medical Center and an appointed Adjunct Academic Senior Lecturer at the College of Medicine & Public Health, Flinders University. I have +40 publications in peer-reviewed academic journals and written 100s of Standard Operation Procedures, clinical trial protocols, grants, invention disclosures, etc. I've owned, trained, trialed, competed with German Shepherds for 30 years and each dog have been/is a big part of our family and way of living. I believe responsible dog ownership includes offering dogs an opportunity to use their inherited traits for their physical and mental welfare. My dogs utilize their inherited traits in an internationally recognised recreational sport governed by the World Canine Organisation (FCI) under the Utility Dogsport Scheme.⁶ I have represented Australia at 3 World Championships and ranked 54th at my last participation (2019). I'm the training director in Sydney Dogsport Club (which I co-founded in 2004) and have guided many with respect to training of their dogs within said Dogsport Scheme. The club is a member of the non-for-profit organisation, Working German Shepherd and Dogsport Clubs of Australasia (**WGSDCA**, est. 1990). I've held the WGSDCA President position since 2015. I've been a registered and licensed breeder under the DogsNSW, hence Australian National Kennel Club [**ANKC**, now Dogs Australia] since 2013. I've imported German Shepherds and semen to preserve/improve health, gene diversity and temperament in the three litters that I have produced since 2017.

I write to submit my concern with respect to some of the Sections in the Bill Draft. I agree with the points being addressed, but the language is at times unclear, too generic and unnecessarily broad to the extent of over-reaching.

Unless further revised, it is my opinion that the Bill Draft will have some unintended consequences:

Part 9 Division 1: Committees | The Animal Welfare Advisory Council

The current members of the Animal Welfare Advisory Council (**AWAC**) are listed in the associated material.²⁻⁵ The NSW canine fraternity is wider than NSW police, Greyhound, Farmers, RSPCA NSW, DogsNSW and academic representatives of animal welfare science, animal behaviour, veterinary science and animal science. It is my opinion that the AWAC is unbalanced and lacking representation by the "Boots on The Ground".

Where are the representatives of independent industries such as the professional dog trainers? Why are the greyhound and farmer dog industries recognised as stakeholders, but not independent volunteer-based organisations such as WGSDCA, Working Kelpie Council of Australia, Working Gundog Association of Australia, Search & Rescue Dogs Australia, Canine Conservation Detection Certification of Australia, just to name a few? The members of these organisations are volunteering civilians with a passion for working dog breeds and an important group to help the NSW Government's goal of advocating responsible dog ownership.

¹NSW Government's Animal Welfare Bill 2022 ([here](#))

²Licensing and regulation cat and dog breeders – Consultation Paper, November 2021 ([here](#))

³NSW Animal Welfare Reform – Discussion Paper, July 2021 ([here](#))

⁴NSW Animal Welfare Action Plan, May 2018 ([here](#))

⁵NSW Animal Welfare Reform – Consultation Outcomes ([here](#))

⁶FCI Utility Dogsport Scheme ([here](#))

Further, the working dogs represented in these fraternities are a critical for sourcing dogs who possess the right inherited traits needed for industries such as farming as well as government canine agencies.

Submission Request 1: The NSW Government to expand list of representatives on the AWAC to ensure a “360-degree view” when the subject matter is introducing legislation pertaining to the NSW canine fraternity and with the object to mitigate the legislative risk of unintended ramifications if enacted.

Part 3 Division 3: Prohibited and Restricted Procedures | Surgical Artificial Insemination of Dogs

It is my understanding that earlier in February, Minister Saunders announced that Section 22(1)(e) has been removed from the Bill Draft. While awaiting confirmation of such, I make the following submission:

If the intention of the Bill Draft is to prohibit a person other than a veterinarian from conducting surgical insemination of a dog, then this should be explicitly stated.

If the intention is to prohibit the procedure full stop, then I bring to your attention that this procedure is widely used in other animal industries (cattle industry, zoos, etc). Why is surgical insemination more of a welfare concern for a dog than for any other animal? Due to Australia’s geographic location, importation of semen is imperative to uphold a diverse and sound gene pool for any animal species. This is also true for the Greyhound and Farmer dog industries, as well as for dog breeders registered under DogsNSW. I recognise that transcervical insemination is still an option if enacting Section 22(1)(e), but I personally choose surgical artificial insemination after seeing the distress of one of my female dogs undergoing transcervical insemination! The Bill Draft needs revision as not to do so would have severe ramifications for the reputable dog breeders in NSW. Just like the cattle or cat breeder, these breeders use artificial insemination to enable access to overseas genetics and blood lines that may not be available locally to preserve, preferably improve, genetic diversity.

If the intention is to clean up in the rapidly increasing issue with the so-called designer breeders, then you have my support on the provision that such intention is clearly stated in the Bill Draft. This ‘industry’ is flourishing due to a demand for ‘dogs designed’ to give the best from two different breeds, and the consumer is willing to pay +\$10,000 for what essentially is a mongrel. For example, “Pomskies” are a cross between a Pomeranian and Siberian Husky – two breeds that differ vastly in size. Obviously, natural matting is not possible between a female Siberian Husky and a male Pomeranian. Conversely, I have welfare concerns for a female Pomeranian carrying puppies as a result of being mated with a Siberian Husky as her body wasn’t design to carry and give birth to puppies that can only be bigger due to her being mated with a dog 3 times her size!

Submission Request 2: Revise the language in Section 22(1)(e) to make the intention clear.

Part 4 Division 2: Animal Fighting and Live Baiting

I condemn any person who engages in animal fighting, live baiting or training of an animal to fight a human.

The language in Section 31 *Definitions* should be as specific as current law⁷ if such law is repealed in the event of enacting the Bill Draft. I.e. revise the language to state training of an animal to fight or attack a human with the purpose to harass or menace a person with the intention to cause fear or harm is an offence. Alternatively, amend Section 32 (2) to make it clear that Section 32 (1) does not apply to the world’s largest dogsport catering for the well-being of the modern-day working dog - the FCI Utility Dogsport Scheme.⁸ The sleeve-work included in this Dogsport Scheme is occasionally misperceived as ‘attack dog training’, but several Australian governing bodies have concluded that the FCI Dogsport Scheme is a recreational dogsport:

- In 2009, DogsVIC, in conjunction with the German Shepherd Dog Council of Victoria (GSDCV) had to obtain an Order of Council to exempt dogs trained in this sport from the Victorian Dangerous Dog Legislation.⁹

⁷ NSW Companion Animals Act 1998 No 87, Division 1 Section 16.

⁸ FCI Utility Dogsport Scheme ([here](#))

⁹ Victorian Government Gazette G14, April 2, 2009; page 855

- In 1998, a court case pertaining to a dangerous dog decision by the Victorian Casey City Council based on a dog trained in this sport was set aside. The judge described the training as a sterile/hollow sport; concluded the sport to be far removed from attack dog training; ruled the dog not to be dangerous.¹⁰
- In 2006, the South Australia Dog & Cat Management Board tabled a review of the FCI Dogsport Scheme and concluded the dogsport not to constitute attack dog training - a position reconfirmed in 2016.¹¹
- In 2012, the NSW Minister for Agriculture, Fisheries and Forestry launched a scheme aimed to improve the health and welfare of the Australian working dogs, for which the following groups were identified: private industry, government canine agencies, assistance and sport. The latter included: greyhound, sled, sheep trial, cattle trial and the FCI Utility Dogsport Scheme.¹²

The FCI Utility Dogsport fraternity is dedicated to the preservation of inherited traits of working dog breeds, in particular the German Shepherd, and offer the sport to such dogs for their physical and mental well-being. *On that note, I take the opportunity to make the NSW Government aware that the dogs participating in the FCI Utility Dogsport Scheme need protection as this fraternity plays a part in sourcing dogs for government canine agencies.* It is my understanding that Australian government canine agencies struggle more and more to source enough dogs. (FYI: two of the puppies I produced from my sporting dogs are with the NSW Police Dog Squad.)

Submission Request 3: Amend Section 32 (2) and (3) to specify that Subsection (1) does not apply the conduct of the FCI Utility Dogsport Scheme. This request is on par with the Bill Draft specifying that Subsection (1) does not apply to the conduct of sheep dog trials and rodeo.

Part 4 Division 6 | Prohibition on Prohibited items

Section 40 (1)(a) states a person must not use an electrical device other than an electrical device of a type permitted by the regulations. The Bill Draft needs to provide a list of permitted devices in the event the Bill Draft is enacted, and current law repealed.¹³

Submission Request 4: Provide a list of permitted devices or add a reference as to where the lay person can find such list.

Part 5 Licensing and Approvals | Section 42 (1)(b) Requirements to be licensed

According to the Oxford Dictionary | “exhibition”: *public display, show, presentation, demonstration, showcase, exposition, parade.*

In the ordinary meaning of the Bill Draft, the word ‘exhibition’ is too broad. I believe the intention is directed at exhibition of animals at establishments such as zoos, wild parks and the like.

Submission Request 5: Introduce provisions which make the distinction that Section 42(1)(b) does not apply to recreational animal exhibitions, such as dogs participating in shows, performance trials and agricultural events and that no licensing requirements will apply to members of recreational canine bodies such as DogsNSW, WGSACA, Working Kelpie Council of Australia, Working Gundog Association of Australia, and the like.

CONCLUDING REMARKS

It should be incumbent on the Parliament to rigorously examine all the facts and any potentially unintentional ramifications of any decision-making with respect to the intent to reform the NSW Animal Welfare Legislation. Legislative changes must not be arbitrary or unfair, and any decisions must be based on rational considerations connected to the objective. Please do not hesitate to contact me if that has the interest of the Committee.

Yours sincerely,

Dr. Susanne Pedersen |

¹⁰ Burns v Casey CC (1997/20023) [1998] VICCAT (17 July 1998)

¹¹ SA Dog & Cat Management Board Meeting August 2016 resolution

¹² Australian Working Dog Industry Action Plan, page 2 “Schutzhund”. ([here](#)). *The sport was originally offered as “BHP” under FCI and “SCHH”/Schutzhund under the World Union for German Shepherds. In 2004, the two parties unified the rules and have since been referred to as the FCI Utility Dogsport Scheme.*

¹³ NSW Prevention of Cruelty to Animals Regulation 2021 Schedule 3 Electrical devices