

## Companion Animals in Law – Animal Welfare and Animal Management

### Michael Hayward

Ten years have passed since the last review of companion animal legislation was presented at a conference. In 1998, Drs Michael Banyard and Robert Stabler<sup>i</sup> reviewed companion animal legislation at the Urban Animal Management conference. It is worth noting that they only looked at animal management or control legislation.

When the community thinks of animal welfare, they often think in terms of animal cruelty. For example, the two little Maltese cross dogs, Bronx and Honey, bashed with a spade in their backyard, then removed and dumped on a pile of rubble on a building site. They were brought to my veterinary hospital the following day and treated for their head injuries; one was euthanased two days later and the second after 7 days. Or they think of the thousands of dogs and cats abandoned at pounds and shelters every year, in too many cases to be euthanased. And they may call for quick fix solutions.

For some time, those interested in the complexity of companion animals, their owners, their welfare, and their impact on the community, have realised that there is an inseparable link between the management of animals (and the legislation which underpins that management) and the welfare of the animals themselves. This paper will therefore consider the legislative structure under which Australians own and manage companion animals, and look at how this legislation affects the animals, and companion animal ownership.

But first, some examples.

### Cats

In July 2008 the Municipality of the City of Joondalup (Perth, Western Australia) introduced a local law requiring:

- all cats to be registered by 3 months of age,
- all cats to be desexed before they are registered,
- all cats to be identified by collar and tag or microchip,
- the banning of cats from being “in a public place” unless they are “under effective control”<sup>ii</sup>.

This is a major change for cat owners and introduces substantial costs for owners of cats not currently complying. There is no State cat legislation in Western Australia, and Joondalup has introduced this legislation presumably in response to perceived needs. Significant lobbying has been occurring across the country in the last few years to encourage governments to introduce mandatory desexing legislation, mainly for cats, but also for dogs. This has been seen by the advocates as the most effective tool to reduce the number of cats (and dogs) entering and dying in pounds and shelters.

Any right-minded person is sickened by the numbers of cats being euthanased across Australia. The proposal seems to have logic – if all cats (except registered breeding cats) are desexed, fewer cats

will be born who will fail to find good homes, so fewer will be dumped in shelters. A side benefit is that there should be fewer cats going “feral” and destroying wildlife. Mandatory desexing is an animal management solution to an animal welfare problem.

Unfortunately, it is unlikely to be effective. The Australian Capital Territory (ACT) introduced mandatory desexing in 2001. By 2007, it had made no significant difference to the number of cats entering, or being euthanased in the RSPCA ACT shelter<sup>iii</sup>. Despite a lack of Government enforcement, the evidence suggests there has been a high rate of compliance, so why didn't it work? The most important reason is that, as Victorian studies show, 80% of cats entering Australian shelters are unowned<sup>iv</sup>. Such a cat does not have an owner to present it for compulsory desexing, and does not have an owner who can be penalised for non-compliance. It is also very difficult to enforce mandatory desexing – you need permanent identification from a very early age and a system to track owners of undesexed cats to force them to comply. This probably means door-to-door inspections and inspecting (catching) every cat, which is clearly difficult in these days of tightening budgets, limited man-power, and privacy legislation. Mandatory desexing is an animal management solution to an animal welfare problem which is, unfortunately, bound to fail. Mandatory desexing imposes additional burdens (you must get your cat desexed, you must get your cat desexed by three months of age) on pet owners, and the burden actually falls on responsible pet owners. Those who own cats and are not convinced to be responsible by education or legislation will simply ignore this requirement just as they ignore so many others. Some responsible potential pet owners may be put off cat ownership because of the burden imposed by such legislation.

Cats are perceived as a great threat to Australia's wildlife, and conservationists have long called for cats to be kept away from our small birds and animals. So when two new Canberra suburbs, Forde and Bonner, were planned adjacent to Mulligan's Flat and Goorooyaroo nature reserves, the conservationists called for cats to be banned from these suburbs. Fortunately, a compromise was negotiated such that cats in these suburbs are required to be confined to the owner's property 24 hours per day. While this is a plus for owners who benefit from the presence of a cat, and a plus for the cat who won't be run over by a car, beaten up by other cats, exposed to infectious diseases, or chased by dogs or small children, it introduces additional costs to home builders who are required to keep their cat indoors or construct an escape proof enclosure attached to their house. Potential cat owners may be unable to afford the extra hundreds to thousands of dollars, and cats may be dumped in shelters because the owners decide not to take them when they move to such a suburb. Rules like this are springing up all over Australia in both new and existing suburbs.

### **Rental accommodation, bodies corporate**

Perhaps the most obvious impediment to Australians owning pets is the limitations often imposed on those in rental accommodation or housing controlled by a body corporate or similar. Many landlords forbid the keeping of pets despite more than 60% of Australian households owning pets<sup>v</sup> and more than 80% desiring to own a pet at some time. It affects all strata of society, from the poorest who struggle to find accommodation and have not the luxury of looking further for somewhere that will accept their companion animals, includes average Australians in unit developments<sup>vi</sup>, to some of Australia's wealthiest like the Gold Coast couple who spent \$70,000 in legal fees to maintain the right to keep their family pet in their million dollar high rise apartment<sup>vii</sup>. The failure to find pet friendly accommodation is an important reason for pet abandonment in

pounds and shelters – living in a rented home is a risk factor for pet relinquishment<sup>viii</sup>. The Australian Companion Animals Council has produced leaflets for both landlords and tenants addressing this issue, and developed a draft “tenancy with pets” agreement<sup>ix</sup>. Some states are introducing new Unit Titles legislation to remove bans on owning pets in multi-unit housing and give owners and tenants wider protection<sup>x</sup>. This is an excellent move and will, if enacted, enable more residents of rental and unit title accommodation to keep or obtain pets, and reduce the likelihood of these animals being abandoned in pounds or shelters.

### **Greyhounds**

Greyhound racing is a popular sport in Australia and there are probably well over 20,000 greyhounds born each year (7,682 were born in Victoria in 2006<sup>xi</sup>). Even a successful greyhound’s racing career is brief, and only a small proportion is retained for breeding. There are now Greyhound Adoption Programmes (or equivalent) in most States and Territories. Greyhounds can make excellent companion animals, although they need to be assessed carefully to ensure the safety of potential prey animals (such as small dogs). In most States and territories, legislation has been in place for decades requiring greyhounds to be muzzled in public. This requirement, which is unnecessary in most greyhounds, particularly after they have finished racing, induces a public image of greyhounds as killing machines intent on running down and mauling other pets, wildlife and people. The muzzling requirement reduces potential owners’ willingness to adopt a greyhound.

Fortunately, several States (such as Victoria and the ACT, under consideration in Queensland) have amended their legislation to enable greyhounds which have passed a temperament test to be freed from the requirement to wear muzzles in public.

### **Electronic collars**

Electronic collars are electronic training aids which deliver an electric shock to the neck of dogs as a punishment for performing an undesired action. There are three forms: remote control, manually activated collars for training dogs; anti-bark collars which are activated when the dog barks; and “invisible fence” containment devices which shock the dogs if they approach a buried wire forming the perimeter of the area in which they are to be contained. It is illegal to import such devices into Australia under Federal legislation, unless written permission is obtained from the Minister for Home Affairs. The National Consultative Committee on Animal Welfare (NCCAW) has a Position Statement which opposes the manufacture, importation and use of electronic dog collars. The Australian Veterinary Association (together with the British Veterinary Association and the Canadian Veterinary Medical Association) and the Royal Society for the Prevention of Cruelty to Animals oppose the use of these devices, regarding them as either cruel or having the potential to cause animal suffering.

Australian States have widely varying legislations concerning these devices. It is

- illegal to use an electronic collar on (apply a shock to) a dog in the ACT
- illegal to use an electronic collar on a dog in NSW unless it is one of two named brands of confinement fence and then only in conjunction with a physical barrier
- illegal to use an anti-barking electronic collar in the Northern Territory (but training collars and confinement collars are allowed by regulation)

- legal in Queensland (although provision exists under the legislation to name branded devices in the regulations)
- illegal in Victoria to use an electronic training collar unless prescribed for the dog in question by a veterinarian
- and legal in WA to use electric training collars and invisible fences

Tasmania appears to ban the use of electronic devices used in the course of, or in training for, any sport or public performance, apparently leaving their use open in private circumstances.

This wide variety of prohibitions and allowances makes it very difficult for a resident to know what is allowed and what is not, particularly if they move between jurisdictions. Electronic collars are readily available in Australia and the inconsistency of legislation makes the control of their use even more difficult.

### Legislation

Most parts of Australia (except the Australian Capital Territory) function under three levels of Government – Federal, State or Territory, and Local (or Council, Shire). Under the Australian Constitution, there is a devolution of powers to the States, and this includes all matters relating to animals except where international trade or relations is involved. Thus, the only Federal Legislation affecting companion animals is that relating to imports. The Customs (Prohibited Imports) Regulations 1992<sup>xii</sup> came into effect after a fatal dog attack in NSW and bans the importation of four dog breeds into Australia (American Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro). Most Australian States have applied various restrictions to the ownership of these breeds based upon this Federal statute.

This is not the first Australian legislation to ban the importation of dogs. German Shepherd dogs were a prohibited import into Australia from 1929 to 1974, although Western Australia did not lift the prohibition until 1976. The restriction on the importation of German Shepherds came about because of lobbying by pastoralists concerned that this breed would introduce more stock-destructive genes into the domestic and wild dog population. The lifting of the ban may have been partly because the then minister for Customs, Don Chipp, was a German Shepherd Dog owner<sup>xiii</sup>.

Each State and Territory has its own legislation for animal welfare and for animal management.

In New South Wales (NSW), Victoria (Vic), and South Australia (SA), animal welfare legislation is called the Prevention of Cruelty to Animals Act (POCTA), while in the Australian Capital Territory (ACT), the Northern Territory (NT), and Western Australia (WA), it is called the Animal Welfare Act. Queensland is unique in renaming its legislation the Animal Care and Protection Act in 2001. In general, the POCTA legislation was enacted earlier than the Animal Welfare Acts; indeed Western Australia did not have an Animal Welfare Act until 2002.

The name Prevention of Cruelty to Animals is very similar to that of the Royal Society for the Prevention of Cruelty to Animals which has been active in animal welfare and in encouraging such legislation in Australia since 1871<sup>xiv</sup>. There is a widespread misconception that animal welfare equals the absence of animal cruelty. Our concept of animal welfare has moved on from just preventing cruelty (see box insert) and perhaps these Acts should be renamed to better reflect their scope.

Animal welfare means how an animal is **coping with the conditions** in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behavior, and if it is not suffering from unpleasant states such as pain, fear, and distress. Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter/killing. 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.

**Formatted:** Font: Bold

xv

The legislation which controls companion animal ownership in Australia is variously called the Domestic Animals Act (ACT), Companion Animals Act (NSW), the Dog and Cat Management Act (SA), the Domestic (Feral & Nuisance) Animals Act (Vic), the Dog Act (WA) and the Dog Control Act (Tas). These acts control such things as:

- whether you can own a dog, cat or other animal in a specific area
- the number of pets you can own
- whether the pets need to be identified, and how
- whether the pets need to be registered,
- whether the pets need to be desexed, and from what age
- whether the pet can wander or needs to be confined
- where a dog can be walked on leash or off leash
- whether you have to pick up faeces after your dog

and impose penalties for breaches of the above as well as for

- animal nuisances such as barking
- attacking, biting or harassing dogs

They also impose keeping conditions on pets, particularly on cats and on dangerous dogs. It is clear that these statutes have a significant impact on how easy it is to own companion animals, and therefore how willing people are to have pets.

It is only in recent years that cats have received recognition in law. The names of the Acts in the ACT, NSW and SA previously just referred to dogs, and the Acts were renamed when cats were included in the relevant legislations – for example, the ACT repealed the Dog Control Act and the Animal Nuisance Control Act in 2001. The recognition of cats as a companion animal that could be owned, as a risk to wildlife and a potential nuisance to others in the community, and especially their recognition in law, has perhaps been the greatest change in Australian animal management

legislation in the last fifteen years. In 1998, Stabler and Banyard reported only two states in which cats were required to be identified or registered; now at least four have these requirements and in others many local councils make similar requirements.

As the names suggest, the Western Australian and Tasmanian Acts refer only to dogs and there is no cat legislation in those States at the time of writing. Western Australia has a task force exploring cat legislation, but some individual councils are acting independently. For example, at the time of writing (July 2008) the City of Joondalup introduced a Cats Local Law 2008<sup>xvi</sup>. The Victorian Act's title is disturbing in that, although it describes the scope of the Act, it implies that domestic animals are either feral or a nuisance.

Many of these Acts have subordinate legislation, generally Regulations. Regulations provide an easier method of updating legislation because they can be enacted under the signature of the relevant Minister, and do not have to be debated in and passed by vote of parliament. They avoid the need for Parliament to consider technical matters, they can be drafted by those with technical knowledge, and they can be changed quickly, even if Parliament is not sitting. Regulations commonly contain lists of allowed or not allowed things or actions, which may need to be changed from time to time. For example, the NSW the Companion Animals Act 1998 specifies *that* an animal must be identified:

“Section 8 (1) A companion animal must be identified as required by the regulations from the time the animal is 12 weeks old.”

The Companion Animals Regulation 1999, on the other hand, specifies *how* an animal is to be identified (by microchip, who can implant the chip, how the microchip must be implanted, etc). The clauses in the regulation can be changed as technology or systems evolve over time. Regulations are mandatory and penalties exist for non-compliance.

A further set of subsidiary legislation exists in the form of Codes of Practice. Codes of Practice are defined (generally) by the primary legislation. They always act as guidelines, but these guidelines may be minimum, desirable, or best practice. Codes can be incorporated into legislation.

In Victoria all animal related Codes of Practice are mandatory. In the ACT the Codes are not mandatory but compliance may be used as a defence against prosecution under the Act. In Queensland, there are compulsory codes (which are enforceable) and adopted codes (which are not), but there are no Codes relating to companion animals. Codes are not enforceable in the Northern Territory, but can be used as supporting evidence in the event of the need for intervention and enforcement<sup>xvii</sup>. However, there are no Codes relevant to companion animals. South Australia is moving the mandatory components of their existing Codes into regulations and deregulating the Codes themselves<sup>xviii</sup> – there is only one Code (South Australian Code of Practice for the Care and Management of Animals in the Pet Trade) relevant to Companion Animals. Western Australia has no Codes relevant to companion animals. Tasmania calls them animal welfare standards (failure to comply may result in cruelty charges), but there are none relevant to companion animals.

The presence or absence of Codes relevant to companion animals, and their varying status in law, is a source of significant confusion to companion animal owners. However, it must be said that governments have been very poor at promoting their Codes such that many animal owners and

those who deal with animals are unaware of the presence of Codes or their responsibilities under them.

Comprehensive companion animal management legislation exists in four States or territories, while in two others the Acts refer to dogs only. In Queensland and the Northern Territory, there is no specific animal management legislation. Instead, local government (shire and municipal councils) is given the power to enact local laws governing the keeping of companion animals under the Local Government Act. This is voluminous legislation – in Queensland the Local Government Act is 1,164 pages in length. One small section, Section 1105, gives Councils the power to enact Local Laws about dogs giving inspectors a right of entry. The only pet specific aspect which has really concerned the Queensland Government is that of dangerous dogs. The only mention of dogs in the Act, apart from in section 1105, is the 34 pages of Chapter 17A and following (Section 1193A and following) regarding the regulation of Restricted Dogs (dogs of certain breeds deemed to constitute a greater risk to the community and in need of greater control).

Queensland has been active in considering relevant issues by public consultation. The government conducted reviews inviting public comment on Managing Unwanted Dogs and Cats (to which more than 5,300 submissions were received) and about the Local Government Act, and is now believed to be considering a comprehensive Companion Animals Act.

The power to enact animal specific local laws exists in other States, including Western Australia which is believed to be considering revamping its Animal Welfare Act and including animal management under this Act. There are no moves to consolidate animal management legislation in the Northern Territory.

Responsibility for legislation, both the policy behind it and the enforcement of it, lies with specific government departments. This leads to significant additional confusion, in that in most States and Territories the animal welfare legislation will be managed by one department (most commonly the Department of Primary Industry (or equivalent) responsible for agriculture and production animals), while companion animal management is commonly managed by the Department of Local Government. In the ACT, there is no Dept. of Primary Industries, and we have been in the fortunate situation that animal management and animal welfare were both managed by Environment ACT. In Victoria, companion animal management is managed by the Bureau of Animal Welfare within the Dept. of Primary Industries, which also manages POCTA. In States and Territories where the legislation is managed by different departments, there often appears to be poor communication and coordination between the departments.

This has a flow on effect in that those responsible for animal management “on the ground” (typically animal management officers employed by local government) have seen a clear division between their responsibilities and that of those charged with enforcement under the animal welfare Act (typically authorised officers employed by animal welfare organisations such as the RSPCA or the Animal Welfare League (AWL)). There has been significant resistance to introduce animal welfare into conferences and curricula for animal management officers, even though the animal control unit of local government has often been very active in community education about companion animals. This can lead to poor communication and cooperation between animal management staff and animal welfare staff.

In some situations, such cooperation on the ground is critical. American and Australian experts have observed the critical importance of a multi-disciplinary and multi-agency approach to the problem of animal hoarding<sup>xix xx</sup>. Animal management and animal welfare agencies need to work together in both the short and long term, but veterinarians, psychiatric and social services, the police, public health and environmental protection services may all be required. Neither animal management nor animal welfare can effectively deal with animal hoarders by themselves

I believe that a misunderstanding of the meaning of animal welfare, or perhaps the welfare of animals, has led to this resistance. In truth, anyone who works with animals is active in managing their welfare; anyone who educates about animals is educating about their welfare, and anyone who owns animals is responsible for their welfare. Fortunately, this attitude of division is changing. It was an animal management officer who rose through the ranks from local government to head the Policy and Education Branch of the Victorian DPI, Russel McMurray, who pushed most strongly for the recognition of the inseparable link between animal welfare and animal management to be recognised at a national level through the Australian Animal Welfare Strategy Companion Animals Working Group. It was under his directorship that Victorian Animal Management Officers (Authorised Officers under the Domestic (Feral and Nuisance) Animals Act) could also become Authorised Inspectors under the Prevention of Cruelty to Animals Act (like RSPCA inspectors).

So where should animal management legislation be organised? In the first instance, there is, in my opinion, a strong need for an overarching piece of animal management legislation in each jurisdiction. In those States where there is currently no animal management legislation, each local council has the responsibility and right to enact local laws for the control of animals. The effect of this is that each council enacts their own rules because of local issues, lobbying, and local need, with the consequence that the local laws differ from council to council. These differences may be subtle, or very significant, and may be differences of detail or differences of interpretation. For example, Queensland introduced restricted breed legislation for dogs into the Local Government Act. On the basis of this legislation, some councils began to seize and remove certain breeds of dogs (or dogs perceived to be of those breeds) from their owners, while other councils chose to act only when there were complaints about individual dogs based upon their deed. An owner could move from one council area to another and find that their family pet which was accepted in one place, could be seized by council officers in another, perhaps just across the street. In one jurisdiction, identification and registration might be mandatory, in another, voluntary. In one area, it may be permissible to own many dogs and or cats; after moving house an owner may find themselves in breach of local laws prescribing the maximum number of dogs or cats permissible.

Maree Garret expressed it well in relation to the NSW Companion Animals Act (1999):

“The current Act replaced the Dog Act of 1966 and, when introduced in NSW on 1 July 1999, provided a number of new initiatives:

- For the first time companion animals legislation was ‘across the board’—no local orders, no councils doing their own thing—the same provisions for all dogs and cats applied across all of NSW
- For the first time all registration fees were set by the Regulation – no council could charge more, or less



- For the first time cats were recognised under legislation and councils were given powers to deal with them and,
- For the first time, compulsory microchipping was introduced as well as the need for lifetime registration.<sup>xxxii</sup>

Companion animal management legislation is generally enforced by local government (animal management officers (rangers) employed by local councils), and for this reason responsibility for policy and legislation generally reside with the State Department of Local Government. The quality of policy and the legislation generated from it depends upon the will of the politicians (Minister for the Department), the interest of the senior bureaucrats in the Department, the experience of the legislators and administrators, and their ability to receive and sift public submissions and comments. Companion animal issues have the (dubious) distinction of causing the greatest number of complaints at a local government level, of inducing the largest turnout at public meetings, and of generating the most response when draft legislation is out for public comment. For example, “the Companion Animals Act, .... carries the distinction of being the most widely debated Act ever in the history of the NSW Parliament, with over 10,000 submissions received and over two days of debate, before the bill was eventually passed”. (Garret 2006). The States where companion animal legislation is most forward thinking and successful may well be those States where relevant departmental officers have had experience in local government as animal management officers, rather than being career public servants.

Of course, differences in legislation occur from State to State and Territory. In NSW it is an offence to breed, sell, acquire or give away a dog of restricted breed (Pitbull terriers and American Pitbull terriers) and existing restricted dogs must be desexed and closely confined. In Queensland, restricted breed dogs can be seized. The ACT does not restrict the ownership of breeds listed as restricted in other States, unless they are declared “dangerous dogs” on the basis of deed (not breed). In South Australia, the five “prescribed breeds” must be muzzled or otherwise under effective control when in public, must be desexed, and it is an offence to sell or give away these dogs. It is easy to see how a member of the public could fall foul of one of these requirements if they move between jurisdictions.

This may seem a poor example, as many people think that the community should be protected from such dogs and that owners should stay within the rules. But it is important because the consequences are so great – for the community if an owner gets it wrong (and their dog does attack), and for the dog and the owners if they are in breach. The dog could be seized (and eventually destroyed (Queensland)), or the owner could be fined \$2,500 (SA) for doing what is allowed to do in another State or Territory (i.e. being found in public without a muzzle).

There is currently no formal coordination of animal management (or animal welfare) policy and legislation between the States and Territories. The first opportunity for discussion and comparison between the jurisdictions was enabled by the Urban Animal Management conferences, convened by the Australian Veterinary Association from 1992 to 2006. A regular meeting of State officers responsible for companion animals policy and legislation was convened by Russ McMurray from the Victorian Bureau of Animal Welfare under the name ANZCAWG – the Australian and New Zealand Companion Animals Working Group, and is continued today by his successor Tracey Helman. Unfortunately, this group has had no formal way to recommend changes at a national or state level.

In 2005 the Australian Animal Welfare Strategy (AAWS) convened 6 working groups, of which the Companion Animals Working Group has brought together, for the first time, representatives of many aspects of companion animal ownership and management, including public servants. This group recognised the link between animal management and animal welfare, and recommended the formation of a Peak Ministerial Council (a formally recognised meeting of State and Territory ministers responsible for the relevant legislation) for companion animals, to advance one of the AAWS principal objectives – “To facilitate improved consistency of legislation across states and territories for improved and sustainable animal welfare outcomes” (Goal 1 Activity 4). Despite the promotion of the importance of animal management legislation to the welfare of animals by an AAWS working group, the AAWS website still only lists animal welfare legislation<sup>xxii</sup>.

The livestock industries have industry and species specific member organisations, and Federal and State Departments of Primary Industry (or equivalent) to manage their activities. The State public servants with responsibility for livestock health and welfare (generally the Chief Veterinary Officers) meet as the Animal Health Committee (AHC) and the Animal Welfare Working Group (AWWG), reporting to the Primary Industries Ministerial Council (PIMC). None of these structures exist for the companion animal industry, despite it contributing \$4.2 billion to the Australian economy, despite more than 60% of Australian households owning a companion animal, and despite the well documented benefits (and nuisances and risks), associated with the presence of companion animals in the community<sup>xxiii</sup>.

PIMC has, on occasion, considered companion animal issues. After the ACT became the first Australian jurisdiction to ban the tail docking of dogs, the ACT Minister took the issue to PIMC, and now this practice is banned across Australia. PIMC is an avenue for the discussion of animal welfare issues at the highest level; no such opportunity exists for the discussion of animal management issues.

The AAWS CAWG has recommended that ANZCAWG be made an officially constituted Federal Government Committee in parallel with AWWG, with a review and recommendation function feeding into the Federal Government and to the State Ministers. It is hoped that consistency of policy advice at this level will encourage the harmonisation of legislation at a state and territory level.

Lists of all companion animals Acts, Regulations and Codes, together with links to these documents on the internet, are provided in the appendix. This information can also be found on [www.ccac.net.au](http://www.ccac.net.au).

## **Conclusion**

Australia’s system of government with three tiers across 7 States and Territories, and the variety of legislation affecting companion animals in each State and Territory, causes great confusion for animal owners and those who work with companion animals. In some States, simple controlling issues like how many dogs or cats you may own can vary from local council to local council, making it very easy for a pet owner to comply with all requirements in one jurisdiction but to be in breach of the law if they move even a short distance into another. The consequence of such a breach can be a monetary penalty or the seizure of the family pet.

Difficulties in fulfilling legislative, landlord or body corporate requirements are a common reason for the relinquishment of companion animals to pounds and shelters, and sadly many thousands of abandoned animals are euthanased every year. Australia's owned cat population is in decline<sup>xxiv</sup>, and requirements such as confining cats to owner's property 24 hours per day may be one of the reasons.

Other demands on pet owners, including costs associated with requirements to identify, register, and desex pets, are also claimed to be inhibitors to owners practising responsible pet ownership, or to owning pets at all.

In some jurisdictions, ways of treating dogs are legal which are considered cruel and illegal in others.

There are currently no national or co-ordinated minimum companion animal welfare (or management) standards and practices, and until recently there has been no forum for the consideration of such standards, practices or legislation. There is no mechanism for recommending or instituting harmonious companion animal management legislation across State and territory boundaries.

The various components of legislation under which Australia's own animals need to be promoted more clearly. In particular, Codes of Practice need to be harmonised across the country in relation to their status, purpose and function, and used to promote good welfare outcomes for animals and good outcomes in terms of amenity for owners and the rest of the community.

The advent of the Australian New Zealand Companion Animals Working Group and the Australian Animal Welfare Strategy Companion Animals Working Group enables the discussion of policy and legislative issues across State boundaries, and may provide a mechanism to advance the adoption of more uniform policy and legislation.

## References

- <sup>i</sup> Stabler R and Banyard M 1998 "A review of current Australian companion animal legislation" in Proceedings of the 7<sup>th</sup> National Urban Animal Management Conference, Perth, Australian Veterinary Association, Artarmon NSW. [http://www.uam.net.au/PDFs/PUB\\_Pro98\\_RobertStabler\\_MichaelBanyard.pdf](http://www.uam.net.au/PDFs/PUB_Pro98_RobertStabler_MichaelBanyard.pdf)
- <sup>ii</sup> Joondalup 2008 "LOCAL GOVERNMENT ACT 1995, The Municipality of the City of Joondalup, CATS LOCAL LAW 2008"
- <sup>iii</sup> Hayward 2007 "Mandatory Desexing in the ACT: has it worked?" Australian Institute of Animal Management Conference on urban animal management, Gold Coast <http://www.ccac.net.au/issues/cat-confinement-legislation/resource/mandatory-desexing-act-has-it-worked>
- <sup>iv</sup> Marston L 2006 "Cat Admissions to Melbourne Shelters – A report to the Bureau of Animal Welfare, December 2006" [http://www.ccac.net.au/files/Cat\\_Admission\\_Melb\\_Shelters\\_Marston.pdf](http://www.ccac.net.au/files/Cat_Admission_Melb_Shelters_Marston.pdf)
- <sup>v</sup> ACAC 2006 "The contribution of the pet care industry to the Australian economy 6 ed" [http://www.acac.org.au/pdf/pet\\_industry\\_report.pdf](http://www.acac.org.au/pdf/pet_industry_report.pdf)
- <sup>vi</sup> Wellings S 2008 "Pets no longer welcome" Sydney Morning Herald, June 21 2008 <http://www.smh.com.au/news/australian-capital-territory/pets-no-longer-welcome/2008/06/20/1213770885676.html?page=fullpage#contentSwap2>
- <sup>vii</sup> <http://www.news.com.au/couriermail/story/0,,24008168-3102,00.html>
- <sup>viii</sup> Patronek GJ, Glickman LT, Beck AM, McCabe GP and Ecker C 1996 "Risk factors for relinquishment of dogs to an animal shelter" JAVMA 209 (3) 572-581; Patronek GJ, Glickman LT, Beck AM, McCabe GP and Ecker C 1996 "Risk factors for relinquishment of cats to an animal shelter" JAVMA 209 (3) 582-588
- <sup>ix</sup> ACAC "Renting with Pets – a Landlord's guide" [http://www.acac.org.au/pdf/renting\\_landlordguide.pdf](http://www.acac.org.au/pdf/renting_landlordguide.pdf) and "Renting with pets – a tenants guide" [http://www.acac.org.au/pdf/renting\\_tenantguide.pdf](http://www.acac.org.au/pdf/renting_tenantguide.pdf)
- <sup>x</sup> Thistelton J 2008 "Pets to feel right at home under new tenancy law" Canberra Times 16/07/2008
- <sup>xi</sup> Beer, Dr Linda, Greyhounds Australia Welfare Officer *pers comm.* 2008
- <sup>xii</sup> [http://www.austlii.edu.au/au/legis/cth/num\\_reg\\_es/cir1992n189539.html](http://www.austlii.edu.au/au/legis/cth/num_reg_es/cir1992n189539.html)
- <sup>xiii</sup> Watson L 2007 "Does Breed Specific Legislation reduce dog aggression on humans and other animals" Proceedings of the 12<sup>th</sup> National Urban Animal Management Conference, Caloundra, Australian Veterinary Association, Artarmon NSW. [http://www.ccac.net.au/files/Does\\_breed\\_specific\\_leg\\_reduce\\_UAM03Watson\\_0.pdf](http://www.ccac.net.au/files/Does_breed_specific_leg_reduce_UAM03Watson_0.pdf)
- <sup>xiv</sup> [http://www.rspca.org.au/about/history\\_foundation.asp](http://www.rspca.org.au/about/history_foundation.asp)
- <sup>xv</sup> OIE (*Office International des Epizooties* – the world animal health organisation) definition of Animal Welfare adopted by formal Resolution at 76th OIE General Session held in Paris in May.
- <sup>xvi</sup> Joondalup 2008 "LOCAL GOVERNMENT ACT 1995, The Municipality of the City of Joondalup, CATS LOCAL LAW 2008"
- <sup>xvii</sup> Cutter S 2007 Animal Welfare Advisory Committee of the Northern Territory Annual Report [http://www.dlghs.nt.gov.au/\\_data/assets/pdf\\_file/0004/34285/Annual\\_Report\\_2006-2007.pdf](http://www.dlghs.nt.gov.au/_data/assets/pdf_file/0004/34285/Annual_Report_2006-2007.pdf)
- <sup>xviii</sup> Kelly D 2008 (Manager, Animal Welfare Unit) *pers comm.*

---

<sup>xix</sup> Snyder J 2005 “Animal Hoarding” Proceedings of the 15<sup>th</sup> National Urban Animal Management Conference, Australian Veterinary Association, Artarmon NSW.  
[http://www.ccac.net.au/files/Animal\\_hoarding\\_UAM05Snyder.pdf](http://www.ccac.net.au/files/Animal_hoarding_UAM05Snyder.pdf)

<sup>xx</sup> Lawrie M “Animal Hoarders in Australia-Shining Light through Dark Shades” Proceedings of the 15<sup>th</sup> National Urban Animal Management Conference, Australian Veterinary Association, Artarmon NSW.  
[http://www.ccac.net.au/files/Animal\\_hoarders\\_in\\_Aust\\_UAM05Lawrie.pdf](http://www.ccac.net.au/files/Animal_hoarders_in_Aust_UAM05Lawrie.pdf)

<sup>xxi</sup> Garrett M 2006 “NSW Legislation – Five Year Review of the Companion Animals Act 1998” Proceedings of the 16th National Urban Animal Management Conference, Hobart; Australian Veterinary Association, Artarmon NSW. [http://www.uam.net.au/PDFs/PUB\\_Pro06\\_MareeGarrett\\_NSWLegislation.pdf](http://www.uam.net.au/PDFs/PUB_Pro06_MareeGarrett_NSWLegislation.pdf)

<sup>xxii</sup> <http://www.daff.gov.au/animal-plant-health/welfare/links/state>

<sup>xxiii</sup> For references to the benefits of pets, see <http://www.anthrozoology.org/>, for discussion of issues regarding nuisances and risks associated with companion animals, see <http://www.ccac.net.au/issues> especially barking, dangerous dogs

<sup>xxiv</sup> Baldock et al 2003 “Estimated and predicted changes in the cat population of Australian households from 1979 to 2005” Australian Veterinary Journal 81:289-292