



AUSTRALIAN INSTITUTE OF ANIMAL MANAGEMENT SUBMISSION

ANIMAL WELFARE ACT REVIEW

The Australian Institute of Animal Management (AIAM) is the national peak body representing Local Government Animal Management Officers. The AIAM Committee consists of a wide range of professionals engaged in the various aspects of companion animal management.

AIAM seeks to support those engaged in the business of animal management, and the function itself, by providing training and information, opportunities for networking and collaboration and by encouraging the use of best practice policy and practices. AIAM understands the significant pressures placed on Local Government and not for profit rescue and rehoming service providers when working in the companion animal management space.

Animal cruelty is widely held as being a gateway crime and a precursor to crimes of violence and abuse against people. It is important that animal management and protection officers and law enforcement officers are aware of these links and are provided with appropriate education and training on these issues. Further, communication links between the organisations and departments are essential to act quickly and effectively, both proactively and in response to identified offences of this nature. Animal crimes must be given the same attention and priority as non-animal offences to effectively protect communities.

There are many topics that will require further development and consideration throughout the development process of the new Act. AIAM would like to see that one of these is methods to encourage increased numbers of Authorised Officers and associated education and training.

AIAM promotes consistency of legislation, consultation in the creation of legislation and workplace processes and healthy relationships with external stakeholders and the community. AIAM supports cross sector collaboration and co-design of projects and initiatives. The AIAM Committee welcome the opportunity to engage at any level on the topic of companion animal management.

SUMMARY OF RECOMMENDATIONS:

Recommendation 1: Recognition of animal sentience should be referred to in all areas of the Act.

Recommendation 2: Introduce minimum standards of care based on the Five Domains framework.

Recommendation 3: Introduce a set of escalating offence categories that are applicable to offences affecting all species and circumstances.

Recommendation 4: Introduce a single regulatory framework covering the performance of controlled procedures on animals.

Recommendation 5: Improve the consistency of animal welfare requirements across Victoria by applying the requirements of the new Animal Welfare Act to all animals and activities.

Recommendation 6: Reform the current regulatory framework to a limited set of regulations supported by mandatory Codes of Practice.

Recommendation 7: Incorporate agreed national animal welfare standards as mandatory requirements in the new Act.

Recommendation 8: Reconsider the role of co-regulation in the new framework

Recommendation 9: Formalise a role for scientific knowledge and expert opinion to inform decisions under the new Act.

Recommendation 10: Enhance powers to support proactive monitoring.

Recommendation 11: Introduce a risk-based framework for permitting restricted activities.

Recommendation 12: Introduce alternatives for managing seized animals.

RECOMMENDATIONS:

AIAM are encouraged to see the emphasis that the Victorian Government has on “wanting laws to better safeguard animal welfare and to reflect today’s scientific understanding of animals as well as changing community expectations for animal welfare” as stated in the A New Animal Welfare Act for Victoria: Directions paper.

1.1 Recognition of animal sentience should be referred to in all areas of the Act.

To achieve clarity and to deeply embed the concept of animal sentience in the Act, we believe that the recognition of animal sentience should be referred to in the Objects, Principles and Definitions in the Act.

1.2 Introduce minimum standards of care based on the Five Domains framework.

- a) AIAM supports the introduction of minimum standards of care for animals to maintain full health and vigour.
- b) The Five Domains, created by Professor David Mellor and Dr Cam Reid, is a more modern approach to identifying and grading animal welfare and compromise. One of the benefits of the model is that it doesn’t just deal with negative states, but it embraces the concept of a “life worth living” and the need for positive experiences and mental wellbeing. While specifying minimum standards of care may be the necessary step for clarity, basing them on the Five Domains will ensure they are sufficient to provide for positive welfare for all animals.
- c) Additionally, to provide clarity when describing minimum standards describing ‘appropriate’ or ‘adequate’ care, reference could be made to either external tools (e.g., Body Condition Score charts) or required input from animal welfare experts and experts in the relevant area, to guide

decision-making where broad descriptive terms are used in the Act.

1.3 Introduce a set of escalating offence categories that are applicable to offences affecting all species and circumstances.

An escalating set of offence categories should apply to all animals as industry-based regulations should meet or exceed minimum standards of care according to the Act in order to maintain public support for the activity (e.g. there should be no basis for public perception that animal cruelty is condoned within an industry or sector by way of exemptions to basic welfare protections)

This strategy will also provide more comprehensive coverage of offences and an opportunity to intervene before more serious offences occur. The set of categories should include escalation based on previous offences, and counselling if a charge had not previously been applied. Intervention programs and actions should be incorporated into the penalties and response to offences, such as those offered by the [Animals & Society Institute](#) in the USA. AIAM supports increased penalties for offences of this nature that may include banning orders for owning or caring for animals, amongst other things.

1.4 Introduce a single regulatory framework covering the performance of controlled procedures on animals.

AIAM supports a single regulatory framework covering controlled procedures on animals. This approach will simplify and clarify activities carried out involving animals. It is important to also include the mechanism to allow for exemptions and special considerations i.e. abandoning an animal that has previously relied on direct human care to maintain good health and vigour versus returning a healthy free-living animal to its previous home environment after desexing, vaccinating and an assessment determining that it was living well there and is healthy. In regard to short- and long-term impacts on animal welfare and requirements for training and/or competency of persons to complete tasks, this is another area of the legislation in which referral to expert input should be required.

For example, veterinarians or animal welfare scientists with expertise in the species in question should determine the requirement for analgesia and the potential long-term impacts of a physical procedure on animal welfare. Similarly, people with post-graduate qualifications in behaviour of the species in question should determine the criteria for welfare compromises related to controlled procedures.

The way in which expert opinion should be sought could be referenced explicitly in the Regulations rather than the Legislation, and the Act itself could perhaps categorise the degree of welfare compromise that is consistent with each category of controlled procedure, rather than listing specific procedures themselves (e.g. Restricted Procedures are those in which a significant but temporary welfare compromise occurs that can be adequately controlled by use of analgesia under the guidance of a veterinarian, or similar wording.)

2.1 Improve the consistency of animal welfare requirements across Victoria by applying the requirements of the new Animal Welfare Act to all animals and activities.

AIAM supports the application of the requirements of the new Animal Welfare Act to all animals and activities, with appropriate exemptions for lawful or research activities. An example of this would be in regard to Section 9.1.h in the current Act that refers to abandonment. An alternative approach would be to provide that abandonment does not include any reasonable or lawful excuse (see, e.g., Animal Care and Protection Act 2001 Qld), s 19). Any exemption from abandonment provisions does not remove other obligations e.g. general duty of care etc.

To ensure that TNR programs (whether in research or community state) do not breach the obligation not to abandon, it could be a defence if the release occurred as part of prescribed circumstances. This approach would allow the Government to prescribe in regulation circumstances where action which would otherwise constitute abandonment is exempted. This would allow flexible application in the future. Such circumstances could include approved Trap Neuter Return (TNR) programs/Community Cat Programs (CCP).

Where compromises to welfare cannot be minimised or controlled to ensure timely return to a positive welfare state based on the Five Domains model, an exemption should not be given under any circumstances.

2.2 Reform the current regulatory framework to a limited set of Regulations supported by mandatory Codes of Practice.

AIAM supports a set of Regulations reinforced by a set of mandatory and enforceable Codes of Practice that encourage best practice. The Regulations provide an opportunity to detail exemptions and special considerations for permissions around specific actions and procedures such as TNR and CCP's.

2.3 Incorporate agreed national animal welfare standards as mandatory requirements in the new Act.

AIAM encourages consistent legislation wherever possible and supports the adoption of national Standards within Regulations, as opposed to the Act, to protect flexibility within the system and allow for timely modifications to the National Standards and State Regulations in accordance with improvements in our understanding of animal welfare and related issues.

In situations where inconsistencies are or become evident between Victorian and national documents, the guidelines providing for the highest level of welfare shall be adopted by Victoria (i.e. always default to the legislative tool providing for the best welfare outcomes for animals).

2.4 The role for co-regulation in the new framework

AIAM are not aware of any existing examples of co-regulation that are effective and meet the needs of all stakeholders. Unless these arrangements can demonstrate improved results, we would not support this proposal.

2.5 Formalise a role for scientific knowledge and expert opinion to inform decisions under the new Act.

AIAM encourages best practice based on scientific research and encourages the development of an expert advisory committee to inform policy development and decision makers. In addition, including

guidance in the new Act on how science and expert opinion informs decision under the Act **and** that they are considered in the development of Regulations and Codes of Practice under the Act.

Section 2.5 of the Directions Paper sets out the Victorian Government's commitment to ensuring that the new legislative regime is responsive to developments in scientific knowledge. This commitment must include a sufficiently broad research permit process which allows the exemption of certain obligations when activities are undertaken in a formal research project, otherwise there will be limited ability for the Government to make decisions to amend the legislation with the benefit of local empirical evidence. If research cannot be undertaken, then there will be no evidence on which the Government can base its decisions.

The new Act should provide for approval specific exemptions, and other relevant legislation, in relation to specific research projects. Such a permit system could be similar to that provided for under the Biosecurity Act 2015 (Qld), and include a requirement to account for how an overriding obligation will be satisfied. Such as a general duty to protect the welfare of animals involved in the research project.

3.1 *Enhance powers to support proactive monitoring.*

Reactive responses to acts of neglect and cruelty are considered by society to be an insufficient safety net for the animals in our community. Enhancing powers to proactively monitor compliance with the new Act will be a key in preventing incidences and maximising animal welfare.

3.2 *Introduce a risk-based framework for permitting restricted activities.*

AIAM supports the introduction of a risk-based framework for permitting restricted activities. This approach will enable consistent decision making in regard to impacts on animal welfare. Criteria used to classify risks could include research and practical evidence, potential for harm, pain, distress, injury etc, quality of life criteria, purpose of activity, outcomes of activity, short- and long-term effects on animal welfare, etc.

3.3 *Introduce alternatives for managing seized animals.*

The management of seized animals has long been a significant issue for not only the animals, but the organisations tasked with their care and welfare. It is acknowledged by experts and scientists that long term incarceration in a holding facility has significant effects on the welfare of the animals involved. It is not appropriate to remove an animal from a situation where it is experiencing a poor quality of life or welfare standards, to then have it continue to experience those issues albeit in a different, approved environment. Having the ability to transfer the ownership of the animal to another person (or organisation), or euthanise for humane reasons are an essential step to reducing this impact. In addition, AIAM recommends that foster care programs are utilised to further reduce the impacts of incarceration. The Chief Veterinary Officer would be an appropriate choice to make decisions on managing seized animals, if provided with sufficient information and evidence.