

Improving the Welfare of Animals in Victoria

Draft Action Plan 2016-2021

Submission from the Australian Veterinary Association Ltd (Victorian Division)



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October 2016

The Australian Veterinary Association is the national organisation representing veterinarians in Australia. Our 9500 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals (such as cattle and sheep), and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We also have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.

The AVA Victorian Division (AVA) strongly supports the Victorian government's initiative of a Draft Action Plan to improve the welfare of animals in Victoria and stands committed to being involved throughout discussions to see this evolve into a successful plan that will result in better animal welfare outcomes. It is pleasing to see a government that rates animal welfare as a high priority and we believe there are many things that can be done to achieve this. Veterinarians are committed to the welfare and humane management of all animals and AVA is looking forward to working collaboratively with government to make this plan successful.

Community expectations must be at the forefront when considering legislative changes, reforms and initiatives. In the world of social media that we live in, concerns over animal welfare, cruelty and neglect has never been more prevalent and the community expects appropriate action taken by authorities and appropriate penalties and punishments to be delivered to perpetrators. Ongoing education of the responsibilities of animal ownership is imperative to this plan.

AVA understands - that at this initial consultation stage – you are seeking general comments and suggestions on how deliverables of this plan can be achieved. We have taken this opportunity to identify particular issues that the AVA feels strongly about so that throughout this process, these issues are tabled for discussion. We further understand that extensive consultation and discussions will occur with the AVA when expert views are sought on animal welfare and legislative changes. Our members' expertise covers every species of animal and we will consult these members when necessary so that the absolute best advice is available.

Action area 1: Victoria has contemporary animal welfare laws

Restricted Acts of Veterinary Science

Consecutive Victorian governments have been aware that the AVA wants restricted acts of veterinary science re-instated into the *Veterinary Practice Act 1997* or alternatively inserted into the *Prevention of Cruelty to Animals Act 1986* (POCTAA). Currently Victoria is the only state in Australia not to have restricted acts of veterinary science. Currently, the *Veterinary Practice Act 1997* sufficiently provides protection for animal owners in relation to animal welfare from veterinary practitioners but unfortunately POCTAA does not sufficiently provide the same protection to animal owners from the general public. A widespread example of this is anaesthesia-free dentistry performed on animals by non-veterinarians. This practice is highly likely to negatively affect the welfare of animals.

The AVA has previously assessed all veterinary acts throughout Australia in the view of providing recommendations for harmonisation of those Acts. If the *Veterinary Practice Act 1997* was to be reviewed in full, the AVA would be eager to be involved in every aspect of this process to provide input. The comments below relate to restricted acts of veterinary science but there are many more aspects of the Act we would seek to address – including discussion on registration of paraprofessionals and minimum accreditation by non-veterinarians in relation to performing stipulated procedures on animals.

The right to perform an act of veterinary science must be restricted to registered veterinary practitioners. An 'act of veterinary science' means services which form part of the practice of veterinary surgery and medicine, and includes:

- The diagnostic confirmation of, treatment of, and provision of management advice for infectious disease, physiological dysfunction, psychological dysfunction and injury in animals
- Performing surgical operations on animals
- Administering anaesthetics to animals
- The exercise of prescribing rights for veterinary chemicals, medicines or poisons which may be restricted by scheduling or registered label
- The development of high level animal health policies, and
- The provision of veterinary certificates

In addition to the broad categories listed above, the range of procedures which should only be performed by registered veterinary practitioners includes:

- stomach tubing or oesophageal intubation of horses
- artificial insemination of horses
- pregnancy testing of horses by rectal examination
- microchip insertion in horses
- sampling of tissue from live animals
- laparoscopic insemination
- general anaesthesia
- the carrying out of any treatment, procedure or test that involves the insertion of anything in the nasal passage, nasal sinuses, thoracic cavity, abdominal cavity, pelvic cavity, cranial cavity, spinal cavity, tooth alveolar cavity, eye, orbital cavity, tympanic cavity, joint spaces or any other synovial cavity of any animal
- the performing of any dental procedure on any animal other than manual rasping on a horse performed by a person with an appropriate Certificate IV qualification
- the performing on a horse of any dental procedure that involves: making an incision through the skin or oral mucosa or entry below the gum line; extracting a tooth by repulsion; or any other activity to maintain or restore correct dental function (except basic hand filing and rasping performed by a person with an appropriate Certificate IV qualification)
- the performing on a horse of any dental procedure that involves the use of a power tool
- cattle spaying by flank or dropped-ovary method
- signing any certificate or other document prescribed by or under any Act which requires the signature of a veterinary surgeon or veterinary officer in respect of the certification of disease status, including freedom from disease of any animal or animal product.

RSPCA Australia Position Paper H1 Animal Welfare Legislation

The AVA fully supports this position paper. It is a great tool when looking at re-drafting legislation and it is reviewed regularly by the RSPCA to reflect societal and expert views. It outlines key policy objectives for the fundamental provisions of animal welfare legislation and the views reflected in this document completely align with veterinarian views. The document can be accessed at <http://kb.rspca.org.au/download/88/>.

Action area 2: Collaborative approaches underpin knowledge, commitment and investment in animal welfare

Best Practice Domestic Animal Management Plan Pilot Study

The AVA, together with the RSPCA Victoria would like to build a model Domestic Animal Management Plan that can be implemented by councils which will provide sustainable animal welfare services, improve human and animal interactions within the community and promote the benefits of the human-animal bond. Government funding for this program would be sought. Part 5A of the *Domestic Animal Act 1994* (DAA) requires each of Victoria's municipal councils to prepare a Domestic Animal Management Plan (DAMP). The DAMP must outline programs, services and strategies which the Council intends to pursue in its municipal district to:

- Promote and encourage the responsible ownership of dogs and cats
- Ensure that people comply with the DAA, the regulations and any related legislation
- Minimize the risk of attacks by dogs on people and animals
- Address any over-population and high euthanasia rates for dogs and cats
- Encourage the registration and identification of dogs and cats
- Minimize the potential for dogs and cats to create a nuisance and
- Effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations

When reviewing these plans, we have found that key animal management issues are addressed with varying degrees of emphasis and success.

The published data from the council DAMPs indicate a low percentage of animals that are registered with councils. This is based on inconsistencies between registration data with survey data that indicates pet ownership levels, comparison data from veterinary hospitals on numbers of animals and the ratio between cat/dog ownership, data from pounds that capture the number of stray/surrendered animals which are not registered and anecdotal feedback from councils who perceive low levels of registration based on experience. The AVA estimates the ratio of dog to cat ownership is 63% dogs and 37% cats, however councils reported data ranges from 87% dogs to 13% cats to 63% dogs and 37% cats. Microchipping data is also at a much higher rate than registration.

Some municipal councils have alarmingly high rates of cat euthanasia and this is an important area that would be addressed in a pilot program. A lot can be learnt from the Calgary Model (Canada) and this is often used as an example of best practice animal management at a local scale. The pilot program would seek to trial many aspects of this with Victorian councils.

The pilot proposal would aim to:

- Increase registration of dogs and cats
- Increase microchipping
- Successfully promote the benefits of registration
- Increase home return rates
- Decrease the length of stay for seized animals
- Reduce the euthanasia rate of dogs and cats
- Decrease the incidence of dog attacks
- Increase the ownership and accountability of semi-owned cats
- Reduce nuisance caused by dogs and cats
- Increase access to veterinary services and
- Increase education about responsible pet ownership

To achieve these goals, a number of initiatives would be trialed which would be determined in consultation with the participating councils (3-4 councils). The table below describes initiatives and expected impacts.

Table 1: Indicative initiatives to improve responsible pet ownership Category	Initiative	Impact		
		Animal Welfare	Community	Financial/Council
Management of strays	Returning animals directly to registered address if found stray	Good outcome for animal being taken home and having environment checked by Council officer with constructive feedback if necessary.	Creates value for community with regard to registration fees	Reduces impounding costs; may reduce travel costs of Council officers; builds positive relationships with pet owning community
	Vet clinics to hold stray animals for owner collection	Good outcome for animal not needing to be impounded	Relationship building, options for encouraging responsible pet ownership (i.e. desexing, microchipping)	Increases business opportunities for vets, reduces impounding costs, reduces cost for council (i.e. don't need to transport)

Table 1: Indicative initiatives to improve responsible pet ownership Category	Initiative	Impact		
		Animal Welfare	Community	Financial/Council
Ability for dangerous dogs to have classification lifted if successfully passing testing	Veterinary behaviourists to work with owners and develop training program	Good outcome for dog to have appropriate training and behaviour improved	Safer for community	Less dangerous dogs in municipality
Registration	Vet clinics can act as agents to sell registration	Greater number of animals registered – can be returned home quickly	Easier access to registrations especially for new owners	Increased income for councils
	Incentivising registration		Discounts for pet products, registrations, services etc.	Increased income for greater registrations
	Provide amnesty for current owners to register animals		No fines for unregistered animals	Increased revenue in future years and increased information on animal ownership
Education	Online responsible pet ownership program	Increased awareness of animals needs and what responsible pet ownership looks like	Community safety (i.e. reduced dog bites), cleaner surrounds (i.e. no faeces), less nuisance, reduced registration fees	Reduced costs for animal management
	Expand dog safety programs in schools			
	Reduced registration for trained animals	Improved behaviours, positive impacts of training	Safer communities	Less costs in animal management

Table 1: Indicative initiatives to improve responsible pet ownership Category	Initiative	Impact		
		Animal Welfare	Community	Financial/Council
Adoption	Free first year registration when an animal is adopted	Increased adoptions	Cheaper	Less resource restraint on pounds
Council capability	Training of AMO's	Better animal handling (i.e. low stress)		More effective staff
	Appropriate technology	Allows animals to be returned home directly	Animals are returned quickly	Less travel

Action area 3: Compliance and enforcement is efficient and effective

Below are areas that were contributed by AVA members in relation to issues that need to be addressed.

Powers within Acts

Legislation must become more contemporary and easy to enforce. One area of legislation that requires attention is the issuing of powers to the RSPCA Inspectorate to enable them to effectively resource the Inspectorate, execute their duties and prosecute effectively. **Discussion must be held over prosecutorial powers and who those powers are given to for various offences pertaining to different Acts.**

Illegal sale of drugs to farmers by non-veterinarians

The illegal sale of drugs to farmers by non-veterinarians is a potential welfare and trade issue. Anecdotally, animals are injected inappropriately quite often. **The Health Department of Victoria do not have the resources (nor usually the interest) in investigating breaches of the *Drugs, Poisons and Controlled Substances Act 1981* (DPCS) when it relates to drug breaches involving animals.** Alternatives in rectifying this issue are:

- the powers of investigation could be transferred to the Department of Agriculture who have experience in this field as currently the Health Department's authorised officers only have the power to investigate authorised persons – not animal industry companies or farmers
- Making the treatment of animals with S4 drugs without a valid prescription from a veterinary a restricted act of veterinary science
- Tightening of DPCS legislation
- Tightening of AGvet Chemicals legislation so that labelling requirements can be enforced

Husbandry Procedures

A major issue that requires discussion is **the impediment to competent contractors using local anaesthetic and other pain relief when undertaking aversive husbandry procedures such as dehorning/disbudding**. Currently, vets are loath to provide local anaesthetic to a contractor, no matter how competent or well-trained because:

- the law doesn't allow it - the contractor is not a bona fine client - the vet may be guilty of unprofessional conduct or of offences under the DCPS Act.
- There is potential for misuse of the drug – eg. unqualified people doing surgery or a sporting team using it as a performance enhancing drug
- The responsibility lies with the veterinarian in terms of residues, occupational health and safety and potential misuse

A solution to this could be legislation allowing for:

- **Paraprofessionals could be trained to undertake certain tasks**. This would require registration of those paraprofessionals who would then take on some personal responsibility for their actions. They may work under the guidance of veterinarians like nurses do for doctors. It may be that a veterinarian needs to sign a prescription for each farm. Many models could be explored
- In order to prevent misuse of lignocaine, legislation (such as restricted acts of veterinary science) are needed **to make the use of the drug in an unauthorised way an offence**. It would currently be difficult to prosecute someone under POCTAA on the basis that they used local anaesthetic.

Responsibility of veterinary personnel

An emerging issue in corporate veterinary practices is that where the person in charge is not a veterinarian, and the nurses or lay staff are not directly responsible to the veterinarian - albeit the veterinarian in charge of a case takes on responsibility for their actions. As only veterinarians are required to be registered, the Veterinary Practitioners Registration Board investigate the veterinarian. This could be rectified by:

- **the registration and regulation of veterinary nurses**. A disciplinary system outside the courts that ensured veterinary nurses acted under veterinary direction would be useful
- **provision for a vet to be in charge of a veterinary premises** (similar to the superintendent in NSW).

Housing for Domestic Violence Victims' pets

There is a direct link between animal and human directed cruelty, abuse and aggression. Research shows that offenders of domestic violence often have a pattern of abuse involving all members of the household – including children and pets. An ongoing concern for the AVA is that when victims of domestic violence seek to escape their abusive homes they are not only faced with the challenge of finding shelter for themselves and their children, but also for their pets.

Sometimes it is the lack of pet-friendly accommodation options that stop people from leaving a dangerous situation. Unfortunately, victims are left facing the difficult decision to either leave their pets behind with the abuser or remain in the abusive environment. Sadly, victims may stay in abusive homes for fear of subjecting their animals to continued abuse if left behind. Even if a victim has fled the abuser, it is conceivable that the perpetrator of domestic violence may seek to lure family members back home by threatening to harm the pet.

We acknowledge that the RSPCA Victoria and the Lort Smith Animal Hospital can assist in free emergency accommodation for pets in these situations but this is not widely advertised. It is hoped that with the April 2016 announcement by the state government of the \$152 million dollar funding package for housing for domestic violence victims, that **consideration is given to pet-friendly accommodation that allows those fleeing from domestic violence situation to be able to flee and house their pets with them.**

Seized dog or cat must be delivered up (Section 84D (1) of the DAA)

This legislation is an ongoing concern for veterinarians and must be addressed.

It states:

(1) A person (other than an authorised officer) who seizes a dog or cat under section 84 or 84A must, as soon as is reasonably possible, deliver it to an authorised officer of the Council of the municipal district in which it was seized, or to a person or body which has an agreement under section 84Y with that Council.

The penalty for a breach of this is 5 penalty units (\$777.30 current value). This means that when a member of the public finds and takes a stray animal to a veterinary clinic for the clinic to scan and return to the owner (which is logical) – the veterinarian risks a breach of the Act as legally the veterinarian must deliver the animal to the council at his expense or instruct the person delivering the stray to deliver the animal to the council. A clinic can get between 1-10 strays delivered to them each week. **The animal should be able to be scanned for a microchip and then returned to their owner as quickly as possible.** The stress on the animal and the stress that the owner would experience by not knowing the whereabouts of their pet surely should outweigh the reasons as to why the council needs to receive and impound the animal. The public and I dare say – many veterinarians – see this only benefiting the council financially when a fine is imposed for the animal being at large.

Puppy farms

Whilst we applaud the government for its dedication in attempts to crack down on puppy farms, we are concerned that the legislation currently before parliament in regard to breeder caps and pet shops being only able to sell animals from shelters may pose a risk to declining pet populations. It is feared that because of reduced accessibility, that affordability may become an issue.

There are examples of both good and poor animal welfare in breeding operations of all sizes. There is no guarantee that smaller scale breeding operations will result in better animal welfare.

Victorian veterinarians have reported to the AVA that they are much more likely to see health or behavioural problems in puppies purchased online than those bought in pet shops. Online puppy sales are a significant and growing problem which is likely to increase when larger-scale responsible breeders are shut down as a result of the proposed legislation.

Restricting the sale of dogs and cats in pet shops to those linked with registered shelters - while good-intentioned - will have a limited effect on re-homing dogs in shelters or reduce the number of dogs' euthanised, it is our experience that members of the public often have very definite views on the type of dog they want. Many families want specific breeds that suit their life style and households. These type of breeds are often not found in shelters. A number of potential dog owners may choose not to have a dog at all if they cannot get the breed they desire.

The rapid increase in online sales of puppies presents a significant challenge to animal welfare and consumer protection.

A recent study of online advertisements through Gumtree estimated that this site alone is responsible for more than 149,000 puppy sales each year.

There is growing concern among veterinarians about the lack of regulation of online pet sales. Compliance with local regulations appears low and prospective owners rarely have the opportunity to visit the breeding property. A study from the UK demonstrated that dogs were at higher risk of behavioural problems when one or both parents were not seen prior to purchase.

If the proposed legislation have the effect of driving puppy sales online, it will create very serious concerns for both animal welfare and consumer protection. Therefore legislation to reduce the online sale of domestic animals must be a high priority.

Alpaca welfare issues

Evidence indicates that lay operators are placing their hands into the rectums of alpacas to perform rectally-guided, trans-cervical embryo transfer. It is feared that lay operators do not have adequate knowledge of anatomy and physiology to place their hand into the rectum of an alpaca and that pain relief should be administered. Lay operators do not possess the depth of understanding of anatomy, physiology, biochemistry, pathology and pharmacology to adequately perform invasive procedures. The AVA believes this is a serious animal welfare issue and could be addressed by restricted acts of veterinary science.

Large Animal Rescue Responsibility/Equipment

There is confusion amongst the public as to who to contact when there is a large animal incident such as a horse stuck in a well or trapped during a transportation accident. When freak incidents such as these occur, it is normally the fire brigade who are called to assist. There is a concern within the veterinary community that the fire brigade does not have sufficient training, nor appropriate equipment to deal with large animal incidents. A solution to this could be large animal rescue training provided to the MFB and CFA.

Virtual Fencing Technology

The AVA has reviewed the submission by Agersens in regard to virtual fencing technology. The AVA are happy to support this as it aligns with AVA's policy on electronic collars:

“Boundary collars must contain a mechanism that gives the animal an initial audible or visual warning (e.g. a marker tape). The animal must only experience the aversive stimulation if it ignores the warning and continues to approach a boundary. If the animal immediately ceases that behaviour, then it must not experience the stimulus.”

We do not believe this technology will have an adverse effect on animal welfare.