



Prevention of Cruelty to Animals Regulations Draft Regulations 2019

**Submission from the Australian Veterinary
Association – October 2019**



The AVA

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 9,000 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, livestock and wildlife. Government veterinarians work with animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association. Additionally, the AVA has a range of special interest groups (SIGs), allowing members with shared interests or expertise to develop their practice and skills in a specific area.

Summary

The AVA welcomes the opportunity to comment on the draft POCTA Regulations 2019 (draft regulations) and is supportive of proposed increased penalties. The AVA bases its views on animal welfare primarily on scientific evidence. At the same time, it is widely accepted that scientific assessments of animal welfare involve a number of considerations that are ethical in nature.

These considerations will change over time as more becomes known, and this is the case in all scientific inquiry. There remain large areas of knowledge about animal welfare that require further scientific research.

Tethered animals

Tethering should only be used as a temporary method of restraint and is not suitable for long-term confinement. Tethering of animals requires a high standard of animal husbandry and exceptional care, including regular and frequent inspections. Animals should be appropriately trained to tether. Animals should never be tethered where their welfare is compromised. AVA supports the listed offences in the draft regulations but would recommend that tethering should only be used as a temporary measure.

<p>Recommendation: include that tethering should not be used as a prolonged measure unless recommended by a veterinarian for health or welfare purposes.</p>



Sheep

The AVA supports a national and harmonised approach to animal welfare regulation, through the adoption of the animal welfare standards and guidelines. The proposed definition of mules in the draft regulations is not consistent with the definition in the Australian Animal Welfare Standards for Sheep or the National Wool Declaration (NWD) and the associated audit function, the NWD Integrity Program.

The AVA supports the retention of the definition of mulesing as listed in the Animal Welfare Standards and Guidelines. The current AWSG definition is: Mulesing (mules, mulesed): The removal of skin from the breech and/or tail of a sheep using mulesing shears. Mulesing is a surgical procedure developed by Mr John Mules in the late 1920s that involves the surgical removal of skin from the breech and tail area of sheep by means of a set of special shears. Any other technique (such as Steining/ freeze branding, clips, injections) would be described as breech modification. Retention of the current definition is required for national consistency.

The AVA supports that pain relief must be administered to the sheep. The AVA is currently formulating best practice guidelines in this area.

Recommendation: that the definition of mulesing be defined as listed in the Animal Welfare Standards and Guidelines.

Sale and use of netting for fruiting plants

The AVA welcomes the requirement of wildlife-friendly fruit tree netting inserted into the draft regulations. It is regularly reported that horrific injuries occur due to netting that is dangerous to wildlife. This is especially true for the bat species. Many animals die due to strangulation, broken bones, broken wings, shock and other injuries they sustain when trying to escape netting. As long as these requirements apply to backyard fruit growers as well as industry (fruit/wine), this will be a welcome improvement. We would also like to see a requirement that installed netting is checked on a regular basis, perhaps daily.

Recommendation: include a requirement that netting is inspected at least once every 24 hours.



Electronic devices

Behaviour-modifying collars that use electric shock should not be used on dogs and should be banned. Behaviour-modifying collars that use citronella (or other nontoxic substances) are also not recommended.

The use of positive reinforcement training methods is recommended for modifying the behaviour of animals. Negative reinforcement and positive punishment methods are not recommended.

Barking is a normal behaviour of all dogs and occurs for a number of reasons e.g. guarding, excitement, attention seeking, and anxiety. The use of punishment to control excessive barking does not take into account why the behaviour is occurring and therefore does not address the root of the problem.

Dogs escape for a number of reasons but a common reason is anxiety e.g. separation anxiety, noise fears and phobias. Punishing a dog with an anxiety disorder is inhumane.

Such collars – commonly called “e-collars” – may deliver an electric shock (“impulse”) a squirt of an unpleasant odour (citronella, lemon juice), a puff of air, or an ultrasonic tone. The main concern with the use of these products has been regarding e-collars. The full effects of citronella and other collars on animals are not known however citronella and high-pitched sounds are likely to be aversive.

The shocks caused by e-collars are not only unpleasant but also painful and frightening and cause both short-term and long-term stress. Risks associated with use of behaviour-modifying collars that use electric shock include the potential for dogs to develop conditions such as learned helplessness, increased anxiety, increased aggression, redirected aggression, long-term potentiation (i.e. the problem becomes worse) and reduced motivation.

Positive reinforcement reward-based training has been shown to be more effective than punishment when conducted by experienced professional trainers and in the hands of the general public. The use of punishment is associated with an increase in the number of problematic behaviours and a reduction in owner satisfaction with the animal’s general and on-leash behaviour. The use of operator-controlled behaviour-modifying collars is more open to potential abuse than collars that are activated by the animal’s behaviour. Punishments (shocks)



which are inappropriately applied and which the animal cannot predict (or avoid) cause more stress and suffering, and this is likely to be the case in the hands of an inexperienced trainer.

Using shock collars on animals is currently illegal in New South Wales, the Australian Capital Territory and South Australia. We note that exemptions are available in the draft regulations via the Minister for use of electronic collars for therapeutic purposes - but this is not defined. The AVA also encourages the adoption of greater restrictions of where collars can be obtained- both over the counter and via the internet.

Recommendations:

“therapeutic purposes” should be determined by and written permission given by a veterinary behaviourist to ensure the welfare of the animal is protected

If an electronic collar is required for “therapeutic purposes,” sales should be restricted so they are not readily available over the counter at pet stores and via the internet

Traps

Control programs to protect the environment, social amenity and agriculture from invasive animals must be carried out humanely. They must use best practice methods based on scientific research and must include monitoring and assessment for continual improvement. A large number of introduced animal species cause damage to natural ecosystems and agricultural lands. There are potential economic, conservation and welfare consequences if we fail to control these pest species.

Any control system (trapping, harvesting, culling etc) should be specific for the target species. It should aim to identify and minimise the unwanted impact of the pest species rather than simply controlling the species itself.

Where possible, programs should be planned around seasonal breeding to minimise welfare impacts on unweaned offspring and must have minimal effect on non-target species. Operators should also be aware of - and take precautions against diseases that can be transmitted from feral animals to humans or domestic animals.



Leg hold traps and confinement traps should be checked at least every 24 hours and the AVA does not support that approval by the Minister can be obtained for extending checking leg hold traps to 72 hours and extending checking confinement traps to 48 hours. A live animal should not be left in a trap for longer than 24 hours.

The AVA is supportive of the inclusion of banning the use of glue traps to trap animals (including rodents) as this is inhumane.

Recommendations:

Section 39(2) should be removed. It is inhumane to leave a wild dog in a leg hold trap for up to 72 hours. The duration should be no longer than 24 hours.

Section 44(2) should be amended so that an animal cannot be left in a confinement trap for longer than 24 hours

Rodeos and Rodeo Schools

Rodeos should be permitted only where there is appropriate legislative control to ensure the welfare of the animals involved. The AVA supports the requirements included in the draft regulations that require strict control over permits and that a suitably experienced veterinarian to be involved in planning the event and to be present for the entire duration of the rodeo.

There is considerable inherent welfare risk to animals participating in rodeos. Many rodeos take place in remote areas which causes concern for the welfare of the animals used.

Proper consideration must be given to the health and welfare of animals used in rodeos. Events and procedures in rodeos should be specifically designed to prevent cruelty and minimise the impacts on the welfare of the animals used.

The AVA is opposed to enabling the Man from Snowy River Bush Festival Committee to apply for a permit for the Brumby catch event. A brumby catch, where a horse is chased in an arena by a person on horseback before being haltered, is not a rodeo event and should not be approved or permitted at a rodeo. Although the Man from Snowy River event organisers state that the brumbies used are supplied by a private supplier and have been in human contact, the chasing of an individual animal in an arena for a period of 3 minutes would cause unnecessary panic in



an animal, even if 'habituated'. A panicked animal can fall or run into fences, which has been documented at these events. Terrifying an animal by chasing it for 3 minutes for a competition event is an act of cruelty and should not be allowed.

Recommendations:

Section 73(e)(ii) should be removed to prohibit permits given for brumby catch events.

AVA Contact

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References

[AVA Policy - Tethering](#)

[AVA Policy – Surgical Mulesing](#)

[AVA Policy - Use of behaviour-modifying collars on dogs](#)

[AVA Policy - Control of native and introduced animals causing damage to agriculture or habitat](#)

[AVA Policy – Rodeos](#)