



# Animal Defenders Office

Using the law to protect animals

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The Animal Defenders Office Inc. is accredited by the National Association of Community Legal Centres.

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Animal Welfare Victoria  
Department of Jobs, Precincts and Regions

via: [animal.welfare@agriculture.vic.gov.au](mailto:animal.welfare@agriculture.vic.gov.au)

Dear Sir/Madam

## **RE: Draft Prevention of Cruelty to Animals Regulations 2019—Submission from the Animal Defenders Office**

Thank you for the opportunity to provide a submission regarding the Draft Prevention of Cruelty to Animals Regulations 2019 (“Draft Regulations”).

The Animal Defenders Office (“ADO”) is a nationally accredited community legal centre that specialises in animal law. The ADO provides pro bono advice and representation services, produces information to raise community awareness about animal protection issues, and works to advance animal interests through law reform.

The ADO is a member of the National Association of Community Legal Centres Inc.<sup>1</sup>

Our submissions, based on the Draft Regulations and the Summary of Proposed Revisions<sup>2</sup>, are set out below.

### **6 Transport of Animals**

*(3) Subregulation (2) does not apply to a person who leaves an animal in the livestock crate of a livestock transport vehicle.*

The ADO supports the proposed ban set out in subregulation 6(2)<sup>3</sup>, but submits that animals left in the livestock crate of a livestock transport vehicle should not be excluded from the ban, as proposed in subregulation 6(3). The general ban demonstrates the harm in leaving any animal in a vehicle in temperatures at or above 28 degrees Celsius. There is no evidence why livestock animals contained in transport vehicles in those temperatures would not suffer the same harm, especially considering that they are often contained in considerable numbers and in close proximity. We therefore submit that the ban should apply to these animals and that

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<sup>1</sup> Further information about the ADO can be found at [www.ado.org.au](http://www.ado.org.au)

<sup>2</sup> <https://engage.vic.gov.au/prevention-cruelty-animals-draft-regulations-2019>.

<sup>3</sup> ‘A person must not leave an animal unattended inside a motor vehicle, for more than 10 minutes, when outside temperatures are at or above 28 degrees Celsius.’

subregulation 6(3) be removed.

## **6 Transport of Animals**

*(6) A person must not transport a farm animal, other than poultry, that is not able to stand and bear weight on all limbs...*

The ADO submits that it is not reasonable to exempt poultry from the proposed ban set out in subregulation 6(6). Farmed birds who cannot stand and bear weight on all limbs would suffer the same negative welfare consequences when transported as other animals in a similar condition. We therefore submit that the exemption relating to poultry should be removed from proposed subregulation 6(6).

## **7 Tethered animals**

We support the strict regulation of tethering animals proposed in regulation 7. If, however, monitoring compliance with the conditions under which an animal is tethered proves difficult (eg that an animal is checked at least twice daily), we suggest that tethering simply be banned.

## **8 Sheep**

*(2) A person must not mules a sheep unless the sheep is administered pain relief with a product that has been registered for use on sheep by the Australian Pesticides and Veterinary Medicines Authority.*

We submit that the practice of mulesing sheep should be banned due to its negative animal welfare consequences.

We support the proposed requirement for pain relief for mulesed sheep as a temporary measure until a ban is implemented.

Regarding a transition period—we submit that subregulation 8(2) be implemented immediately, as the wool industry has been aware of the practice's poor animal welfare consequences for a long time, and even committed publicly to phase the practice out by 2010 (which it has failed to do).<sup>4</sup>

## **13 Selling and use of fruit netting**

The ADO supports the regulation of the sale and use of fruit netting proposed in regulation 13. Animals caught in netting, such as flying foxes, birds and reptiles, are usually very badly injured and most cannot be saved. The proposed limitation on the mesh size will mean that fewer

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<sup>4</sup> <https://www.smh.com.au/national/group-to-continue-antimulesing-campaign-20071101-17ex.html>

animals are caught in the holes. Further, it will reduce volunteer rescuers' time, veterinary and rehabilitation costs, and the cost to the animal and human health system when someone is bitten by a flying fox who is being rescued.

### **18 Electric prodders**

The ADO submits that the use of electric prodders should be banned as they cause unnecessary harm to animals, including the listed animals (cattle, goats, sheep, buffalo, camel, deer, and pigs).

Until they are banned, we do not support expanding the use of prodders to pigs as it would cause unnecessary harm to the pigs.

### **23 Electrocutation traps**

*(a) the person sets or uses the trap for the purpose of trapping rodents*

The ADO supports the ban on setting and using an electrocution trap. We submit, however, that the exemption allowing the trapping of rodents should be removed. Any pain or suffering inflicted on animals by the use of electrocution traps would also be felt by rodents. We submit that non-lethal traps be used if rodents need to be removed from a site.

Note—is the reference to '*electronic trap*' in the chapeau correct?

### **Part 3 Traps**

The ADO does not support any use of leghold traps, confinement traps, net traps, non-kill snares, rodent-kill traps, kill traps, glue traps or lethal trap devices. This is because traps are a violent, non-discriminate way to catch animals, and often pose a serious risk of injury or death to the animal.

Leghold traps are particularly inhumane and pose many risks to an animal. They are banned in the ACT under section 60 of the *Animal Welfare Act 1992* (ACT), and in over 100 international jurisdictions including the EU and China.<sup>5</sup>

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<sup>5</sup> Wildlife Protection Law [野生动物保护法] (adopted by the Standing Committee of the National People's Congress (NPC) on Nov. 8, 1988, rev. July 2, 2016, effective Jan. 1, 2017) art. 24; Council Regulation (EEC) No. 3254/91 of 4 November 1991 Prohibiting the Use of Leg-hold Traps in the Community and the Introduction into the Community of Pelts and Manufactured Goods of Certain Wild Animal Species Originating in Countries Which Catch Them by Means of Leghold Traps or Trapping Methods Which Do Not Meet International Humane Trapping Standards art. 2, 1991 O.J. (L 308) 1 (effective Jan. 1, 1995).

## **62 Sale, setting or use of glue traps**

(3) *“A person may sell, set or use a glue trap for the purposes of capturing insects, if the trap —*

*(a) has a cage or other protection which prevents any animal from contact with the adhesive surface; or*

*(b) is designed to prevent the capture of an animal.*

The ADO supports a complete ban on the use of glue traps for animals. Glue traps can be cruel because animals who are intentionally or unintentionally caught on the trap can suffer a lingering and painful death.

For these reasons, the ADO recommends an outright ban on glue traps. These traps are already banned in the ACT, under section 60 of the *Animal Welfare Act 1992 (ACT)* and regulation 7C (1)(a) of the *Animal Welfare Regulation 2001 (ACT)*.

## **Part 4 – Rodeos and rodeo schools**

Rodeos cause injuries and distress for the animals involved. We submit that the harm caused to animals by rodeos merely for entertainment purposes is unreasonable and unjustifiable, and therefore rodeos should be banned rather than regulated.

Rodeos are already banned in the ACT, under section 18 of the *Animal Welfare Act 1992 (ACT)*, where the provision reads:

### **18 Rodeos and game parks**

*(1) A person commits an offence if the person conducts or takes part in a rodeo.*

*Maximum penalty: 100 penalty units, imprisonment for 1 year or both.*

...

While so ever it remains legal to conduct or take part in a rodeo in Victoria, we submit that calf roping should nonetheless be banned. Calf-roping involves releasing a calf and a rider chasing and catching the young animal by throwing a rope over the young animal’s neck. The rider then jumps off his horse and forces the calf to the ground. This risks damage to the calf’s neck and windpipe when being lassoed, broken bones when tackled, and choking from being dragged, as well as severe emotional distress and confusion. Whilst draft regulation 82 would require that animals in a rodeo must not weigh under 200kg, the ADO submits that this does not go far enough. Instead calf-roping should be banned as a rodeo event.

## **110 Mandatory Training for Animal Ethics Committees**

The ADO strongly supports mandatory training for animal ethics committees.

In addition, we recommend:

(1) the inclusion of a compulsory section on the 3 Rs, with particular emphasis on reduction and replacement, and

(2) a section teaching the importance of rehoming animals at the end of a research project, as per the *Australian code for the care and use of animals for scientific purposes* (clauses 3.4.2-3.4.3).

#### **114 Sources of animals used under the licence**

*(4) Any animal must not be procured or obtained from an animal pound or shelter for use in a scientific procedure or program under a scientific procedures premises licence...*

The ADO supports limiting the use of impounded animals in scientific research as proposed in draft regulation 114.

#### **116 Prohibition on the use of non-human hominids**

We strongly urge the removal of subparagraph 116(a)(iii) from the Draft Regulations.

Non-human hominids should not be used in research to benefit another species, regardless of what that other species is. We submit that Victoria should follow the example set by New Zealand and remove this exemption to the prohibition on the use of non-human hominids.<sup>6</sup>

#### **Conclusion**

The ADO supports the proposals to ban the mulesing of sheep, leaving animals in vehicles on hot days, certain types of fruit netting, and glue traps. However, we do not support arbitrary exemptions from offences in relation to certain types of animals.

In relation to traps and rodeos, the ADO supports an outright ban of these practices, and submits that the proposed regulations are not sufficient to prevent harm and distress to the animals involved.

We hope that this forms part of a broader approach to animal welfare according to which no animal or sentient being would be inflicted with pain, suffering, neglect, or cruelty due to human action or omission.

We thank the Department for taking our submission into consideration.

Lucy Peel, Anjalee Kaluarachchi, and Tara Ward

**Animal Defenders Office**

26 September 2019

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<sup>6</sup> *Animal Welfare Act 1999* (NZ), s85.