

# Pause for paws: Feedback on the cat and dog laws

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Lisa Baker MLA submission

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**“RSPCAWA reports animal cruelty on the rise in WA”**

- Perthnow, June 19, 2019

**“City of Belmont put down more than 80% of impounded cats last financial year”**

– Southern Gazette, January 11, 2018

**“WA suburbs named and shamed in animal cruelty report”**

- thewest.com.au, June 24, 2019

**“Hefty fine over missing dangerous dog still at large after being broken out of pound”**

- ABC Mid West & Wheatbelt, June 12, 2019

**“Greyhound owners, lovers call for end to mandatory muzzles in public”**

- Today Tonight, February 2, 2019

## **Pause for paws: Feedback on the dog and cat laws in WA**

### **Lisa Baker MLA submission**

#### **Introduction**

Five years ago, under the former Liberal/National Government, the WA Cat Act 2011 and WA Dog Amendment Act 2013 were introduced in an attempt to better control and manage cats and dogs in WA. The Government of the day claimed that the aims of the new arrangements included:

- To encourage responsible pet ownership
- Safely return lost animals to their homes
- Keep the community and other animals safe
- Reduce the number of animals admitted to pounds and shelters
- Reduce the proportion of animals that are euthanised

It is important to note that when these changes were introduced there were no measures put in place to determine the impact of or outcomes from the new laws. Consequently, there is limited quantitative or analytical data available to assess impact of the changes. Therefore this review of the efficiency and effectiveness of the new Cat and amended Dog Acts relies on qualitative data and specifically anecdotal reports, case studies, random and non-standardised feedback for example from some local governments, and submission from some of the more than 150 voluntary rescue and rehoming groups, veterinarians and animal welfare enforcement agencies such as the RSPCA WA, Cat Haven, SAFE, HAART and the Dogs' Refuge Home.

In my work as a Member of the WA Parliament and an advocate for improved animal care and protection practices, I receive regular feedback from many of the individuals and agencies in the WA community who are rescuing, rehoming and providing veterinary assistance to the thousands of lost, abandoned and/or abused cats and dogs in our community. Five years of feedback I have received about the Cat and Dog Acts provide me with evidence of where these Acts currently fail to deliver on the aims stated above.

The current legislation fails in critical areas including that there has been:

- No significant reduction in the incidence of dog attacks,
- No significant reduction in the numbers of animals admitted to pounds and shelters,
- Continued and increasing evidence of irresponsible pet ownership,
- Increasing reports of abuse and neglect of companion animals; and

- Patchwork and limited enforcement by those agencies responsible for implementing these Acts.

This submission aims to highlight concerns with the current legislation and put forward possible solutions to:

- Improve the safety of the public and companion animals,
- Introduce amendments to remove the outdated and redundant requirement for the compulsory muzzling of greyhounds and thereby improve the outcomes for greyhounds,
- Adopt a model centred on responsible dog ownership, education and awareness programs rather than failed 'breed specific legislation' (e.g. Calgary Model); and
- Combine the Cat and Dog Acts into one WA Companion Animal Act (Cats and Dogs).

### **Current situation**

While our community is demanding to know that the practices used in the breeding, care and control of companion (and other) animals meet high standards and are monitored for compliance, the agencies involved in applying current animal welfare laws report that incidence of animal abuse, cruelty, torture and neglect are increasing every year.

The Cat Act and Dog Act have the capacity to improve health and welfare outcomes for animals through their potential to positively influence responsible pet ownership, pet identification and traceability, community and animal safety, reduce irresponsible and indiscriminate breeding and ensure the care and protection of impounded animals.

In relation to dogs and puppies, the McGowan Government is implementing the Stop Puppy Farming reforms. Some of these changes intersect with the review of the Dog Act, including introducing a centralised registration system for dogs, mandatory standards and guidelines for the health and welfare of dogs and an opt-out requirement for de-sexing dogs not registered for breeding.

I note that the McGowan Government is currently reviewing the WA Animal Welfare Act 2002. The role and powers of general inspectors appointed under that Act to enforce animal welfare law are critical to improving the health and welfare of all animals, including companion animals.

Those who are the 'first responders' to reports of abuse and neglect of animals report that the current laws are failing to support their efforts to protect animals. For example, local government rangers say they are unable to legally access vacant properties to save abandoned animals when owners who move out leave their pets behind. A ranger can access

a car to save an animal, but not legally enter a vacant house to do the same. The Dog Act states in Part 2.12 A Entry of Premises;

- (5) An authorised person may, without a warrant and without consent, stop, enter and search or inspect a vehicle in which the person reasonably suspects a dog to be, for any purpose relating to the enforcement of this Act.

Another weakness is when a local government does not make available a dog's history when handing it over to a rehoming agency. This means that the agency receiving the dog has no knowledge of its background – is the dog considered to be dangerous, has the dog come from a background where domestic violence has forced its rehoming, or anything of the dog's past experiences that may affect its rehoming. These examples show weakness in our ability to rescue animals and the failure of our current regulatory system.

Enforcement and education are always going to be the keys to improving animal care and protection, and both of these require appropriate resourcing.

### **Creating a Companion Animals (Dog and Cat) Act**

There is an opportunity in this review to combine the separate Dog and Cat Acts into an overarching Companion Animals Act. Combining the two Acts will allow for a more streamline and cost effective approach to administration, however, the aim of a Companion Animal Act must be to improve the welfare outcomes for animals rather than the income generating opportunities for governments.

Registration, microchipping, sterilisation apply similarly to cats and dogs, whilst issues such as dogs showing signs of dangerous behaviour could still be dealt with specifically in a combined act. The roles of education and enforcement must also be properly defined and resourced.

Most Australian states and territories have one act for both cats and dogs.

### **Registration of cats and dogs**

Currently, all dog owners must register their dogs with their local government if the dog is aged three months or older. Every local government in WA maintains its own system for keeping a record of dogs registered in their district.

There is currently no government register that records dog breeders in WA. Dog owners are not required to notify or obtain permission to breed dogs and consumers have limited ability

to trace the puppies that are being purchased from unregistered breeders, on-line and pet shops.

The WA Stop Puppy Farming reforms will introduce a centralised registration system where existing local government dog registers are transitioned and absorbed into a centralised registration system.

The objective of introducing a centralised registration system is to improve traceability of puppies and allow authorities to identify and monitor dog owners and dog breeders for compliance with all relevant laws.

According to the discussion paper, one local government has said that since 2013 when owners have been able to register their dogs for their lifetime, there has been a decline in the accuracy of the content of registration systems.

This compliance issue will be addressed by a centralised database that sends reminders or alerts to update details or renew registration (depending on whether lifetime registration or shorter term registration periods were used).

Cat registration is also mandatory but enforcement has been limited. Consideration should be given to expanding the proposed centralised database to include cat registration.

Note that there will be significant changes required to the registration and identification (micro chipping) divisions in these Acts to enable a centralised registration data base.

### **Microchipping cats and dogs**

There are ongoing issues with compliance of mandatory microchipping. Even pet owners who appear to be very responsible sometimes fail to engage in recommended behaviours.

Barriers to compliance with the mandatory microchipping legislation appear to be cost and perceived difficulty surrounding the process.

The RSPCA WA currently hosts Community Action Days to assist people who are struggling to meet the financial commitments of dog ownership and microchip implantation is performed free of charge. In the 2018-19 financial year, the RSPCA microchipped more than 200 dogs at Community Action Days.

Other volunteer groups run 'snip and chip' (micro chipping and sterilisation) programmes in conjunction with local governments. One group working across the southern Perth suburbs reports that since its inception they have provided free snip and chip services to 1000 pets of people who could not afford these procedures. This group receives funding from one local

government who see their services as a valuable part of managing companion animals in their region.

Local governments should be responsible for terminating a cat or dog's microchip if the animal is euthanised while in the control of a local government pound or ranger. Where possible the reason for the animal being euthanised and the name of the person approving this should be provided.

To improve compliance, it is recommended that the WA Government work in partnership with local governments and animal welfare groups to investigate the cost and benefits of running an ongoing community education campaign as well as providing grants to suitably qualified organisations to offer 'snip and chip' (sterilisation and microchipping) programs across WA.

### **Impounded animals**

The acts do not set out the obligations of local governments to rehome unclaimed animals, with decisions about the impounded animals' fate left up to each local government's policies and pound organisations.

When an unclaimed cat or dog is suitable for rehoming, the act should specify what efforts must be made to rehome the animal.

There should also be standardisation around how animals are assessed at pounds.

When a local government partners with an outside agency for rehoming dogs, the history of that dog must be given to the agency that will rehome it. At present, shelters that take dogs from local government pounds are not told if the dog has been abused, is considered dangerous or has been through temperament assessment.

Local government pound facilities must demonstrate stringent health and welfare practices to ensure that premises are kept clean and free of disease. This is required due to increasing occurrence of parvo and other highly contagious diseases (such as feline HIV and influenza) and reports of people picking up their pets from local government pounds and discovering that their animals are sick.

Local government pound facilities will also need to comply with new Standards and Guidelines for the Health and Welfare of Dogs when they are finalised. These will include the housing of dogs, size of kennels and requirements for exercise.

In the current Dog Act (Page 11, (3)) the definition of a prescribed body that can be involved in rehoming dogs includes:

(b) a dog held in the custody of —

- (i) the Royal Society for the Prevention of Cruelty to Animals (Inc.) of Western Australia; or
- (ii) the Dogs Refuge Home (W.A.) Inc.; or
- (iii) any other prescribed body,

in a place maintained for the purpose of finding dogs suitable homes

I have been directly involved with representations made to the department to allow credible rehoming groups such as SAFE, HAART, WISH, Desperate for Love, Perth Rescue Angels to be recognised as legitimate partners for local governments to work with in order to find animals new homes. Unfortunately these approaches have been rejected by the Department which has claimed that as those groups do not have a kennel facility, but instead use foster homes as transitional carers for animals and therefore do not meet the requirements under the Act. This is something that should be changed in this review. Organisations that demonstrate sound governance procedures for their foster care network should be recognised as credible partners for local governments. This will return far better outcomes for the dogs and cats that are looking for new homes.

### **Dog attacks, dangerous dogs and restricted breed dogs**

After the Dog Act was amended, fines increased and a criminal offence introduced if a dangerous dog kills a person or puts a person's life at risk. Since then, there has been no reported reduction in the incidence of dog attacks across WA.

Breed-specific legislation provisions set out in the Dog Act are ineffective, fatally flawed and should be repealed. They are based on assumptions that certain breeds are inherently dangerous, that those breeds can be readily identified and banning those breeds decreases the rate of dog bites and attacks. None of these assumptions are evidence-based and all give a misleading picture to the public of about the safety of dogs and people, particularly when the dogs are off-lead in public areas.

Globally, all comparisons using standardised temperament tests have found no significant differences between banned breeds and golden retrievers. Effective dog bite and dog attack legislation should focus on exhibited behaviour and not the breed.

In 2018 the UK Parliament's Environment, Food and Rural Affairs Committee released their study into the impact of breed specific laws. Their results provide direct evidence that breed specific laws are unsuccessful and should be replaced by laws aimed to improve responsible pet ownership behaviours.

The successful alternate model centred on responsible dog ownership, education and awareness programs should be progressed, also including veterinary treatment such as behavioural training. An example of the responsible pet ownership model can be found outlined in brief below - the 'Calgary Model'.

### **Responsible Pet Ownership Model – the Calgary Model**

The current framework in place in WA to protect companion animals relies on catching people doing the wrong thing and legal remedies while failing to address the urgent need for more responsible pet ownership.

As stated previously, records show that there is an alarming increase in the incidences of abuse and neglect of animals in WA.

The preferred model for reducing abuse and neglect focusses on prevention of harm, education and responsible pet ownership. This submission will highlight an example of international best practice – the Responsible Pet Ownership Model developed by the Calgary local government in Canada.

They identified that they did not have a problem with pet overpopulation, stray animals, nuisance or vicious animals, but rather, the root of their problem as with irresponsible pet ownership.

The original Calgary model is based on five principles:

- License and permanent identification for your companion animal
- Spay and neuter
- Provide the proper training, socialisation, diet, exercise, medical care and grooming for your companion animal
- Do not allow your pet to become a threat or nuisance in the community
- Responsible procurement of companion animals

Some of the programs developed by the Calgary local government:

- Free ride home for lost licensed animals – the officer does not bring them to the shelter, they are taken directly home
- Rewards card for many Calgary businesses providing discounts to animal owners
- In-school and community programs on bite prevention and safety around animals
- Reduced license fee for spayed/neutered animals

- Unlicensed dogs coming into the shelter are given vaccines for kennel cough, distemper and parvo

Calgary now has very low rates of euthanasia and high return-to-owner and high bylaw compliance rates.

For example, in 2010 some 4330 dogs were impounded:

- 87 per cent (3746) returned to the owner. Of these:
  - 32 per cent driven directly home (1209)
  - 68 per cent picked up from Animal Services (2537)
- 8.5 per cent adopted (374)
- 4.5 per cent euthanized (210)

Here are a few other statistics demonstrating Calgary's success:

- Calgary has the highest rates of licensing compliance in the country: 90 per cent for dogs and 50 per cent for cats (the national average for cats is 5-10 per cent)
- 47 per cent of cats brought in to the shelter in 2012 were reunited with their owners, and a further 25 per cent were adopted out to new homes (the national average for cats being reclaimed from shelters is around 5 per cent)
- More than 10,000 animals have been sterilized through the no-cost spay/neuter program between 2006 and 2016
- 97 cats entered unowned cat care programs via the Meow Foundation in 2009; by 2016 that number was only 48

Further information available at [https://catsandbirds.ca/wp-content/uploads/sites/3/2017/09/BillBruce\\_Building-responsible-pet-ownership-communities.pdf](https://catsandbirds.ca/wp-content/uploads/sites/3/2017/09/BillBruce_Building-responsible-pet-ownership-communities.pdf)

### **Greyhound muzzling**

The WA Dog Act sets out that all greyhounds must wear a muzzle when in public unless they have been through a 'prescribed training programme.' Currently, the training program must be run by the racing industry and can require a greyhound to be in the industry run kennels for up to four days.

The Dog Act also requires greyhounds to always be on a lead when in public. My submission does not propose any amendment to this aspect of the Act.

The McGowan Government has been working closely with greyhound rescue and rehoming groups and with the racing industry to address community concerns about greyhound welfare and to improve the rehoming rate for greyhounds. While greyhounds continue to be raced in WA, this model of work is a 'first' in Australia and represents the best outcomes available to improve the lives of greyhounds.

There is no scientific evidence to prove that the compulsory muzzling of greyhounds makes the community safer – greyhounds are kept as pets in countries all over the world muzzle free and there has been no increased incidence of greyhound dog bites to people or animals.

The WA racing industry has publically indicated it supports the removal of the muzzling provisions and is keen to explore new ways to advance behaviour testing and rehoming.

The RSPCA have found no evidence to suggest that greyhounds as a breed pose any greater risk than other dog breeds – the behaviour of a particular dog is based on that particular dog's attributes, a view supported by veterinary behaviourists.

There is evidence that shows that breed-specific legislation is not effective in preventing or reducing dog attacks or in protecting the public from dangerous dogs.

Muzzling contributes to negative public perceptions about greyhounds and their suitability as pets, impacting adoption opportunities. The threat of fines and impositions on ownerships of rescue greyhounds of the law also inhibits adoptions rates.

Greyhounds generally have friendly and gentle dispositions, despite their upbringing in the racing industry – they are more likely to run away from an altercation than attack.

The current Green Collar behaviour assessment provides a snapshot of a dog's behaviour at a point in time and the assessment is done in completely unfamiliar environment to the hound which can give biased results. Many pet greyhound owners do not wish to return their family pets to the industry run Greyhound As Pets kennels to complete their assessment as they do not consider that this experience is helpful to their pets. The behavioural assessment model should be opened up to include other 'approved' programs and should also be able to be delivered by other agencies that may be considered to be qualified to deliver them.

The Dog Act should be amended to remove the requirement for all greyhounds to be muzzled in public without the requirement to complete the Green Collar assessment.

In June 2019 a petition supporting the removal of laws that demand the muzzling of greyhounds was tabled in the WA Parliament with around 4000 signatures of Western Australians supporting the removal of this law.

The RSPCA and Australian Veterinary Association and Racing and Wagering WA support the removal of compulsory muzzling laws.

In Australia the following states have removed, or indicated their intention to remove, the compulsory muzzling laws: Australian Capital Territory, Victoria, New South Wales, Northern Territory and through council local law in Queensland. In fact, across the world, Northern Ireland appears to be the only other jurisdiction that has compulsory muzzling laws.

In accordance with the evidence, I recommend that the muzzling provisions in the Act be removed. The provisions that require greyhounds to be on a leash in public should remain.

### **Cat numbers and nuisance / wandering cats**

The Cat Act allows for local laws to be made to limit numbers of cats that can be kept at premises or premises of a particular type.

However, unlike the Dog Act, the legislation does not specify maximum numbers.

Limitations on cat numbers should be introduced to address issues such as cat hoarding.

As stated in the discussion paper, evidence from agencies shows that WA has an unwanted cat problem. Local government, cat rescue, rehoming and refuges and the community agree that wandering cats can create a nuisance to neighbours and in some areas, to wildlife.

Introducing a cat curfew and restricting cats to premises could help solve these issues.

The RSPCA Australia states that it encourages cat containment within property boundaries as this can help protect cats from disease and injury, enhance the human-animal bond, reduce the impact of hunting by cats, decrease disturbance caused to neighbours and help prevent uncontrolled breeding.

### **Cat sterilisation**

Despite legislation mandating that cats are sterilised by six months, WA is still experiencing a cat overbreeding crisis.

Every year, there are many cases of cats and kittens suffering from neglect and abandonment that could have been prevented if owners had sterilised their cats.

Cat Haven receives thousands of kittens every year because owners failed to sterilise their cats.

Consideration should be given to lowering the compulsory sterilisation to an age younger than six months as cats can reach sexual maturity before then. Evidence shows that there are no negative outcomes from sterilising cats at three months of age.

Cat Haven, SAFE, WA Pet Project, and some local governments already offer subsidised desexing programs, however as mentioned in a previous recommendation, a community education and subsidy program would be beneficial.

I recommend that cats be required to be sterilised at three months of age and that the WA government works with local government to assess the cost and benefits of offering grants to appropriately qualified organisations to conduct 'snip and chip' programs.

### **Dog desexing**

The number of dogs and puppies admitted to shelters and pounds is still very high, despite the legislation changes made five years ago.

According to statistics gathered from 24 dog rescue groups, shelters and organisations (including places like the Dogs' Refuge Home, RSPCA and various SAFE branches), last year a total of 3311 dogs and puppies were rehomed in WA.

Currently, dogs are not required to be de-sexed in WA. An outcome of the Stop Puppy Farming initiative is to introduce a mandatory opt-out de-sexing requirement for dogs by the time they reach a particular age unless the dog is used for breeding purposes or an exemption is requested for reasons stated by a registered veterinarian.

This move is set intended to help crack down on 'backyard breeders' but will also have a positive impact in reducing the number of unwanted puppies and dogs.

#### **Case study: City of Rockingham**

Rockingham City Council is posting exceptionally helpful information concerning animal management outcomes (see below). Rockingham City Council has recently committed \$10,000 in grant funding to a local animal welfare group to meet the costs of free de-sexing and microchipping for cats and dogs owned by pensioners, people with a disability and concession cardholders in that shire. This will pay for the de-sexing and microchipping 50 cats over the financial year. The group that will administer the program has recently reached a milestone by completing 1000 free de-sexing and microchipping of dogs and cats in their 'snip and chip' programme.

Table:

<b>Dogs</b>	<b>June 2018</b>	<b>June 2019</b>
Impounded	59	63
Claimed	44	50
Transferred to Rehoming Agency	15	13
Euthanised/Deceased	0	1
Infringements	71	98
Cautions	125	154
Applications for More than 2 Dogs	2	2
<b>Cats</b>	<b>June 2018</b>	<b>June 2019</b>
Impounded	16	13
Claimed	6	0
Transferred to Rehoming Agency	9	10
Euthanised	1	2
Infringements	9	9
Cautions	4	77
Applications for More than 2 Cats	n/a	2

### Summary of key recommendations

Thank you for the opportunity to comment on the Cat Act and Dog Act. I make the following recommendations:

- Combine the Cat Act and Dog Act into a WA Companion Animals Act (Cats and Dogs).
- Expand the soon to be introduced centralised dog registration database to include cats.
- That the WA Government work with local governments and animal welfare groups to investigate running an ongoing community education campaign as well as providing grants to suitably qualified organisations to offer 'snip and chip' programs.
- A WA Companion Animal Act should include the requirement for local government agencies that impound animals to record efforts made to rehome animals, standardise how animals are assessed at pounds and must demonstrate basic health and welfare standards as outlined in the new Health and Welfare of Dogs Standards and Guidelines, and when handing dogs over to an agency for rehoming provide the history of that dog to the rehoming agency.
- Breed-specific legislation must be repealed and in its place a model centred on responsible dog ownership, education and awareness programs.

- Remove the requirement for a greyhound to be muzzled in public.
- Introducing a cat curfew and specify maximum numbers of cats allowed and any reasons for exemptions.
- Mandatory sterilisation for cats by three months of age.