

## Royal New South Wales Canine Council Limited

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ABN 69 062 986 118

29 September 2005

The Committee Secretary  
Senate Rural and Regional Affairs and Transport Committee  
Department of the Senate  
Parliament House  
Canberra ACT 2600

Dear Sir

### The National Animal Welfare Bill 2005

The RNSWCC thanks you for the opportunity to make the attached submission, comprising 3 pages, for the above.

The RNSWCC is the controlling body of pedigree dog breeding in NSW with in excess of 11,000 members as well as 365 affiliated Clubs with over 60,000 members throughout NSW. The Australian National Kennel Council, of which the RNSWCC is a member, recognizes over 185 separate breeds of dogs which are bred for sound temperament and then breed-type.

Should you wish to discuss any matter concerning the attached submission, please contact Mr Tom Walsh, whose contact details appear below, at your convenience.

Yours sincerely

**Keith Irwin**  
President

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**NATIONAL ANIMAL WELFARE BILL - 2005.**  
(Royal New South Wales Canine Council Submission).

**PART 2 - National Animal Welfare Authority.**

**8. National Animal Welfare Authority.**

Generally, we are not in agreement with a National Animal Welfare Authority, as we believe that such a scheme would be costly and without little gain at this stage. It would be more advantageous for companion animals, at least, if more prominence could be placed on the Primary Industries Ministers' Council Conferences which are held twice yearly. However, it is our opinion that the State/Territory P.I. Ministers need to liaise and confer with organisations which have "hands on" expertise rather than rely on internal staff advice.

If the National Animal Welfare Authority is established, it should be done on a gradual basis. This submission is made generally on behalf of companion animal enthusiasts which are governed by well organised organisations. Regrettably, these do not seem to be acknowledged by Government organisations which appear to confer mostly with the RSPCA for guidance. While it is acknowledged that organisation is necessary and does an excellent job within its charter, it is frustrating for organisations such as the Australian National Kennel Council and its State and Territory Member Bodies, also cat organisations such as The NSW Cat Fanciers Association etc not to be involved as they are the experts in their fields.

**10. Constitution of Authority.**

Should the NAWA be instituted, we believe that one of its Members should be a representative from the Companion Animal Sector and would recommend it be the Chairperson of the Australian National Kennel Council.

**12. Advisory committees.**

Member Bodies of the ANKC have experienced personnel who would be available to serve such committees. Their expertise would be invaluable.

**16. Qualifications of inspectors.**

3(iii)(iv). An employee of the RSPCA has no more qualifications than an employee of the Animal Welfare League who is similarly qualified. Neither organisations have employees who are qualified and have experience in accurately identifying dog breeds as do the judges and stewards of the ANKC Member Bodies who complete education courses in this field.

**17. Powers of inspectors - general powers.**

(2) "Within reason, inspectors may undertake random inspections of animals".

We do not agree with this. "Within reason?" How long is reason? RSPCA Inspectors already have strict powers which they can exercise.

Inspectors should obtain warrants generally as per Subdivision 3 - Warrants sections 22 and 23. In addition, detail the reasons for obtaining the warrants and the description of the animals involved.

**NATIONAL ANIMAL WELFARE BILL - 2005.****(Royal New South Wales Canine Council Submission)****24. Special Warrants.**

Sections (1) to (9). In addition to the various ways which warrants are obtained. When the inspection is complete, a report should be made for the authorising personnel to justify their actions.

**33. General powers.**

If a domestic animal is the subject, it should be checked for microchip identification.

**34. Power to require reasonable help.**

If the inspector needs help in identification in the case of a dog, the local Kennel Club Officers could be contacted. A list of affiliated Kennel Clubs in each State or Territory can be made to the authorities in charge of this project or be of assistance. Microchipping of companion animals should be compulsory as is the case in New South Wales, and is due to be introduced in Victoria in 2007. National identification by microchipping would be of great benefit to owners, Councils and the various Government personnel.

**Division 2 - Cruelty offences.****64. Animal cruelty prohibited.**

- (3) Providing an accredited breeder of dogs or cats who has approved and correct accommodation facilities or breeds dogs as well as having licensed boarding kennels, such person should be able to keep more than 25 dogs and not be in violation of this section.

**NB.**

The eight (8) States and Territory Member bodies of the ANKC, as responsible dog authorities, do not allow their members to cross breed dogs.

In an effort to reduce the all to frequent dog attacks and bitings, also deformities in puppies, Government Legislation should be introduced to prevent cross breeding of different breeds of dogs, particularly those used as guard dogs.

**Division 3 - Prohibited Conduct.****68. Causing captive animal to be injured or killed by dog.**

This clause may involve having animals killed, such as organised dog fighting which should not be tolerated.

The penalty of 300 penalty units or imprisonment for 1 year is too lenient and should be increased to at least 500 points.

**69. Releasing animal for injury or killing by dog.**

This clause would involve organised dog fighting which must not be tolerated.

The penalty of 300 penalty units or imprisonment for 1 year is not appropriate.

The penalty for deliberate or organised dog fighting should be a minimum of 500 points.

**70. Keeping or using as kill or lure for blooding or coursing.**

The penalty of 300 units is too lenient. The penalty should be 500 points.

**NATIONAL ANIMAL WELFARE BILL - 2005.**  
**(Royal New South Wales Canine Council Submission).**

**73. Baits or harmful substances.**

- (4) "A person must not, with the intention of injuring or killing any animal, lay a bait or a substance that is harmful or poisonous to any animal".  
Laying baits in rural areas for the eradication of noxious animals must be accepted.  
Laying baits to injure or kill a dog or cat can also be a major danger to children.  
The penalty should be 500 penalty units or imprisonment for at least 1 year.

**76. Docking dogs' tails.**

- (1) "A person, other than a veterinary surgeon, must not dock a dog's tail".  
The surgical removal of puppies' tails within 2 to 5 days of birth by a veterinary surgeon should be permitted. The surgical removal of a mature dog's tail due to injury or disease by a veterinary surgeon must be permitted.
- (2) "A veterinary surgeon must not dock a dog's tail unless the veterinary surgeon reasonably considers that the docking is in the best interests of the dog's welfare".  
Docking dog's tails of certain pure breeds has been carried out in the best interest of that breed due to the purpose and activity for which the breed was developed. Some dogs have natural traits and habits bred into them over hundreds of years. Their anatomy is structured in such a way that long tails can be severely damaged when the breed acts characteristically within its lineage.  
Veterinary Surgeons should be encouraged to discuss requests by experienced breeders to dock all or part of a litter and be permitted to dock if he/she considers it reasonable to do so. Generally, those breeds which carry out guarding, herding, ridding and working gundogs etc are prone to suffer damage and or fly strike to tails.  
Broken or damaged tails of dogs are extremely painful and take a long time to heal; if the injured tails are knocked, or touched by children, this may lead to a serious dog bite.

**Division 4 - Prohibited events.**

**83. Participation in prohibited event.**

- (1) "A person must not
- (a) organise a prohibited event; or
  - (b) knowingly:
    - (i) permit a prohibited event to be organised; or
    - (ii) supply an animal for use in a prohibited event; or
    - (iii) supply premises for use for a prohibited event".

The maximum penalty should be a minimum of 500 penalty units or imprisonment for 1 year.

**Part 8 - Animals used for experimental purposes.**

The Australian National Kennel Council nor its Member Bodies do not agree for companion animals to be used for experimental purposes.