



International Fund for Animal Welfare

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

28 November 2005

Dear Sir / Madam

RE: IFAW Submission on the National Animal Welfare Bill 2005



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IFAW (International Fund for Animal Welfare) welcomes the opportunity to provide comments on the *National Animal Welfare Bill 2005* (the Bill).

As a Non Government Organisation, IFAW works through its 15 country offices to improve the welfare of wild and domestic animals, protect wildlife habitats and assist animals in crisis and distress. IFAW seeks to motivate the public to prevent cruelty to animals and to promote animal welfare and conservation policies that advance the well being of both people and animals.

This submission is not intended as a detailed analysis of the Bill itself, but rather will provide general overarching comments on the state of animal welfare in Australia and on the model that the Bill is proposing.

Australia's Constitution dictates that animal welfare legislation to date has been the responsibility of each State and Territory. This piecemeal approach has resulted in animal welfare, legislation and enforcement being dealt with at varying levels of importance. It also means that animals in one State can receive greater protection than animals in another.

IFAW recognises the difficulties faced in implementing and enforcing animal welfare legislation across each of the States and Territories as is currently the case. For this reason we support legislation that is consistent and reflective of the strong social, cultural and environmental values that Australia is known for. We also support Australia taking the approach of incorporating stricter domestic measures than those they are obliged to take as signatories to international forum such as the Convention on International Trade in Endangered Species (CITES).

In principle IFAW supports a national approach to animal welfare legislation in Australia. The current system is inadequate and cannot guarantee high and consistent standards of welfare for animals. However, whether a National Bill will be effective in practice to address some of the issues that are not being adequately addressed currently at a State or Territory level is unclear, given the constitutional constraints.

There are a number of areas that IFAW believes either do not receive adequate attention, regulation or enforcement at a local, state or national level, or have inconsistencies from jurisdiction to jurisdiction, such as:

- Rules for the sale of animals (wildlife and domestic) through pet stores and markets;
- Industry self regulation;
- The lack of minimum and enforceable standards for wildlife rescue, rehabilitation and release;
- Stronger legislation, regulation and enforcement of wildlife in the pet trade;
- The use of animals in entertainment such as zoos, circuses and advertising;
- Live exports and imports of wild, domestic and agricultural animals;
- The culling of pest animals and the use of poisons;
- Trophy hunting and sport shooting of animals
- Animals used in experimentation

IFAW is of the strong opinion that stricter penalties for acts of animal cruelty must be employed in a nationally consistent manner to act as proper deterrents to deliberate acts of cruelty towards an animal. IFAW also advocates that greater emphasis should be placed on the duty of care principle that has been adopted by the *QLD Animal Care and Protection Act 2001*. The principle in effect provides that a person in charge of an animal owes the animal a duty of care, also known as the five freedoms – freedom from hunger and thirst; discomfort; pain, injury and disease; fear and distress; and freedom to express normal patterns of behaviour. So far the Queensland legislation is the only legislation in Australia to incorporate this principle.

IFAW notes that the Primary Industries Ministerial Council endorsed the Animal Welfare Strategy in May 2004 and that the Federal Government has backed the implementation of the Strategy with an allocation of \$6 million over four years. Of particular interest to IFAW is the focus on the need for national attention to facilitate consistent legislation and the promotion of acceptable animal welfare practices in the care and management of Australia's wildlife.

Unfortunately despite the best intentions of those involved in the drafting, planning and proposed implementation of the National Animal Welfare Strategy, or any other strategy, plan or policy, these are all non binding instruments and only as good as the will of those involved in their implementation. There is nothing in place to guarantee an outcome that is in the best interests of all animals. Therefore we wait with great

interest to see how this Strategy will be turned into workable plans of action.

the establishment of such an Authority as essential to ensure a system of consistent, effective and efficient legislation is achieved, implemented and enforced across the board.

IFAW would like to take the opportunity to commend the Australian Democrats for tabling the National Animal Welfare Bill 2005 and for their work since the early 1980s on working to improve the welfare of animals in Australia. We look forward to progress towards a national approach towards animal welfare legislation, regulation, policy and enforcement.

We thank you for the opportunity to provide these comments.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Erica Martin', written over the typed name below.

Erica Martin
A/Director
IFAW Asia Pacific