



## ANIMAL WELFARE & MANAGEMENT STRATEGY 2017 – 2022

### Submission from The Animal Protectors Alliance

The Animal Protectors Alliance (APA) is an informal affiliation of individuals and representatives of organisations who are committed to the protection and liberation of all animals from all forms of human cruelty. The APA is glad the ACT government is looking into more strategic ways of protecting animals in the ACT and welcomes the opportunity to provide comments on the draft *Animal Welfare and Management Strategy 2017 – 2022*.

A review of animal welfare laws, and a review of animal management laws from a welfare perspective, are certainly overdue. We would urge, however, that the review be extended to all the ways in which all laws and all other government activities impact on animals, especially broadacre and urban developments that impacts on wild animal habitat.

While the Strategy makes a well-considered effort to analyse and articulate which areas of government are responsible for which aspects of animal welfare and management, the APA does not believe it is possible to achieve better outcomes for animals, nor for the management of animals, by utilising only existing instruments and governance.

#### 1. Instruments

The authors of the Strategy seem to be unaware of the function of codes of practice in the ACT. The Strategy refers to codes of practice as though they are mechanisms for ensuring ‘best practice’ in animal welfare.

In fact, Section 20 of the ACT Animal Welfare Act explicitly gives codes of practice the opposite function. The legal function of codes of practice in the ACT is to legalise acts of cruelty that would otherwise be prohibited under the Act itself. By assuming that adherence to codes of practice will ensure animal welfare, the Strategy would, in fact, further entrench the cruelty already permitted by these codes.

Of particular concern are the codes for killing kangaroos, the code for killing foxes, and the code for the welfare of poultry.

##### 1.1 Kangaroos

Kangaroos are mentioned either explicitly or by implication in several places in the Strategy. On page 26, the Strategy suggests that *the ACT Government has a role in managing ... animal populations*, and that *When undertaking environmental management activities, impacted animals can include ... native species (e.g. kangaroos)*. On p 28 the Strategy appears to approve the government policy of developing and implementing *management plans for controlled native species under the Nature Conservation Act 2014*.

The only such plan, currently under consideration by the ACT community, and subject to strong criticism by many animal welfare and an animal protection groups (including APA), is for kangaroos.

**The code of practice for killing kangaroos in the ACT (which has never been agreed by the ACT’s own Animal Welfare Committee) permits gross cruelty to both pouch young and young**



**at foot, and direct and indirect cruelty to all members of all mobs in the Canberra Nature Park.**

Even if kangaroo numbers needed to be managed for their own or the human community's benefit, and even if the only way to manage them was to kill some, the cruelty permitted by the Code of Practice would still be unacceptable.

Additionally, even if kangaroo numbers needed to be managed for their own or the human community's benefit, killing some of them is not and never has been the only option. Various forms of fertility control have been available for kangaroos for nearly three decades. They were used successfully at Government House in Canberra in the early 1990s. The Kangaroo Management Plan of 2017 claims that great success has been achieved with an immuno-contraception agent, GonaCon Immunocontraceptive Vaccine. It is not clear why the government still prefers to kill kangaroos than to use this and/or more conservative fertility control measures.

Additionally, if any of the Canberra Nature Reserves are considered to have too many kangaroos, translocation is an even better-proven option. Eastern Grey Kangaroos are translocated on a daily basis by wildlife carers throughout the region when rehabilitated or hand-reared kangaroos cannot be returned (for reasons such as road development or shooting) to their home range.

A large-scale translocation of kangaroos, supported and partially funded by the local council, is currently underway from Mount Panorama. Throughout rural NSW, there are many property owners whose land is suffering from the dramatic decline in this keystone species throughout its range who would welcome more of these natural land managers onto their properties. Given the availability of these alternatives, the cruelty permitted by the code of practice is doubly unacceptable.

It is abundantly clear that there is no justification for reducing kangaroo numbers in the Canberra Nature Park.

The Kangaroo Management Plan (KMP) of 2010 made many assertions, unsupported by any credible evidence, that kangaroo grazing somehow, nowadays, poses a general threat to the ecological health of ACT grasslands and woodlands generally. It also implied that kangaroo 'overgrazing' was a specific threat to some of the many other native species (plant and animal) that have depended on kangaroo grazing for their survival and well-being for five to fifteen million years.

At the 2013 ACAT hearing of the challenge brought against the ACT government's annual slaughter by the Australian Society for Kangaroos, the ACT government's ecologist admitted that the assertion that kangaroo overgrazing is having deleterious impacts on the environment is based on nothing more than the fact that, because kangaroos eat grass, there tends to be less grass mass where kangaroos are present. The government ecologist also admitted that the assertion, frequently made in the ACT government's press releases, that kangaroos pose a threat to threatened native species, is just 'PR'.

The KMP of 2017, recently released for public scrutiny has provided very little scientific evidence, and none that can be considered widely supported by the scientific community, independent, or unequivocal enough to support the assertions that kangaroos cause environmental damage. For more information on this matter, please refer to APA's submission on the KMP 2017 which can be found in full at: [http://animalprotectors.com.au/wp-content/uploads/2017/04/Animal\\_Protectors\\_Alliance\\_ACT\\_Draft\\_Kangaroo\\_Management\\_Plan\\_Submission\\_2017.pdf](http://animalprotectors.com.au/wp-content/uploads/2017/04/Animal_Protectors_Alliance_ACT_Draft_Kangaroo_Management_Plan_Submission_2017.pdf)



Given that there is no plausible evidence of any need to reduce kangaroo populations in the ACT, the scale of cruelty permitted by the ACT's Code of Practice is trebly unacceptable.

## 1.2 *Foxes and other naturalised animal*

The above-mentioned quote from the Strategy (on page 26), also notes that *When undertaking environmental management activities, impacted animals can include ...exotic pest species (e.g. foxes and feral cats)*. On p28, the Strategy states as one of its desired outcomes, that *Populations of pest species are managed in a humane and ethical manner*.

However, it then goes on to contradict itself by suggesting the actions for achieving this desired outcome are to:

- *Continue to implement the ACT Pest Animal Management Strategy 2012-2022; and*
- *Continue to undertake animal welfare and management practices for the management of pest species in accordance with the relevant national model code of practice for the humane control of feral animals.*

The only code of practice for the control of wild 'exotic' or 'pest' species (it would be more technically correct to refer to these species as 'naturalised animals') that has been adopted in the ACT is for the killing of foxes. True to its legal function of permitting cruelty that would otherwise be prohibited under the Act (under Section 20 of the Animal Welfare Act), **this code of practice permits the use of the excruciatingly cruel poison, 1080, among other killing methods that cause pain and distress**. The ACT Pest Animal Management Strategy 2012-2022 relies on the code of practice to endorse these cruel actions against foxes, and advocates similar cruelties against other 'pest' animals.

If the Strategy's objective is to further entrench extreme cruelty to naturalised animals in the name of ecological purity or some other objective, it should admit this outright. If its aim is to ensure that *Populations of pest species are managed in a humane and ethical manner*, it should strongly recommend the repeal of Section 20 of the Animal Welfare Act and the development of standards for the treatment of naturalised animals that do not endorse cruelty. This would no doubt also force the government to revisit its *Pest Animal Management Strategy*.

The cruel killing of naturalised animals in the ACT is abhorrent for the same reason the cruel killing of kangaroos is abhorrent – simply because both cause extreme suffering. Even if killing were justifiable for ecological reasons, killing using the current cruel methods would remain unacceptable.

However, the reasons why killing naturalised species *per se* is unacceptable is essentially opposite to the reasons why killing kangaroos *per se* is unacceptable.

Killing fast-breeding animals (dogs, cats, foxes, rabbits, pigs) guarantees a higher population of these animals than would otherwise exist. Sustained killing year after year guarantees that the population remains much higher than it would otherwise be. Therefore, whatever ecological damage can be attributed to the presence of naturalised species, there will always be far more of that damage if you are routinely killing them (assuming you can never kill all of them) than if you leave them alone to form their own stable population in equilibrium with the ecosystem. The only sane and humane way of controlling naturalised animals, if they need to be controlled (which has never been demonstrated), is by fertility control.



By contrast, killing slow breeding animals like kangaroos, especially killing them faster than the population can grow, as is occurring in the ACT, is a guaranteed road to extinction.

For different reasons, killing kangaroos and killing foxes are as bad as each other: kangaroos because the outcome will be their local (if not absolute) extinction, foxes (and other fast-breeding naturalised animals) because you invariably end up with more of them, not less of them.

### 1.3 Poultry

On page 30, the Strategy states, as one of its desired outcomes, that *livestock and animals used for production are managed in a humane and ethical manner.*

Again, this objective is contradicted by the actions identified for accomplishing it, all of which rely on continuation of the status quo in accordance with current codes of practice. Once again, all livestock codes of practice adopted in the ACT entrench the cruelties of current practice, rather than offering anything resembling best practice.

This is particularly alarming in relation to poultry, where the ACT has prohibited the indisputable cruelty of the battery cage. This code of practice, by contrast, still permits the battery cage. Yet the Strategy can offer nothing better for poultry in the ACT than: *Continue to manage poultry in accordance with relevant ACT codes of practice.*

Even for barn-housed and free range hens, *the Code of Practice for Domestic Poultry* allows a stocking density for adult layer chickens in a non-cage system of 30 kg per square metre. **Given that the normal weight of an adult layer chicken is usually under 3 kg, this means ten or more hens per square metre.** While this is very slightly more space than the same hen would have in a battery cage, it is still insufficient space for a chicken to move around freely or flap her wings.

If this Strategy aims to do anything other than endorse and further entrench all the current cruelty lawfully perpetrated against animals in accordance with codes of practice, its first priority should be to repeal Section 20 of the Animal Welfare Act. If such a recommendation is not within the scope and authority of the Strategy, its primary recommendation should be to review all existing ACT codes of practice to ensure that they permit no acts of cruelty which would otherwise be prohibited under the Animal Welfare Act.

## 2. Governance

Having attributed current responsibility for various aspects of animal welfare and management to various ACT government agencies, the Strategy seems to assume that these agencies are capable of carrying out the actions necessary for implementing the Strategy's desired welfare outcomes. This is unrealistic.

Animal welfare is not the core business of any of these agencies. Concern for animal welfare is not inherent in the culture of any of these agencies. There will always be some conflict of interest, and competition for resources between their core business and the animal welfare responsibilities of these agencies.

If the authors of the Strategy are serious about improving animal welfare (and management) outcomes, it should advocate setting up an independent Office or Commissioner for Animal Welfare.



This is a policy which Labor and the Greens have embraced at the national level and it has recently (2016) also been recommended by the Productivity Commission. An Office or Commissioner for animal well-being/welfare/protection— as long as it is genuinely independent – would certainly solve the problem of conflicts of interest, entrenched anti-welfare priorities, turf wars and general bureaucratic intransigence.

Another area of governance is enforcement. APA agrees with the Strategy's suggested action *to formalise arrangements with ACT Police to respond more efficiently and effectively to animal welfare issues*. However, we suggest the action should go further than this, proposing that a dedicated division of animal welfare be set up within the police force, in which police officers are selected, trained and fully funded to investigate and prosecute welfare complaints. Expecting this work to be conducted entirely by an animal charity has never made any sense.

### **3. Other concerns**

Aside from its failure to advocate the two most critical changes needed to achieve improved welfare outcomes in the ACT (repeal of section 20 and setting up an independent Office or Commissioner for Animal Welfare), there are several other matters in the Strategy that APA finds worrying.

#### **3.1 *Cat containment***

Pages 26, 27 and 28 all mention of cat containment as though it were an acceptable practice in terms of either animal welfare or animal management, even suggesting that cat containment could be extended to established suburbs.

APA, along with many other welfare organisations, has always opposed cat containment as a legislated requirement because it is: cruel to humans and cats; unnecessary in terms of ecological outcomes; and dangerous to public health.

We encourage night-time curfews for cats, for their own safety, the safety of nesting birds and nocturnal mammals, and to prevent rats and mice (dead and alive) from being brought into the house. We also encourage voluntary, full-yard cat containment for people whose yards are big and interesting enough to provide their cats with a reasonable-sized territory to patrol. However, we oppose imprisonment of cats who have always had their freedom because they will suffer emotional deprivation and distress at being unable to patrol and maintain an established territory.

Young kittens can readily be brought up to be satisfied with an entirely indoor territory, as long as they get plenty of food, plenty of substitutes for hunting activity, and enough direct sunshine to maintain their physical health. However, confining cats inside a house or unit where they have little or no access to direct sunlight, will affect their health (such as Vitamin D deficiency). We fiercely oppose keeping any animal permanently in a cage, such as the minimum dimensions of cat confinement cages prescribed under the current code of practice for the care of cats.

We also oppose any government taking it upon itself to force cat containment on people who cannot afford it and on cats whose well-being and health will be harmed by it. Extending cat containment to existing suburbs would have a cruel impact on both resident cats and cat custodians. Cat custodians in established suburbs have never budgeted for expensive cat containment, and/or may well (quite justifiably) consider imprisoning a free creature who trusts them unconditionally, to be unacceptable. The impact on elderly people who rely on their cats for company, friendship and a reason to go on



living, but who do not have the wealth to build cat containment, or the cruelty in their hearts to impose it on cats who have never been confined in their lives, would be heart-breaking.

A further problem with forcing cat containment on the community is that it would sabotage the huge community service being provided by stray cat carers who feed stray cats, and capture them for vaccination, neuter and return. Throughout the world, this service has provided huge quality of life benefits to tens of thousands of unadoptable strays, prepared thousands of other stray cats for adoption as companion cats, and, over time, completely eliminated entire stray cat populations (see also our earlier remarks on fertility control as the only effective means of eliminating populations of unwanted fast-breeding species). We are disappointed that there is nothing in the Strategy about encouraging and assisting the community in this service.

Furthermore, APA considers cat containment, in both new and established suburbs to have little or no ecological value. In our experience (many of our supporters are or have been multiple cat carers), few cats beyond the age of two or three continue to hunt wildlife as long as their humans provide adequate food and entertaining alternative activities. But even the few (younger) domestic cats who do hunt will find nothing to hunt in a new suburb or its surrounds where the building of the suburb itself, along with all its fringe impacts, has exterminated, or condemned to death from starvation, any wildlife that once lived there, long before people (and cats) start moving in.

In established suburbs where, despite the presence of cats, some wildlife has usually returned, this wildlife has established itself in balance with the small proportion of resident cats who do hunt, and may well be actively harmed by the containment/removal of those cats. This harm could take the form of direct overpopulation, or population decline due to an increase in the population of rats and mice or other introduced animals who out-compete the native animals and may, in some cases, also prey on them.

The rodent control services for which cats were engaged by humans thousands of years ago, are just as critical to human and rodent health today as they have always been. Predation, however upsetting to witness, is necessary for regulating prey populations which helps keep them free of disease. APA fully accepts that a compassionate human cannot be expected to stand around and let a well-fed cat kill any prey animal if they are able to save it (without harming the cat). However, this does not detract from the importance of natural urban predators to a healthy urban environment for everyone. In the long run, removing cats (by killing them, prohibiting them or confining them) does no favours to cats, rats, other wildlife, or humans.

### **3.2 *Losing the Bush Capital***

The first paragraph of the Strategy alludes to *Canberra's setting as the Bush Capital* and, on page 5, the Strategy asserts that: *The Territory's significant network of open space and community facilities mean that Canberra is a great place to keep a companion animal.*

This might have been true before the current explosion of infill and expansion of new suburbs into former rural lands (leased and unleased) in the ACT. Given that this 'bush capital' is rapidly being eroded away by urban development, it would be appropriate if the Strategy at least:

- mentioned the huge impact that this development is currently having on untold thousands (perhaps millions) of native animals;
- articulated a desired outcome for wild animals impacted by development; and
- suggested some actions for achieving that outcome.



Nothing related to this huge animal welfare (and environmental) issue currently receives any mention in the Strategy.

### **3.3 Fishermen photograph**

The Strategy, like the Animal Welfare Act itself, includes fish as animals. Presumably fish are among the wild animals (native and naturalised) that the Strategy is referring to in its desired Outcomes 4.2 and 4.3 (p27). However, no specific mention is made of fish in the Strategy.

Fishing is another act of cruelty to animals that is permitted under a code or practice in the ACT. While we accept as a matter of fact that fishing is currently considered a socially acceptable form of cruelty in Australia, it is still a form of cruelty. It is highly inappropriate to display a photograph depicting fishing as though it were consistent with animal welfare.

We would therefore recommend deleting the photograph of fishermen.

### **3.4 Reporting**

Under *Reporting* on page 38, annual reporting on the implementation of this Strategy is promised. However, it is again suggested that reporting should be by the same conflicted agencies who will be unable to implement the Strategy for the reasons discussed above.

For any kind of integrity of reporting, an independent body dedicated to animal welfare will be needed.

APA would also like to know how public comments on this documents will be considered and incorporated in the final Strategy.

### **3.5 Definitions**

Some of the definitions appearing on page 44 appear to be incorrect, or at least could be clearer.

*Humane: Humane treatment of animals is having or showing compassion in their treatment. This can include minimising pain by adopting humane methods of slaughter.*

Slaughtering healthy animals can never be humane. We suggest replacing these words with: “This can include minimising pain by adopting the least inhumane method of slaughter.” These are the words usually used in the codes of practice developed by the ACT’s own Animal Welfare Advisory Committee.

*Natural behaviour: The individual behaviours, or the repertoire of different behaviours, that exhibit species specific survival value and which reflect the ecological niche in which the animal species evolved. Not all natural behaviours are required for good animal welfare outcomes (e.g. predation).*

Domesticated predators like cats and dogs do not need to engage in predation for good welfare outcomes, but they do require substitutes in the form of play. It is misleading to suggest good welfare outcomes can be achieved for domesticated predators without a substitute for predation.



*Sentience: This is the capacity to have subjective experiences and feel and perceive emotions such as pain and pleasure. It implies a level of conscious awareness and an ability to suffer adverse mental states that negatively affect the welfare status of an animal and are associated with experiences such as extremes of thirst, hunger, pain, anxiety, fear, loneliness, depression and boredom.*

Sentience is the capacity to have subjective experiences and feel and perceive pain and pleasure, but sentience does not require a capacity to experience emotional pain or pleasure. A capacity for emotional pain and pleasure does, however, add substantially to a sentient being's capacity to suffer and enjoy.

*Suffering: Adverse mental states that negatively affect the welfare status of an animal and are associated with experiences such as extremes of thirst, hunger, pain, anxiety, fear, loneliness, depression and boredom.*

Suffering begins long before these experiences become extreme. Pain, anxiety, fear, loneliness, depression and boredom are sources of suffering from the moment they appear. Even thirst and hunger cause suffering if they are endured for an extended period, even though they may still be far from extreme.

*Wild native and exotic fauna: Wild native and exotic fauna includes free ranging animals of the region that are not considered to be domesticated.*

As mentioned above, it would be clearer and more accurate to use the term 'naturalised fauna' rather than 'wild exotic fauna'. If a species has survived in the wild long enough to form a wild population, it has become naturalised.

Thank you again for inviting comments on this Strategy.

Yours sincerely

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