



# ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2019

## CONSULTATION REPORT

TRANSPORT CANBERRA AND  
CITY SERVICES

May 2019

# INTRODUCTION

From 13 December to 7 February 2019 the ACT Government consulted on a draft Animal Welfare Legislation Amendment Bill (the draft Bill).

The purpose of the draft Bill was to ensure, among other things, that the ACT's animal welfare and management laws are up-to-date, best practice and in line with community expectations to ensure the highest standards of animal welfare and management. This is a report on what we heard during the consultation process on the draft Bill.

The draft Bill was developed by reviewing the current *Animal Welfare Act 1992*. This was a key action from the Animal Welfare and Management Strategy 2017 2022 (the Strategy).

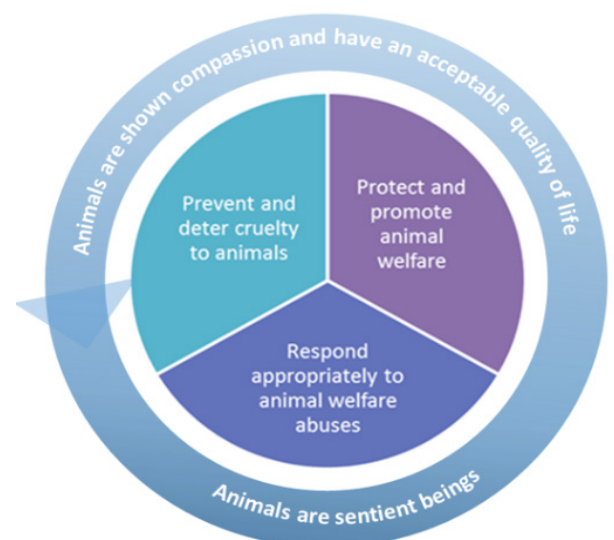
The Strategy sets out a framework for the ACT Government to deliver a consistent and consolidated approach to promoting improved outcomes for animal welfare and management. Since the Strategy was developed the Government has made significant amendments to the *Domestic Animals Act 2000* (in December 2017 and April 2018) to improve how we manage domestic animals, and in particular dangerous dogs, in the ACT.

# WHAT DID THE DRAFT BILL PROPOSE?

The amendments proposed in the Bill were designed to ensure the ACT has a best-practice, contemporary and effective regulatory system that protects and promotes the welfare of animals, prevents and deters cruelty to animals and effectively responds to animal welfare abuses. At a very high level the proposed draft Bill that was consulted on proposed to:

- Update the objects of the Act to reflect contemporary views on animal welfare, including recognition of animals as sentient beings.
- Amend the governance framework for the Animal Welfare Advisory Committee (AWAC) so that the AWAC can provide advice to the Animal Welfare Authority in addition to the Minister.
- Set out a high level framework for regulating pet businesses, and specifically pet shops and boarding kennels, to assure animal welfare outcomes.
- Restrict a person to walking no more than 3 dogs at a time.
- Set out a high level regulatory framework for assistance animals in the ACT that provides for the recognition, regulation and rights of access of assistance or service animals working in the Territory, and particularly assistance dogs.
- Improve the regulatory framework for the Animal Welfare Authority.
- Introduce a new offence category for minor duty-of-care or cruelty offences where warnings and fines can be issued where appropriate (for example, where a person does not leave out water for their dog or kicks a dog in anger). The existing serious offences that attract significant financial and court penalties will remain and still be available, and the jail terms for the most serious offences have increased.
- Make a number of amendments to introduce new or amend current offences in the Act.
- Make other minor changes to support the practical implementation and enforcement of the Act.

You can find more information on the draft Bill at [YourSay.act.gov.au](http://YourSay.act.gov.au).



## THE FEEDBACK GENERALLY

The draft Bill was generally positively received by the ACT community with most changes being supported by the majority of people who wrote to us. The changes that had a very high degree of support were:

- Recognising animals as sentient beings that deserve a quality of life. This will be an Australian first.
- Providing a high level and outcomes focused regulatory framework for assistance animals.
- Increasing the penalties for animal welfare abuses.

There were some aspects of the draft Bill that were opposed or people raised concerns about. These are discussed in more detail below.

All comments have been considered in finalising the Bill and drafting the explanatory statement. We thank everyone who took the time to comment on the draft Bill.

The conversation:  
We heard from 120 individuals & 21 businesses and organisations.

## KEY INSIGHTS FROM THE COMMUNITY

### **There is a need to update animal welfare laws**

There was universal support for updated animal welfare laws to better protect and promote the welfare of animals

### **Recognising animals as sentient beings is a positive step**

There is strong support from the community to recognise animals as sentient beings

### **Restricting the number of dogs a person can walk to three**

Many people who wrote to us did not support restricting the number of dogs a person can walk to three, particularly where it would apply to businesses that do the right thing

### **Recognising that it is wrong to leave dogs in hot cars**

The majority of people who wrote to us supported laws that do not allow people to leave a dog in a hot car. However, people also recognised that there are some circumstances where it is appropriate and safe to leave a dog in a car. The provision to allow breaking into a car should be carefully drafted.

### **The offence for violent animal activities should be clarified**

Consideration should be given to ensuring the drafting reflects the intent of the Bill. Some comments were received seeking clarification around recreational hunting, pest management and dog sporting activities.

## LIMIT TO THE NUMBER OF DOGS A PERSON CAN WALK

The draft Bill proposed to limit the number of dogs a person can walk to a maximum of three. The first draft of the Bill had an error that limited the maximum number to two, but this was corrected to three early in the engagement process.

Many of the submissions received did not support this change. Some of the concerns were:

- Possible negative animal welfare outcomes, particularly where legitimate businesses can't walk as many dogs and so they get left in yards or aren't properly socialised
- Negative impact on businesses that walk dogs
- Impact on people who sometimes care for family and friends' dogs or foster dogs and can't walk them at the same time
- Some people cannot effectively control one or two dogs while some can safely manage more than three.

There was a strong suggestion that the focus should be on effective control and not necessarily on limiting the number of dogs that can be taken into a public place

Some people made other suggestions such as providing an exemption for professional businesses, raising the limit to four or providing a licencing system.

Some people who wrote to us were supportive of the proposed limit.

In considering the feedback from the community it was decided to remove this clause in the final Bill.

Rather than restricting the number of dogs that can be walked the Government will focus on responsible pet ownership and ensuring people in our public spaces have effective control over the dogs in their care.



Photo credit: Pups4Fun

## ANIMALS LEFT IN HOT CARS

The draft Bill proposed to make it an offence for a person in charge of an animal to leave it in a vehicle if the confinement causes, or is likely to cause, the animal injury or pain. For example, leaving a dog in a car on a hot day. The Bill also provided a 'good Samaritan' protection for a person to rescue an animal from a car if the animal is distressed, injured, at risk of being injured or in need of emergency veterinary assistance.

Many people who wrote to us supported the intent of this change but many wanted clarity over the language used and to ensure that there are some circumstances where it is okay to leave a dog in a car. For example, leaving a dog in a car with a window open on a cool night. Some people also had concerns about the wording of the 'good Samaritan' protection and in particular the use of the word 'distress' and suggested that a person should only enter a vehicle if there an animal is very clearly in danger and as a last resort.

The final Bill clarifies that the good Samaritan provision only applies in serious and exceptional circumstances and where a reasonable person believes that a dog's life is in danger. People who act recklessly are not covered by this provision. It is also recognised that it can be appropriate to leave a dog in a car, for example in winter with the window open for a short amount of time.

## NEW FRAMEWORK FOR PET BUSINESSES

The draft Bill proposed a high level regulatory framework for pet businesses, including the licensing of pet shops and boarding kennels. This was supported by most people who wrote to us. Pet businesses wanted to ensure the requirements are not overly burdensome or a barrier to doing business, and that they are used to promote businesses that are doing the right thing.

Some comments were also received around limiting pet shops to only being able to sell rescue pets.

There will be a six month period between the Bill passing and the new provisions taking effect. During this time Government will work with pet businesses to ensure the regulatory framework is efficient, effective and not overly burdensome.

The Bill allows for conditions to be placed on a pet business if needed.







## HUNTING WITH ANIMALS AND DOG SPORTS

The draft Bill proposed to make it an offence to take part in a violent animal activity. The definition of a violent animal activity in the Bill was the use of an animal to hunt or catch, fight, injure or kill another animal and included fighting matches, hunting competitions and live bating.

Some organisations and individuals raised concerns about the interpretation of the draft Bill and the banning of hunting and other events, such as sporting and retrieving events, in the ACT. There were also concerns about banning hunting generally and the keeping of hunting dogs.

The intention of the Bill was not to ban hunting with an animal more generally or events where an animal is not injured (e.g. accredited events under the Australian National Kennel Council). The Bill intends to ban violent activities where an animal is used to intentionally injure or kill other animals, including pig-dogging. This has been clarified in the Bill and explanatory documentation.

## ASSISTANCE ANIMALS

The Bill proposed introducing an accreditation and registration system for assistance animals. The purpose is to clarify that people who use an assistance animal have the same rights to access public spaces and buildings as everyone else, and provide for clear training standards, identification and offence provisions. This has been advocated for by the assistance animal industry for some time. The feedback recieved around this new framework was positive.

The final Bill and explanatory statement outlines a robust regulatory framework for assistance animals. We look forward to working with the assistance animal industry to develop accreditation standards and guidelines and implement the new scheme.

## WHAT'S NEXT?

The amended Bill has now been introduced into the Legislative Assembly and will be debated. If the Bill is passed by the Assembly it is proposed to come into effect in two stages with the regulatory framework for assistance animals and pet businesses coming into effect after six months to allow the Government to work with stakeholders to implement the new schemes. The remainder of the Bill will take effect after 7 days.

Thank you again to everyone who took the time to comment on the draft Bill. We look forward to continuing to work with the community, pet businesses and the assistance animal industry to improve animal welfare outcomes and in the implementation of the Bill.





Transport Canberra and City Services  
April 2019