

Mythbusters – Proposed Welfare Standards for Dogs

Proposed welfare standards for dogs were released for public consultation in October and November this year. Feedback received and some postings in social media have highlighted concerns that some members of Dogs Tasmania have about the proposed standards. The Animal Biosecurity and Welfare Branch of the Department of Primary Industries, Parks, Water and Environment (DPIPWE) have provided answers in response to some common concerns.

I won't be allowed to keep more than 3 fertile bitches

This is not correct. The proposed standards place no limits on the number of fertile bitches you may keep – they determine which set of standards you will be required to comply with. Nor do the standards require any registration in addition that already required by existing legislation. It is recognised that members of Dogs Tasmania keep fertile females for reasons other than breeding and that they would also like some recognition for the high standards that they voluntarily adhere to when they do breed. The Animal Welfare Advisory Committee (AWAC) will give serious consideration to proposals by Dogs Tasmania to address these issues.

Wouldn't the number of litters bred be a better way of deciding who should be classified as a Domestic Animal Business?

In general, this would not be practical to enforce. However, with respect to members of Dogs Tasmania, the Department acknowledges that this would be feasible. A proposal to classify Dogs Tasmania members on this basis will be put to the AWAC for consideration.

Being classified as a 'Domestic Animal Business' will result in me being considered a business for taxation purposes

No – this definition is only relevant to determining what animal welfare standards must be complied with under the Tasmanian *Animal Welfare Act*. The term 'domestic animal business' was proposed simply because it is the term that has been adopted in Victoria and after considering all feedback received a different term may be adopted.

The issue here is not about labeling an establishment as a business but about defining the circumstances under which the community expects that some additional standards over and above those required for family pet dogs should apply. Obviously profit is one consideration but it is not the only one. Another consideration, for example, is whether dogs are leased or housed under the care of someone other than their owner for a period of time.

It should be noted that under various pieces of Australian legislation the term 'business' is defined in a variety of ways. For example, section 4 of the *Competition and Consumer Act 2010* states 'business includes a business not carried on for profit'.

The Dog Control Act already sets minimum standards for the care of dogs

There are no minimum standards regulated under the *Dog Control Act* for the purpose of ensuring the welfare of dogs. The *Dog Control Act* ensures that dogs are appropriately controlled for the benefit of humans.

Regulation of minimum welfare standards for dogs under the *Animal Welfare Act* is, by contrast, for the benefit of dogs. It should be noted that local council Animal Control/Management Officers are not authorised officers under the *Animal Welfare Act* and cannot enforce the welfare standards.

I already comply with these standards – in fact I comply with even higher standards

That's great! If you are already complying with these standards then they are not really going to affect you. This is how our law works – for example, a speed limit applies to everyone, even the people who are already doing the right thing. However, it enables the regulator to take action against people who are driving too fast.

The proposed standards will enable an officer to inspect my premises unannounced

The proposed standards will have no impact on the powers of officers to enter and inspect your premises. Authorised officers have had the power to inspect breeders who sell puppies since 1997 and they have undertaken such inspections as required.

In a separate process, changes to the Act are being made to clarify those powers in situations where puppies for sale and their dam are housed at separate premises as might occur when puppies are sold through a pet shop. A 3 month public consultation in relation to the proposed changes to the Act was conducted in late 2012 and an amendment bill is being drafted.

My dogs are kept in the house – will officers be able to enter my house?

Not unless they have obtained a warrant to do so or you have given your consent for them to enter your house.

The consultation period has closed – what happens now?

When the Animal Welfare Advisory Committee (AWAC) has fully considered the feedback, they will provide their final recommendations to the Minister. After considering the advice of AWAC, the Minister will decide what standards will be regulated. In order to properly consider the views of all stakeholders, this process could take some time.

A summary of the submissions received will be provided to people and organisations that made a submission to the consultation within a month of the close of the consultation (provided an email address or postal address was provided by the respondent). The summary will also be posted on the DPIPWE website.

When can we expect the standards to come into force?

The standards only become enforceable when they are prescribed in Regulations. Once the Minister determines what standards are to be regulated, the Minister directs the Department to instruct the Office of Parliamentary Counsel to draft Regulations.

If the Regulations are likely to impose a significant burden or cost on business and the community, the Department will have to prepare a Regulatory Impact Statement which must be released for consultation along with the draft Regulations. Further changes to the Regulations may be made as a result.

As each step in this process may take some time it is not possible to say with certainty when the Regulations will come into force.

Where do I go for more information?

If you have any further questions contact the DPIPWE Animal Biosecurity and Welfare Branch on 1300 368 550 (freecall within Australia) or email AnimalWelfare.Enquiries@dpiuwe.tas.gov.au