

CJ268-12/07 WELFARE OF ANIMALS SOLD THROUGH PET SHOPS WITHIN THE CITY OF JOONDALUP – [45234]**WARD:** North, South, South-West and Central**ATTACHMENT****RESPONSIBLE** Mr Ian Cowie
DIRECTOR: Governance and Strategy

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PURPOSE/EXECUTIVE SUMMARY

To inform Council of current regulations relating to the welfare of animals sourced and sold through pet retail stores and to assess the City's ability to further enhance animal welfare within the pet retail industry.

It is recommended that Council do not move to nominate City Officers as General Inspectors under the *Animal Welfare Act 2002* and request that the Chief Executive Officer contact the Royal Society for the Prevention of Cruelty to Animals (RSPCA) to suggest a more proactive role from their organisation in relation to pet retail store inspections.

BACKGROUND

At the Meeting of the Council held on 7 August 2007, it was resolved:

"That Council REQUESTS a report from the Chief Executive Officer on the City's ability to enhance the welfare of animals and, in particular, cats and dogs, which are sourced by and sold through pet shops within the City."

DETAILS

In 2002, the State Government passed a new *Animal Welfare Act* (the "Act") that aimed to significantly enhance the protection of animals. This was achieved by extending the number of animal species protected under the Act and increasing the penalties associated with cruelty offences. Despite such an initiative, there is still no State legislation regulating the selling or sourcing of animals through pet retail centres.

There are currently eight pet retail stores that sell or source animals within the City of Joondalup.

Western Australian Pet Industry

The Western Australian Pet Industry is self-regulated through the *Pet Industry Association of Australia* (PIAA). The Association provides an accreditation program for members that focuses on animal welfare, customer satisfaction and best practice principles. The program is entirely voluntary and free from any form of government control or inspection. Only three pet stores within Western Australia are accredited members of the PIAA, all being located outside of the City of Joondalup.

Role and position of RSPCA in Western Australia

The Act allows for nominated staff members of the RSPCA to undertake the prescribed functions of a General Inspector. Though not explicitly stated, the responsibilities of General Inspectors, in relation to pet retail stores, are as follows:

- Investigating complaints of cruelty and neglect.
- Initiating prosecutions for offences.
- Carrying out regular inspections of pet shops.

Inspectors generally deal with issues of animal neglect and cruelty upon receiving a complaint from the public. This means that the role of an Inspector is usually reactionary rather than proactive, as the organisation relies heavily on donations and grants to fulfil its role as an inspectorate for animal welfare cases. Undertaking regular and routine inspections of pet stores places considerable pressure on already stretched resources, therefore, the RSPCA tends to utilise the reactionary approach to animal welfare protection.

Role and position of Local Government Employees in Western Australia

The Act also provides for Local Government employees to be nominated as General Inspectors under section 33(2)(v). The City of Joondalup currently has no appointed staff acting as General Inspectors. The City of Wanneroo, however, has several employees empowered to perform inspectorate duties.

Having consulted with Wanneroo it appears that responsibilities as an Inspector, in relation to pet retail stores, are limited as a complaint is required before any action by an Officer can be initiated. There have only been two reported cases of neglect/cruelty made to City of Wanneroo Officers (in relation to pet store operators) and upon further investigation, each case was found to be unsupported.

Additionally, Wanneroo Officers authorised as General Inspectors find it difficult to undertake routine inspections of pet store premises given that consent is required from the occupier of the premises before Officers may enter. Also, entering premises without consent requires a credible complaint, which again, relies on a reactionary approach to pet store inspections. This is also a problem for RSPCA Inspectors.

Pet Retail Industry in Other States

New South Wales utilises an *Animal Welfare Code of Practice No. 2 – Animals in Pet Shops*, to provide standards of care for pet store operators. The code is endorsed by the New South Wales Animal Welfare Advisory Council and is supported by legislation, namely the *Prevention of Cruelty to Animals (General) Regulation 1979*.

Victoria also utilises a Code of Practice in relation to the operation of pet shops. The Code is made under section 29 of the *Domestic (Feral and Nuisance) Animals Act 1994 (VIC)* and defines the minimum standards of accommodation, management and care that are appropriate to the welfare, physical and behavioural needs of pet animals for sale in a retail store.

The City of Brisbane *Animals Local Law 2003* requires that pet shop operators obtain a permit to ensure that animals under their care are subject to the Council's "Minimum Standards for the Keeping of Animals". Some of the standards relate specifically to pet shop operators while others apply generally to animal owners.

Like Western Australia, other Australian States do not require ongoing, routine inspections of pet retail stores to proactively prevent the mistreatment of animals sold in the industry.

Issues and options considered:

Below are the options for Council to consider in relation to increasing the regulation of pet retail operators within the City, including the associated implications for each option.

Option 1: Nominate City employees as General Inspectors under the Animal Welfare Act 2002

Nominating City employees to perform the functions of General Inspectors will reduce the current pressures placed on RSPCA Inspectors, although; alleviation of pressure is dependent on the extent of animal welfare problems prevalent within the City.

To date, the City has only ever received one complaint relating to animal neglect in a pet retail store. The City was unable to investigate the matter, as Officers did not have sufficient powers for inspection or entry onto premises. The matter was subsequently referred to the RSPCA.

The RSPCA has received many more complaints within the City of Joondalup, though have found upon investigation that most are not appropriate for prosecution. Instead, ongoing advice is used to prevent breaches of the Act. RSPCA Inspectors are generally pleased with the efforts of pet store operators within the City of Joondalup, despite the organisation being generally opposed to the selling of animals through retail outlets.

It is arguable that having City Officers appointed as Inspectors may be beneficial to the City for the sake of convenience and prompt investigation. However, given that the City has only ever received one complaint from the public and current Inspectors do not have an issue with operators within the area, it does not appear to be a major issue requiring significant action on behalf of the City.

Additionally, the current pressures City Ranger Services are experiencing from enforcing the City's own local laws it difficult to support adding a General Inspector role. It would therefore seem illogical to nominate City Officers as General Inspectors if they would be limited in performing the role in a manner that would ensure enhanced animal welfare is achieved.

Option 2: Amend the City of Joondalup Animals Local Law 1999 to provide minimum standards of animal care by pet store operators

Although this option may provide for some enforcement of standards, it may be difficult to police given the limited powers of entry City Officers have on private commercial premises. Local Laws are subject to restrictions by State legislation. In this instance, provisions in the *Animal Welfare Act 2002* would most likely prevent authorised City Officers from entering premises without consent. Therefore, reducing the City's ability to monitor compliance with the Local Law would effect the credibility of the Law itself, rendering it ineffectual without ongoing cooperation from pet store operators.

Option 3: Lobby the State Government for legislative reform relating to animal welfare in pet retail stores

Lobbying the Department of Local Government and Regional Development to introduce regulations for minimum standards of practice for pet store operators would illustrate a proactive stance on behalf of the City. Such an initiative may benefit other local governments that are experiencing problems in relation to the matter, although, given that it is not a major problem for the City, it would not seem valuable pursuing this option on behalf of others.

Option 4: Contact the RSPCA to suggest they pursue a more proactive approach to inspections

Given that the role of animal welfare protection and cruelty prevention is articulated in the Act as a RSPCA responsibility, it would seem logical that the City approach the organisation to suggest that a more proactive approach to pet retail store inspections be pursued by RSPCA Inspectors.

Notwithstanding the resources strain that RSPCA Inspectors experience; the City is not in a position to support new responsibilities on behalf of other organisations, despite valid concerns about animal welfare issues.

Approaching the RSPCA will ensure that the organisation is aware of the City's concerns and may assist in any future initiatives it has to lobby the State Government for legislative change to increase powers of entry under the Act.

Option 5: Do nothing

This option would mean that City Officers are unable to investigate public complaints in relation to acts of animal welfare abuses by pet store operators. All complaints would need to be referred to the RSPCA for investigation.

Link to Strategic Plan:

Key Focus Area: Organisational Development

Outcome: The City of Joondalup provides quality value-adding services
Objective 4.2: To provide quality services with the best use of resources

Legislation – Statutory Provisions:

Relevant primary and subordinate legislations include:

Dog Act (WA) 1976
Animal Welfare Act (WA) 2002
City of Joondalup Animals Local Law 1999

Risk Management considerations:

Should the City seek to nominate Officers to undertake inspectorate functions, a situation may arise where RSPCA costs, associated with complaint investigations, are shifted to the City. The level of risk and cost would be determined upon the extent of the issue itself within the City.

Also, obtaining ongoing consent from pet shop retailers to regularly enter their premises for animal welfare standards checks may be difficult if options 1 or 2 are pursued.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Verbal consultations with RSCPA Inspectors and City of Wanneroo employees (from the Ranger Services Division) were undertaken as research for the production of this report.

COMMENT

Not Applicable.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ENDORSES Option 4 and requests that the Chief Executive Officer contacts the Royal Society for the Prevention of Cruelty to Animals to suggest a more proactive approach to pet retail store inspections by the organisation.