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22 December 2006

Ms Cathy Pawsey  
Coordinator Legislation & Policy  
Bureau of Animal Welfare  
Department of Primary Industries  
475 Mickleham Road, Attwood, VIC 3049

Dear Ms Pawsey,

**Re: Draft Codes of Practice for the Private Keeping of Dogs and Cats**

Lawyers for Animals (LFA) congratulates the Bureau of Animal Welfare of the Department of Primary Industries for producing these two new codes of practice.

In our view, it is important to give the offences contained in the *Prevention of Cruelty to Animals Act 1986* sufficient content to enable effective cruelty prosecutions to occur. We note, however, that failure to comply with a code of practice is not an offence.

In our view, it is important for legislation relating to the keeping of domestic dogs and cats to move beyond the meeting of basic requirements (food, water, shelter) to providing real quality of life to these animals.

We would appreciate more information about how the codes will be implemented. For example, will it be compulsory for pet shops and breeders to provide a copy of the codes to people who purchase a dog or cat?

LFA seeks to make the following comments on the draft codes.

**Code of Practice for the Private Keeping of Dogs**

***Section 6 – Owner responsibilities***

1. Although it is beyond the scope of the code, in relation to de-sexing, we recommend the legislative implementation of compulsory de-sexing of dogs (and cats), within an appropriate period after purchase, unless the owner can show adequate reason why the animal should not be de-sexed (eg because the owner is a licensed breeder).
2. Similarly, we recommend legislative implementation of compulsory micro-chipping of dogs (and cats) within an appropriate period after purchase.

***Section 7 – Nutrition***

3. In relation to nutrition, we recommend the inclusion of a guideline stating the need to provide appropriate puppy food to puppies, and not to feed them adult dog food as it can cause long-term health problems.
4. We are also concerned that some common canned and dry dog foods do not provide optimum nutrition to a dog. A constant diet of canned food can cause loose bowel movements and diarrhea in dogs as well as other health concerns. Owners should be required to provide a variety of food to their dogs including fresh meat, vegetables and cereals.

#### ***Section 9 – Health and disease***

5. Following on from the paragraph, ‘Dogs can appear quite resilient to pain and may just go quiet or hide as a response to injury or disease. This does not mean that they are not in pain or injured.’ We recommend saying that it is important to observe your dog’s body language for abnormal behavioral signs that may indicate discomfort or illness.

#### ***Section 10 – Breeding and reproduction***

6. Although it is beyond the scope of the code, we strongly support the sale of puppies only from licensed breeders and not, for example, pet shops. Puppies suffer from the ill effects of being bred and housed for sale in pet shops and are sometimes sold before the recommended age of 8 weeks which is not in the best interests of the animal.

#### ***Section 14 – Training, socialisation and exercise***

7. LFA is concerned about the inappropriate use of check-chains. Although the draft code states that check-chains should only be used during training, it is common to observe an owner inappropriately using a check-chain on a dog and, as the code notes, causing injury to the dog’s throat. Further consideration of how to prevent this occurring, perhaps through public education, is warranted.

### **Code of Practice for the Private Keeping of Cats**

#### ***Section 16 – Trapping stray and feral cats***

8. This section provides that feral or wild cats must not be fed. Whilst we agree that feeding of such cats can cause population growth, we urge the BAW to consider implementing ‘Trap, Neuter, Re-lease’ (TNR) programs as a humane alternative to trapping and euthanasia.
9. Feral and wild cat colonies are likely to remain a feature of urban living whilst food scraps and rubbish bins remain accessible to cats. To starve these animals is cruel and will only encourage disease by forcing them to eat rubbish and fight over scarce food supplies. To trap and kill creates habitat vacuums that quickly fill up again.
10. Whilst we do agree that TNR programs should not be attempted in the vicinity of wildlife habitat, the programs can be successful in urban environments and especially within controlled contexts such as university campuses. In those environments, de-sexed cat populations decrease gradually over time in a protected environment where feeders and food abound and where the cats participate in eco-friendly rodent control. Cats become friendly and easy to handle for vet visits, flea control treatments etc. Most importantly their presence generates community responsibility for their welfare that adjusts the misplaced victim blaming to which cats are often subject.

Should you wish to discuss any aspect of the above please contact Cybele Stockley on 8684 0475.

Yours faithfully,

Lawyers for Animals Inc.  
[www.lawyersforanimals.org.au](http://www.lawyersforanimals.org.au)