

Animal Welfare legislation.

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Abstract.

Wildlife carers and groups across the country provide for the rescue, rehabilitation, release of thousands of animals every year. These services are principally provided by through dedicated groups of volunteers. In all jurisdictions the authority for these activities is granted or administered under the prevailing conservation legislation. Wildlife cares may be unaware of the additional legal obligations that extend from animal welfare legislation that relate directly to the standard of care provided. This has in part been addressed through the development of “Codes of Practice” in some settings that seek to clarify and contextualise the welfare legislation and its applicability to wildlife care.

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In each of our own ways we are all here because of our connection to wildlife. Many of us entered this arena, bright eyed and wanting to “save” everything. This, like spring, does not last. We are headed down one of two paths, stay or go. Disenfranchised and disillusioned, many of us leave as the realities hit home. High expectations, high euthanasia rates, disproportionate workloads, and in many cases an incompatibility with the lives most of us now lead. Those that stay have to adapt. Harden to the realities. Once this is achieved there is, for some, a final beautiful metamorphosis. While the best care possible is still provided to the individuals that pass through our homes, we are no longer sustained solely by this. We ask the big questions about the animal in care, its role in the population, ecosystem etc. but most critically, most importantly, we question ourselves and the care we provide. We reflect on our work “Did I do the right thing by the animal while it was in care?” ‘Did I contribute to its success or play a part in its failure?’ “” These questions lead us to my point, finally. The role of welfare in wildlife rehabilitation.

Is wildlife care and rehabilitation driven by conservation or welfare imperatives? Many will subscribe to the “a bit of column A and a bit of column B” school of thought here, and this would be reasonable, but it’s not an equal division. It may be a challenging idea to accept, but much of the investment in wildlife care will not make a substantial conservation contribution. The dominant species cared for are common to abundant. The geographical spread of carers is most focused on high human population centres, which may already have compromised conservation values. There will be exceptions to this of course, those species and populations where individual animal outcomes contribute to the maintenance of a viable population. The constant in both of these scenarios is the welfare of the animals involved and it is applicable in both cases. I suggest that wildlife care should be viewed more logically from a welfare perspective.

Broadly speaking there are two overarching legislative frameworks that support and regulate the activities of wildlife carers and the work that they undertake. In the first instance there is

prevailing conservation legislation as it exists within the relevant jurisdiction. In NSW this legislation is the *NSW Biodiversity Conservation Act 2016*. Secondly, there will be the animal welfare or protection legislation that will provide a framework for the care and protection of animals. In NSW this is the *Prevention of Cruelty to Animals Act 1979*.

The “conservation” legislation will generally be limited to the protection of native or “protected” animals in the wild and in some cases regulate its use in the many forms this may take. In most States and Territories this legislation either empowers, or provides the authority, for wildlife carer groups or individuals. There is generally associated subordinate legislation such as regulations, and in some jurisdictions codes of practice or similar have been developed to more specifically guide the activities of participants in these areas.

The “welfare” legislation will apply to a greater diversity of species and settings and may apply to ALL terrestrial vertebrates usually with some further varied inclusions or exclusions depending on the jurisdiction. This legislation will have applicable provisions that cover all situations in which animals are involved. In many jurisdictions particular animal related industries or activities are individually identified via specific offence provisions or regulations. These Act’s also make provision for the development of regulations and codes of practice.

The interaction between these two areas of legislation is complex and made more so when it is considered that in most jurisdictions the animal welfare and conservation legislations are administered by different government departments. This not only impacts on the development of the legislation but also its enforcement. Obviously complying with one piece of legislation does not by default ensure you are in compliance with another. While statutory reviews and regulatory reforms have made considerable headway in documenting the legislative intersections it is far from seamless. It is likely that caring for animals under the “licence” does not fully identify the obligations of the “welfare” legislation. The various iterations of the “Codes of Practice” have, through numerous iterations, better defined a carers obligations, removed ambiguity and contextualised the welfare legislation into a wildlife rehabilitation setting.

The presentation will explore the current animal welfare legislation and how, through the current codes of practice for wildlife rehabilitation, the welfare considerations of caring for wildlife are being more specifically considered and addressed.