

CABINET COVER SHEET

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| 1. TITLE: | Consumption of Companion Animals |
| 2. MINISTER: | Michael Atkinson M.P. |
| 3. PURPOSE: | To obtain Cabinet approval for drafting of amendments to the <i>Summary Offences Act 1953</i> to prohibit human consumption of dog or cat meat, and the killing, preparation or supply of dog or cat meat for human consumption. |
| 4. RESOURCES REQUIRED FOR IMPLEMENTATION: | Nil |
| 5. RELATIONSHIP TO GOVERNMENT POLICY: | Consistent |
| 6. CONSULTATION: | Nil |
| 7. URGENCY: | 10-day rule |
| 8. RECOMMENDATION: | <p>4.1 that Cabinet approve the drafting of amendments to the <i>Summary Offences Act 1953</i>, to create offences of:</p> <ul style="list-style-type: none"> • knowingly consuming dog or cat meat; • killing a dog or a cat, knowing it is for the preparation or supply of meat for human consumption; and • supply of dog or cat meat, knowing it is for human consumption. |

SIGNATURE OF MINISTER:
PORTFOLIO:
DATE:
CONTACT OFFICER:


 Attorney-General

04/05/2003
 Mr Shane Sody
 08 8207 1851

TO: THE PREMIER FOR CABINET

Re: CONSUMPTION OF COMPANION ANIMALS

1 PROPOSAL

1.1 That Cabinet approve the drafting of amendments to the *Summary Offences Act 1953*, to create offences of:

- knowingly consuming dog or cat *meat*;
- killing a dog or a cat, knowing it is for the preparation or supply of meat for human consumption; and
- supply of dog or cat meat, knowing it is for human consumption.

2 BACKGROUND

2.1 In early October, 2002, a Melbourne suburban newspaper reported that a man had entered a restaurant with a live puppy in a plastic bag, indicating that he wanted to eat it.

2.2 The newspaper report was discussed on Melbourne talkback radio and on 9 October, 2002, the Victorian Agriculture Minister promised legislation to prohibit eating cats and dogs.

2.3 The issue was raised on Adelaide talkback radio on 11 October, 2002. Two days later the Premier issued a media release promising "to make it illegal to eat dogs and cats and certain other 'companion' animals." The Premier has asked me to prepare these amendments.

3 DISCUSSION

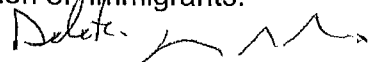
Prevalence of the practice

3.1 The practice of eating dog or cat meat is common in several Asian countries, most notably China, Vietnam and Korea. A BBC report, dated 11 January, 2002, estimated that 3 million of South Korea's 46 million population (6.5%) were believed to eat dog meat regularly as a delicacy. However the principal allegation of those opposed to this

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practice is not just that dogs and cats are eaten, but that they are kept in poor conditions, tormented, and killed inhumanely. Apparently it is widely believed that provoking a surge of adrenalin by torture, just before death, improves the taste of dog meat or cat meat.

- 3.2 I am not aware of any evidence that these practices are common, or occur at all in Australia, or in this State. ~~However, given the acceptance of these practices in some countries, it would not be surprising if they occurred, perhaps among a small proportion of immigrants.~~

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Current Legislation

- 3.3 The *Meat Hygiene Act 1994* and related national accreditation processes provide for the commercial processing of meat. Under these provisions, it would be illegal to process dog or cat meat commercially in South Australia for human consumption.
- 3.4 The *Food Regulations 2002* regulate what may be sold as food. The Regulations adopt the *Australian Food Standards Code* that provides:

Meat is the whole or part of the carcass of any buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep, slaughtered other than in the wild state.

Therefore it would also be illegal to sell dog or cat meat in South Australia for human consumption.

- 3.5 Neither the *Meat Hygiene Act* nor the *Food Act* attempts to regulate backyard or non-commercial supply of meat. It is not uncommon for householders, especially in rural districts, to have a single animal killed and dressed on their property. Even in the city, poultry is commonly killed in back yards. Provided it is not done commercially, and the meat does not leave the property where it is slaughtered (and is not served to paying guests), then neither Act prohibits the backyard or non-commercial slaughter of any animal for human consumption.
- 3.6 The *National Parks and Wildlife Act 1972* makes it an offence to kill a "protected animal". Apart from protected animals, it is not an offence to kill any other animal, provided the killing is done without causing unnecessary pain (*Prevention of Cruelty to Animals Act 1985*, s13). There is no statute that makes it an offence to eat any animal, even protected animals.

Proposed legislation

- 3.7 In developing the draft legislation, the basic question is what animals should be included. The protection of individual animals from

consumption because they are "pets" or "companion animals", rather than because of their membership of a particular species, raises the difficult question of how an individual "pet" or a "companion animal" is to be defined.

- 3.8 Animals are kept in widely varying conditions. Animals that are handled, hand-fed, or otherwise domesticated may nevertheless be slaughtered for food, especially on farms. Conversely some animals that their owners call "pets" might never be touched, or allowed to come inside a house. Therefore I suggest it would be impossible to draft a definition of a "pet" or a "companion animal" that did not inadvertently include some animals kept as livestock, in close proximity to humans. Alternatively if an adequate definition of "pet" could be drafted, and only "pets" so defined were to be protected, then there would be nothing to stop persons keeping dogs or cats in conditions comparable to those of other livestock such as pigs or poultry, and then slaughtering them for food.
- 3.9 Therefore, unless backyard or farm slaughter of animals is to be prohibited, no legislation can adequately define a "pet" or "companion animal". Rather, it will be necessary to restrict the protection to prescribed species.
- 3.10 According to 'PetNet' (operated by the Petcare Information and Advisory Service Australia Pty Ltd) in 1998, 43% of South Australian households had one or more dogs as pets. 32% had one or more cats. Dogs and cats attract by far the most spending on pets. In 1998, South Australians spent \$173 million caring for their pet dogs, \$80 million on their pet cats, and only \$23 million on all other pets combined. Presumably this is a reliable indicator of the cultural regard in our society for dogs and cats above all other animals. **We** already have a *Dog and Cat Management Act 1995*. I propose, therefore, that because of their unique place in our society, that any prohibition on meat from "companion animals" ought to be limited to cats and dogs only.

What type of offence?

- 3.11 The act of consumption of dog or cat meat will be difficult to detect and therefore to prosecute. However consumption of dog or cat meat is only one of five possible actions that might be subject to legislative control. Alternative or additional provisions could create offences of :
- killing;
 - preparation of a carcass;
 - supply; or
 - possession of dog or cat meat.

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3.12 One or more of these offences could be defined so that there are exceptions for legitimate scientific or humane purposes. Alternatively specific acts might be defined as offences only when they are done for the purpose of human meat consumption. I propose a package of three offences:

- knowingly consuming dog or cat meat;
- killing a dog or a cat, knowing it is for the preparation or supply of meat for human consumption; and
- supply of dog or cat meat, knowing it is for human consumption.

Consultation

3.13 There has been no consultation on this matter. However the Meat Hygiene Unit within the Department of Primary Industries and Resources has been advised of the Premier's interest, and Parliamentary Counsel has advised that amendments would be most appropriately placed in the *Summary Offences Act*.

4 RECOMMENDATIONS

4.1 I recommend that Cabinet approve the drafting of amendments to the *Summary Offences Act 1953* to create offences of:

- knowingly consuming dog or cat meat;
- killing a dog or a cat, knowing it is for the preparation or supply of meat for human consumption; and
- supply of dog or cat meat, knowing it is for human consumption.



Michael Atkinson
Attorney-General

04 May 2003



In Cabinet

20 MAY 2003

