

**DRAFT PREVENTION OF CRUELTY TO ANIMALS
(PROHIBITION OF GLUE TRAPPING) REGULATIONS 2005**

Regulatory Impact Statement

This Regulatory Impact Statement (RIS) has been prepared to fulfil the requirements of the **Subordinate Legislation Act 1994** and to facilitate public consultation on the proposed *Prevention of Cruelty to Animals (Prohibition of Glue Trapping) Regulations 2005*. A copy of the draft regulations is provided as an attachment to this RIS.

Public comments and submissions are invited on the proposed regulations, in response to information provided in this RIS. All submissions will be treated as public documents. Written comments and submissions should be forwarded no later than 5pm Friday 26 August 2005 to:

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Summary

This Regulatory Impact Statement (RIS) has been prepared to fulfil the requirements of the **Subordinate Legislation Act 1994** and to facilitate public consultation on the proposed *Prevention of Cruelty to Animals (Prohibition of Glue Trapping) Regulations 2005*. A copy of the draft regulations is provided as Attachment 1 to this RIS.

The proposed regulations are intended to amend the *Prevention of Cruelty to Animals Regulations 1997* ('the Principal Regulations') to prohibit the use and possession of 'glue traps' for or in connection with the taking or restraining of animals.

As a result of increased awareness of the inhumaneness of animal glue traps, nearly all Australian states and territories are currently considering banning or restricting their use.

The nature and extent of the problems to be addressed by the proposed regulations are discussed in Part 1.2 of the RIS. A brief summary of these problems is as follows.

Glue traps

There is no question of the need to control pest rodent populations. Pest rodents destroy many millions of dollars worth of crops and stored foods in Australia each year, and contribute to the spread of diseases and damage to property. Consistent with the purpose of the Act, the issue relevant to this RIS is how to control pest rodent populations while minimising cruelty to rodents or other animals.

Glue traps, also known as glueboards or sticky traps, are a type of non-lethal or restraining animal trap. The traps have an extremely sticky non-drying adhesive on one side of a rigid flat surface or shallow tray, so that small animals become stuck by the feet and/or fur when they attempt to run across it. Once captured on a glue trap an animal is usually unable to free itself from the adhesive, and will generally bring additional body parts into contact with the adhesive as it attempts to free itself.

Glue traps do not in themselves kill animals, although trapped animals will eventually die from exposure, dehydration, starvation, suffocation, predation or killing by humans. Animals can also die from injuries or blood loss as the animals try to chew through their own limbs in an attempt to escape from the trap.

A recent comprehensive review of the humaneness of rodent pest control methods by Mason and Littin concluded that animal glue traps are one of the most inhumane 'because of the enormous distress that these traps cause, even if the trapped animals are found after just a few hours and then humanely dispatched'.

Policy objective of regulatory proposal

The following overarching policy objective of the regulatory proposal was indicated by the discussion of the nature and extent of the problem:

To minimise the risk of injury, suffering and distress to animals from methods of capture.

Preliminary consultation

Preliminary consultation about the regulatory proposal has been undertaken with representatives of key stakeholder organisations, including suppliers and professional users of animal glue traps, the agricultural and food industries and animal welfare organisations. A summary of the responses of key stakeholder organisations is given in Part 1.4 of the RIS.

Consideration of alternatives

After consideration of various options including both statutory and voluntary codes of practice, it is concluded that a regulatory approach is the most appropriate form of intervention to achieve the identified policy objective. The practicable alternatives together with the proposed regulations are referred to in this RIS as ‘options’. The options are considered to be:

Option A – No new regulations but encourage guidelines on animal glue trap packaging labels for checking traps and humanely disposing of trapped animals;

Option B -The proposed regulations with exemptions for pest controllers registered under the **Health Act 1958** plus a statutory code of practice on procedures for trapping and killing pest rodents when using animal glue traps; or

Option C - The proposed regulations that is, prohibition of the use and possession of animal glue traps.

The ‘base case’ of maintaining the status quo is not considered as an option as it would not contribute towards the achievement of the policy objective. However, in the light of the new information on the inhumaneness of animal glue traps, the non-adoption of any of the above options could create uncertainty in the pest management industry regarding possible future prosecutions under the cruelty provisions of the Act.

Cost – benefit analysis

The expected costs and benefits of each option indicate that the proposed regulations are likely to result in the greatest benefits to animal welfare in terms of the likely reduction of pain and suffering to trapped animals. Glue traps are one of the most inhumane methods of rodent control currently permitted in Victoria. All other available methods of rodent control, except for ingested poisons and possibly metal toothed rodent traps, are more humane than glue traps. As it is highly unlikely that all users of animal glue traps will switch to using ingested poisons or metal toothed rodent traps, the proposed regulations are expected to result in net benefits to animal welfare.

The proposed regulations are likely to impose some opportunity costs on the suppliers of animal glue traps but minimal actual financial loss, in view of the six months delay in the commencement of the proposed regulations regarding animal glue traps. The costs to users of animal glue traps are likely to be initially higher than for the other options because of the need to use more expensive devices and methods, especially in the food industry. As the other methods of control are considered to be as effective as glue traps, there is not expected to be any costs arising from additional damage to goods and property due to less effective rodent control. Snap traps are nearest in price to animal glue traps (around half the price for mouse size), and have the advantage of being re-usable and arguably more effective. Electrocutation devices or live box traps are more expensive but are also re-usable, so this initial outlay may be offset by the ability to re-use traps and, potentially, to achieve more effective control in the longer term.

Comparing animal welfare costs and benefits with other costs and benefits is more complex, but having regard to the purposes of the Act, the reduction of pain and suffering to animals is considered to outweigh the costs to suppliers and users of animal glue traps.

In summary, the proposed regulations are considered to be the most appropriate form of intervention and the best option for achieving the identified policy objective, in which the

expected costs of the proposed regulations are outweighed by their expected benefits, especially to animal welfare.

National competition policy tests

The proposed regulations would restrict competition because they would prohibit the use and possession of one particular pest control product, namely animal glue traps, thereby providing a competitive advantage to suppliers and users of other pest control products. However, for reasons discussed at length in this RIS, the benefits of the proposed restriction of competition outweigh the costs.

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Preliminary

This Regulatory Impact Statement (RIS) has been prepared to fulfil the requirements of the **Subordinate Legislation Act 1994** and to facilitate public comment on the proposed Regulations. The RIS contains information on:

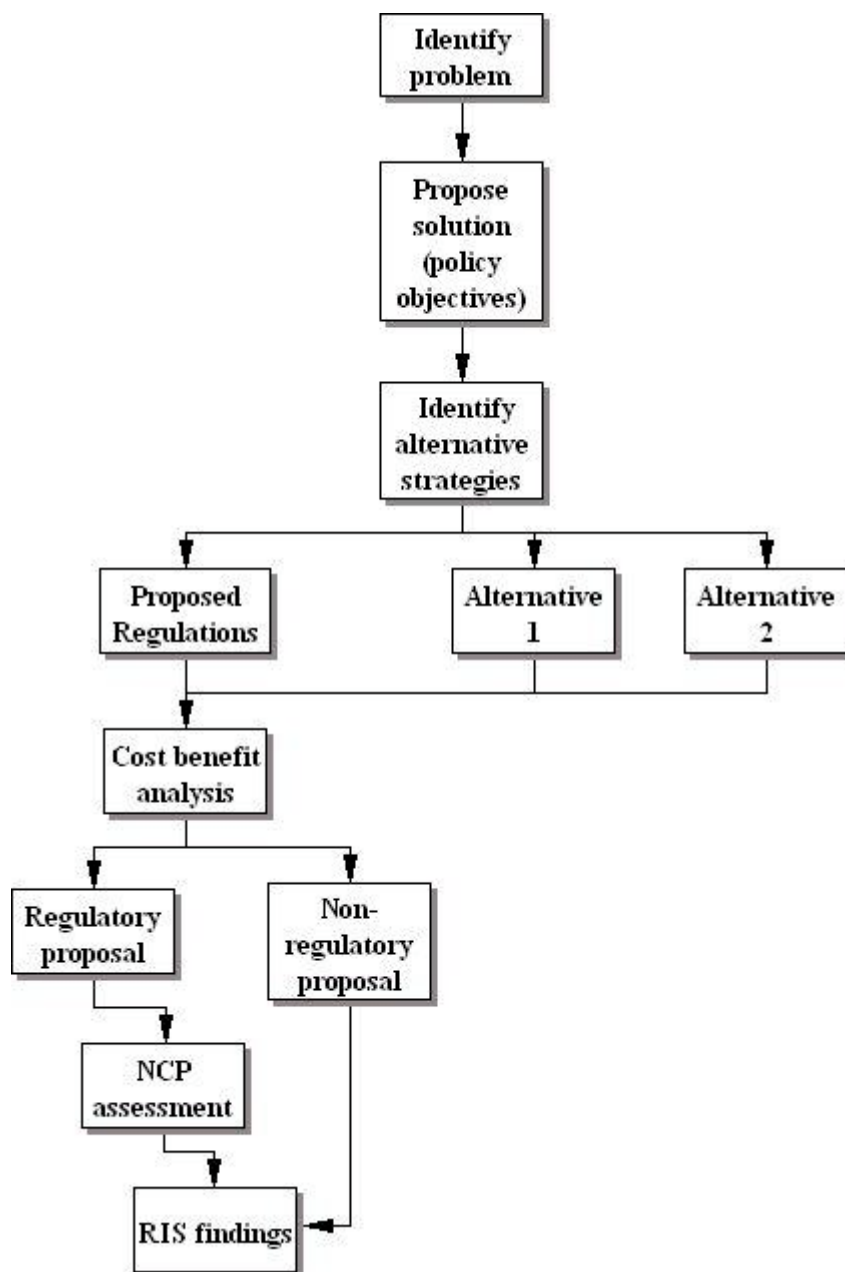
- the nature and extent of the problem to be addressed by the proposed regulations, including relevant research and investigations;
- the policy objectives of proposed solutions to the problem;
- public consultation to date;
- the case for Government intervention;
- the authorising legislation, objectives, nature and effects of the proposed regulations;
- alternatives to the proposed regulations;
- a cost-benefit analysis of the proposed regulations and alternative policy options; and
- National Competition Policy tests.

The relationship between the above elements of the RIS is depicted in Figure 1.

Public comments and submissions are invited on the proposed regulations, in response to information provided in this RIS. All submissions will be treated as public documents. Written comments and submissions should be forwarded no later than 5pm Friday 26 August 2005 to:

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Figure 1 - RIS flow chart

1.0 Background

1.1 Introduction

The proposed regulations (see Attachment 1) are intended to amend the *Prevention of Cruelty to Animals Regulations 1997* ('the Principal Regulations') to make further provision in relation to methods of capture of animals. The capture methods proposed to be regulated are the use and possession of 'glue traps' for or in connection with the taking or restraining of an animal.

The Principal Regulations are made under the **Prevention of Cruelty to Animals Act 1986** ('the Act'). The purpose of the Act is to:

- (a) prevent cruelty to animals;
- (b) encourage the considerate treatment of animals; and
- (c) improve the level of community awareness about the prevention of cruelty to animals.

In other words, the scope of the Act covers animal welfare in general, as well as the prevention of cruelty to animals in particular. The Act defines an 'animal' as a live member of a vertebrate species and a live crustacean, and is concerned with the welfare of domestic and farm animals, wildlife, animals used for recreational purposes and animals used for scientific purposes in research and educational institutions.

Animal welfare legislation provides a balance between the competing views in the community about the use of animals. The successful pursuit of many industries involving animals is dependent on community satisfaction with the welfare of the animals concerned (Bureau of Animal Welfare, 1997).

The Act and the Regulations are administered by the Bureau of Animal Welfare ('the Bureau') on behalf of the Minister for Agriculture and the Secretary to the Department of Primary Industries.

Section 42 of the Act provides for the making of regulations to prescribe various matters of detail involved in the implementation of the Act, including prohibiting or regulating methods of capture of animals that may cause injury, suffering or distress to animals.

The stated objectives of the existing Principal Regulations are

- (a) to prescribe standards for the protection of animals in certain circumstances;
- (b) to prescribe conditions for permits to conduct rodeos and operate rodeo schools;
- (c) to prescribe conditions for licences and standards for scientific procedures and breeding carried out by scientific and breeding establishments; and
- (d) to prescribe forms, fees and other matters authorised by the **Prevention of Cruelty to Animals Act 1986**.

The proposed amendments to the Principal Regulations arise as a consequence of recent amendments made to the **Prevention of Cruelty to Animals Act 1986** by the **Animals Legislation (Animal Welfare) Act 2003** (see Part 1.2.3 of this RIS).

Under section 9(1)(a) of the **Subordinate Legislation Act 1994**, an RIS is required to be prepared unless:

‘ the proposed statutory rule would not impose an appreciable economic or social burden on a sector of the public ’.

This RIS has been prepared to fulfil this requirement. The cost-benefit analysis in Part 5.0 of the RIS identifies the appreciable economic or social burdens to be imposed by the proposed regulations.

1.2 Nature and extent of the problem

To set the scene for this RIS, and to assist in identifying and describing the problem to be addressed by the proposed regulations, this Part provides some general background information about the issues related to animal glue traps.

The following overview of the animal welfare aspects of glue traps is primarily based upon two recent comprehensive scientific reviews of the issue, one by the Animal Behaviour Research Group of Oxford University and the Animal Welfare Sciences and Bioethics Centre of Massey University, New Zealand (Mason & Littin, 2003) and the other by the Ministry of Agriculture and Forestry in New Zealand (MAF, 2002).

Glue traps, also known as glueboards or sticky traps, are a type of non-lethal or restraining animal trap. The traps have an extremely sticky non-drying adhesive on one side of a rigid flat surface or shallow tray, so that small animals become stuck by the feet and/or fur when they attempt to run across it. Once captured on a glue trap an animal is usually unable to free itself from the adhesive, and will generally bring additional body parts into contact with the adhesive as it attempts to free itself.

Glue traps do not in themselves kill animals, although trapped animals will eventually die from exposure, dehydration, starvation, suffocation, predation or killing by humans. Animals can also die from injuries or blood loss as the animals try to chew through their own limbs in an attempt to escape from the trap.

The glue trap, and the dead or alive animal stuck to it, are usually disposed of if and when discovered by humans, with or without being killed humanely. Although rats and mice may be the main target animals, glue traps do not discriminate between species and so can potentially trap any small animal, including birds, cats, possums and other wildlife. (There are recorded cases of a possum and a kitten being caught by large glue traps in Victoria).

Glue traps are commonly available in Australian hardware shops, discount stores and some supermarkets. Trap sizes vary according to supplier, but dimensions generally range from 12cm x 9cm (‘mouse size’) to 25cm x 12cm (‘rat size’). (Glue traps sold for insect control in Australia, called ‘sticky boards’ or ‘sticky traps’, are usually of a distinctive yellow colour and often contain insect attractants. These have a much thinner layer of glue which is insufficient to trap animals other than insects).¹ All animal glue traps sold in Australia are imported, mainly from China. Retail prices range between \$1.25 and \$11.00 depending on the size of the glue trap and any bulk purchase discounting.

Glue traps are used in both households and businesses, including agriculture. As a non-chemical means of trapping rodents, glue traps are widely used in food industry processing plants where poisonous baits are not favoured because of potential contamination of food

¹ Some people use mouse glue traps for catching cockroaches, but insect ‘sticky traps’ can also be used for cockroaches. There are also glue traps sold specifically as cockroach traps (see Part 5.0 of this RIS).

products. They are mainly placed along pathways used by rodents but may also be placed inside non-lethal mechanical traps to facilitate easy removal of captured animals.

For commercial reasons, sales figures for glue traps are not available from the suppliers. However, the Australian Environmental Pest Managers Association (AEPMA) which represents the interests of professional pest managers estimates that the annual usage of glue boards in Victoria is 140,000 for rats, 120,000 for mice and 100,000 for insects. (As insects are not ‘animals’ within the meaning of the Act, the proposed regulations will not apply to glue boards used for insect control). Using the estimates for rats and mice, the estimated annual value of glue traps used by professional pest managers is up to \$1.5 million.

However, these figures do not include the number or value of glue traps used by persons other than professional pest managers, such as farmers and householders. As Victoria has about 25% of Australia’s population and contributes about 25% of Australia’s GDP, it is probably a reasonable assumption that Victoria comprises around 25% of the Australian market for glue traps.

The three main pest rodents in Australia are the House mouse (*Mus domesticus*), the Black House, Ship or Roof rat (*Rattus rattus*) and the Brown or Norway rat (*Rattus norvegicus*).

There is no question of the need to control pest rodent populations. Pest rodents destroy many millions of dollars worth of crops and stored foods in Australia each year, and contribute to the spread of diseases and damage to property. Pig and poultry farmers in plague affected areas can sustain major losses in livestock production from increased feed costs, stress to animals and even from direct physical attacks on livestock animals by rodents (Caughley et al 1998).

Consistent with the purpose of the Act, the issue relevant to this RIS is the control of pest rodent populations without cruelty to rodents or other animals.

1.2.1 Humaneness of glue traps

Mason and Littin reviewed the humaneness of various rat and mouse control methods that are lawful in the UK and the USA, including glue traps, according to the following criteria:

To examine the humaneness of each of these methods, we considered the degree of pain, discomfort or distress caused, the length of time for which rodents are conscious and displaying clinical signs of poisoning, and the effect on any individual that escapes and survives. A method that causes the minimum number of symptoms before rapidly inducing unconsciousness or death, with no lasting ill effects on surviving animals, would thus be humane; in contrast, a method that causes severe and/or prolonged pain or distress, and leaves surviving animals ill or disabled, would be judged inhumane.²

The use of glue traps raises serious animal welfare concerns, including:

- the likelihood of an extended time between capture and death;
- the distress and suffering experienced by animals caught in the traps;
- fear experienced by animals at the approach and close proximity of humans; and
- the possibility of inhumane disposal of live animals (such as drowning, incineration or compaction in garbage bins or trucks) when the traps are inspected.

It is generally accepted that rodents and other vertebrate animals can feel pain and experience distress. The level of pain or distress experienced by animals trapped on glue traps will vary. All animals will suffer some level of stress or discomfort on becoming stuck. Some animals suffer pain on having fur pulled off to expose raw skin, while others suffer broken limbs

² Mason and Littin, 2003 p.2

attempting to escape. Animals panic and defecate and urinate excessively when captured on a glue trap. Their eyes and eyelids can eventually become covered with a thick, milky white gelatinous exudate which cannot be removed by blinking the eye. Because of weakness, some animals have been found to have fallen face-first into the glue and have apparently suffocated from glue occluding the nostrils. This high level of distress continues over a prolonged period, often more than 24 hours, meaning that the householder or pest controller usually needs to deal with live captive animals (Frantz and Padula, 1983).

Leaving physical pain aside, the prolonged distress caused by glue traps can be considered inhumane. Franz and Padula concluded from their experiments with mice and glue traps that:

Understandably, it is difficult to be humane with glueboards (as with some other traps) which are designed to hold mice against their will until death.³

In light of the above discussion an argument can be made that glue traps produce an unacceptable level of injury, suffering or distress, similar to serrated steel jawed leghold traps which have already been prohibited for use in urban areas and most public areas in other parts of Victoria. Mason and Littin concluded that of all the available pest rodent control methods, glue traps are one of the most inhumane *'because of the enormous distress that these traps cause, even if the trapped animals are found after just a few hours and then humanely dispatched'* (our emphasis).

In the UK, sticky boards therefore tend to be avoided by responsible pest control operatives; for example, Network Pest Control Systems (2001) describe them as a 'last resort measure', and for welfare reasons they are also not recommended by UK governmental agencies. In the USA and other countries, however, their use is even more alarming as they can be bought by the general public. Here, how long rodents are trapped for, and how they die, must be left to the imagination.⁴

Glue traps are mainly targeted against pest rodents but they have been known to kill other animals such as possums. Section 55 of the **Wildlife Act 1975** already prohibits the use of glue traps on wildlife unless authorised by the Secretary of the Department of Sustainability and Environment,⁵ but this of course does not apply to introduced species such as Black rats, Brown rats and house mice.

If animals are left on glue traps for only very short periods, the duration of pain and distress is obviously reduced. In the UK, where glue traps are used by professional pest controllers only, according to an industry code of practice they must be checked daily and trapped animals must be 'humanely killed' (BPCA, 2004). However, Mason and Littin concluded (see above) that glue traps can cause unacceptable distress, even if the trapped animals are found after just a few hours. There would also be difficulties in monitoring and enforcing any requirement that glue traps be frequently checked and that trapped animals be killed humanely (see Part 5.0 of this RIS).

1.2.2 Other control methods available

Other rodent capture or control measures exist. The *relative* humaneness of these was assessed by Mason and Littin (2003), with the following introductory note:

Assessing humaneness is complex, not least because it involves comparing durations and intensities of suffering, and making such judgements as "is extreme breathlessness worse than nausea?" and "is a few hours of intense pain better or worse than several days of milder distress?". Rodent control methods clearly have a range of welfare implications, and so drawing boundaries across such a continuum is difficult. This task is made even more difficult by the fact that a given method often has a range of effects, and so may be more or less humane depending on dose, environmental factors, and other

³ Frantz and Padula, 1983 p.224

⁴ Mason and Littin, 2003 p.23

⁵ No such authorisations have been given to date.

variables.⁶

Bearing these difficulties in mind, Mason and Littin grouped the methods on the basis of their relative humaneness. Of the methods permitted for use in Victoria⁷, those that Mason and Littin regarded as *relatively* humane are:

- deterrence and exclusion, by means of rodent-proofing;
- snap traps;
- electrocution traps;
- live box traps or 'curiosity traps'.

Less humane than these, is the fumigant aluminium phosphide which produces phosphine gas on contact with water.

The worst methods (i.e. those classified by Mason and Littin as often or always inhumane) are:

- ingested poisons such as zinc phosphide and anticoagulants; and
- glue traps.

The humaneness of glue traps has been discussed above in Part 1.2.1 of this RIS. The humaneness and effectiveness of these other methods is discussed in more detail below:

Deterrence and exclusion. The most effective, secure and humane control method is the physical exclusion of rodents from buildings by rodent-proofing, ideally during the design and construction of new buildings. Rodent-proofing measures include:

- Rodent-proof perimeter fencing where practicable;
- Brick or concrete rather than timber construction of commercial buildings;
- Secure storage of all feed sources inside buildings;
- Sealing all gaps and possible entry points, especially around windows, plumbing and wiring. Fitting traps to drains and screening all vents;
- Reducing gaps under doors to less than 0.3cm. Keeping all doors closed when not in use. Installing double door systems in commercial buildings where frequent human access is required;
- Destruction of all nesting sites, including removal of all rubbish and old machinery from around buildings, storing wood at least a half a metre off the ground and away from buildings, cutting grass and reducing the availability of water in and around the buildings.

⁶ Mason and Littin, 2003 p.21

⁷ Other methods assessed by Mason and Littin such as alpha-chloralose, cyanide gas, carbon dioxide, sulphur dioxide, calciferol and cholecalciferol are not registered for rodent control in Victoria.

Deterrence and physical exclusion is obviously the most humane method of rodent control because no capture or killing of animals is involved.

Snap Traps. The ‘mouse trap’ or ‘snap trap’, is the most common alternative used in a domestic situation, or at times when a commercial enterprise is keen to avoid possible contaminants. The ‘snap trap’ consists of a spring-loaded arm fastened to a board, with a baited trigger which activates the arm when pressed by a mouse, causing the arm to ‘snap’ down on the animal. The force of impact of the arm usually causes death or will render the animal insensible, with death following rapidly. Some snap traps are more effective than others, however, and death may not follow rapidly if animals are not struck on the head or neck. (A similar method of killing i.e. sufficient impact on the head or neck, would need to be used on animals caught in non-lethal traps, such as glue traps or curiosity traps, to kill them humanely). On the other hand, if the arm of a snap trap strikes an animal on a part of the body other than the head, neck or leg and no bones are broken, the animal may escape and recover without permanent damage.

Unlike glue traps, snap traps do not usually require animals to first be captured and held (for potentially long periods of time) and, they are designed to kill rather than ensnare. It is therefore argued that well-designed traps that kill immediately are more humane than glue traps and other ensnaring devices.

A variation of the snap trap that has recently become available in Australia is the *metal-toothed rodent trap*. These rodent traps look similar to ‘snap traps’ with a spring loaded metal arm, but have an additional sharp metal-toothed edge around the square perimeter of the base. The traps are usually imported and available at a low price, and those that have been examined are of a relatively flimsy construction. The toothed edge means that rats or mice (or other small animals) if not killed by the arm, will be likely to have their flesh cut and may be injured or bleed to death.

Whilst Mason and Littin have not yet reviewed metal-toothed rodent traps, the National Consultative Committee on Animal Welfare (NCCAW) is of the opinion that:

- these traps cause unnecessary suffering to trapped rodents and their import, manufacture and use in Australia should be prohibited.
- there are more humane and cost effective alternatives to these traps.⁸

No other information on the humaneness, effectiveness or usage of metal-toothed rodent traps is known at the time of publication of this RIS.

Electrocution. A number of devices have been developed that entice an animal into a box with a hole fashioned as a potential burrow, usually with the added incentive of bait. Once inside, the devices have a switch of some form that detects the presence of the animal causing an electric current to pass through a plate at the bottom of the box, electrocuting the animal. Suppliers claim that electrocution overcomes the ‘trap shyness’ associated with other types of traps. Electrocution is likely to be a swift death. The ‘Rat Zapper 2000™’, for example, produces a charge that lasts approximately two minutes, killing the animal. There are concerns, however, about the level of pain and distress occurring within this period.

⁸ NCCAW34 October 2004 Position Statement No 37.

Live box traps or ‘curiosity traps’ are non-lethal traps. A common example is a box with a hole that an animal will investigate as a potential burrow. A wind-up paddle is triggered by the animal’s investigations and sweeps the animal into a holding compartment. Another example is a length of tube that an animal will again investigate as a potential burrow. The tube has a bend, which acts as a pivot. When the animal moves into the tube beyond the pivot, the tube rocks up (like a seesaw), catching the animal. Multi-catch traps can trap more than one animal at a time.

There appears to be little pain associated with these traps, although some distress is likely to occur as a result of the animal being physically contained. As with glue traps, there is potential for levels of pain or distress to vary significantly depending on how frequently traps are checked, however the animal will still have some freedom to move, and will not become further ensnared by moving. In the worst case, the animal will die of dehydration or starvation if the trap is not checked for several days.

Fumigant poisons such as aluminium phosphide produce phosphine gas on contact with water. Aluminium phosphide is a Schedule 7 poison which means it can only be used by appropriately trained registered, licensed or permitted pest controllers. In addition, in Victoria, its use for rodent control is restricted to the control of mice in stored cereals. Rodents fumigated with phosphine gas show signs of respiratory irritation, pain and other forms of discomfort followed by paralysis and death within 50 minutes to 3 hours of exposure to the gas, depending on dosage. There appears to be little lasting harm to rodents exposed to non-fatal doses.⁹

Ingested poisons. Ingested poisons registered for use against rodents in Victoria include zinc phosphide and anticoagulants. Mason and Littin classified these ingested poisons to be as inhumane as glue traps.

Zinc phosphide is a very effective acute poison, which kills after a single dose by producing phosphine gas in the stomach. It is less humane than the fumigant form of phosphine gas.¹⁰ Poisoned rodents show signs of respiratory irritation, pain and other forms of discomfort followed by paralysis and death by heart failure within 4 to 24 hours of ingestion. Zinc phosphide is also a Schedule 7 poison in Victoria, and is only permitted to be used for the control of heavy infestations of mice in agricultural situations.

Anticoagulants act by reducing the poisoned animal’s ability to repair normal damage to blood vessels through reduced blood clotting. The animals die principally from blood loss and its sequelae, such as cardiac, respiratory or kidney failure. These poisons are relatively cheap and effective, especially if used outside buildings in combination with physical exclusion.

The effects of these poisons on an animal’s body are numerous, including external and internal bleeding, bloody diarrhoea, bleeding into body cavities, haemorrhages into joints, lungs and skeletal muscle, and so on. Whilst bleeding is in itself not painful, the accumulation of blood in spaces within the body generally is. Observations of affected rodents include anorexia, laboured breathing, struggling movements, reduced activity and sometimes paralysis. Studies have shown that poisoned animals can take from just a few hours to typically 4 – 8 days to die. Sub-lethally poisoned rodents could be ill or disabled for a considerable period.¹¹

⁹ Mason and Littin, 2003 p.14.

¹⁰ Mason and Littin, 2003 p.23.

¹¹ Mason and Littin, 2003, pp. 4-5.

The main disadvantage to humans of poisons is the risk of contamination of foodstuffs. For this reason, some food industry premises are reluctant to use poisons inside buildings, preferring other methods such as glue traps and snap traps. This concern may be further compounded by applicable health standards to which such premises must adhere (MAF, 2002).

Bait boxes or ‘bait stations’ are boxes which rodents enter to eat anti-coagulant poison baits. Those purchased from commercial suppliers are usually made of plastic, but they can also be ‘home-made’ from wood or scrap materials. Bait boxes are not traps, in that rodents are free to enter and leave the box. They are often made tamperproof by the use of locks, seals or concealed latches.

The main advantage of bait boxes is that they enable poisons to be used in agriculture and the food industry, by greatly reducing the risk of poison baits being carried away by rodents and contaminating foodstuffs or being eaten by other animals or young children. This is achieved by using bait in a solid block rather than a pelletised form, usually anchored to the inside of the box by metal spikes or wire. Some bait boxes also have a grid floor to enable any pieces of bait to fall through the grid so that they cannot be carried away by the rodents. Bait boxes are also more efficient than traps because more rodents can be killed per box per unit time.

The **conclusions** of the Mason and Littin review were as follows:

The most common methods of rodent control are generally inhumane. Furthermore, they are applied with little consideration for the welfare of the affected animals. Indeed, some of the least humane methods can currently be used by members of the general public, and as a first measure rather than as a last resort. This is largely incompatible with the way we treat other animals, even rodents that are poisoned for research in the laboratory. It is also a serious welfare issue, as it affects many millions of rodents each year. However, some more humane methods do exist, namely snap trapping (with well-designed traps), electrocution, cyanide gassing, and alpha-chloralose, along with rodent exclusion and elimination of food supplies and harbourage. These methods can all be extremely effective (although admittedly, sometimes in limited circumstances). New industry-led research also needs to be encouraged with humaneness as a top priority. Reducing the number of rodents killed with existing anticoagulant preparations (and other inhumane techniques), even by just 10 or 20% would have significant welfare consequences because of the vast numbers of animals currently afflicted.¹²

1.2.3 Government responses

The New Zealand National Animal Welfare Advisory Committee (NAWAC 2002) has recommended prohibiting the commercial importation, sale or use of glue traps or ‘glueboards’. This recommendation was followed by the release in 2002 of the abovementioned NZ Ministry of Agriculture and Forestry public discussion paper (MAF 2002).

Recent advice from the NZ Ministry of Agriculture and Forestry is that whilst glue traps have not yet been prohibited in New Zealand, NAWAC remains of the view that glue traps should be banned in residential and commercial situations, primarily because of the animal welfare concerns and the fact that there are cheap, non-toxic alternatives that, at least in the case of other types of traps, pose less risks to animal welfare than glue traps.

The issue has been considered by Australia’s National Consultative Committee on Animal Welfare (NCCAW), which has found that:

While glueboards can be described as non-lethal or restraining traps, research indicates that trapped animals may die if permanently adhered to the glueboard, through starvation, dehydration, exhaustion, or if the glue adheres in such a way as to cause suffocation of the animal.

¹² Mason and Littin, 2003 p.26

NCCAW's current position on glue traps is that these traps cause unnecessary suffering to trapped rodents and their import, manufacture and use in Australia should be prohibited. NCCAW has also stated that there are more humane and cost effective alternatives to these traps.¹³

Victoria's Animal Welfare Advisory Committee (AWAC) is an advisory group that provides advice to the Minister for Agriculture on animal welfare policy, strategies and programs to facilitate effective application of legislation that affects the welfare of animals. In September 2003, AWAC unanimously recommended to the Minister that the possession, use and sale of glue traps be banned in Victoria due to the considerable pain and suffering experienced by animals caught in these traps.

The Animals Legislation (Animal Welfare) Act 2003 amended the **Prevention of Cruelty to Animals Act 1986** to enable regulations to be made to prohibit or regulate:

- (i) any medical or veterinary procedure conducted on animals; or
- (ii) any method of capture of animals; or
- (iii) any method or procedure of transport of animals—
that may cause injury, suffering or distress to animals.

In his second reading speech on the *Animals Legislation (Animal Welfare) Bill*, the Minister for Agriculture, the Hon. Bob Cameron MP indicated that one of the purposes of this Act amendment was to enable the prohibition or regulation of glue traps.

The Australian Capital Territory (ACT) Government has indicated that regulations to prohibit the use of glue traps on animals will be considered by the ACT Legislative Assembly in its Spring 2005 Sittings.

The relevant departments in three other states have indicated that proposals to prohibit the use of glue traps on animals are under active consideration. A fourth state has the issue listed on the agenda of its Animal Welfare Advisory Committee for discussion, and a fifth state has indicated that the issue may be considered in the next amendments to the relevant regulations, especially in the light of action by other Australian jurisdictions. A national ban on the use of glue traps on animals is therefore a future possibility. The Victorian proposal may be the first amongst Australian jurisdictions, and will therefore be more onerous than the regimes in jurisdictions that have not banned glue traps. However, the Victorian government believes there is sufficient justification to ban glue traps and a more onerous regime is justified on these grounds.

1.2.4 Defining the problem

In accordance with Government guidelines,¹⁴ the RIS is required to identify and define the problem to be addressed by the proposed regulations. *In other words, why are the regulations being proposed?*

The problem can be identified and defined by considering the likely impacts if there were no regulations or effective alternatives regarding the use or possession of glue traps.

From the above background discussion, it has been established that 'glue traps' are methods of capture of animals that may cause injury, suffering or distress to animals. They are amongst the most inhumane methods of rodent control available for use in Victoria. Failure

¹³ NCCAW34 October 2004 Position Statement No 37.

¹⁴ Victorian Guide to Regulation , February 2005.

to intervene would result in injury, suffering or distress not only to target animals, namely rats and mice, but also to non-target animals such as possums and other small animals.

Metal toothed rodent traps are also a method of capture of animals that is potentially inhumane (see Part 1.2.2 of this RIS). However, unlike glue traps, insufficient information about their humaneness, effectiveness or usage is available at present to justify their prohibition via the proposed regulations and this RIS.

Glue traps and other types of traps are eligible to be prohibited or regulated by regulations made under the Act. However, there is no power under the Act to prohibit or regulate other inhumane rodent control methods such as ingested poisons, as they are not a 'method of capture of animals' within the meaning of the Act and are permitted under section 9(j) of the Act as long as they are used in accordance with the **Catchment and Land Protection Act 1994**, the **Wildlife Act 1975** or the **Drugs, Poisons and Controlled Substances Act 1981**.

The issue that now needs to be considered is whether such action should be taken against glue traps, taking into account the need to control pest rodent populations in a humane manner. Consistent with the purpose of the Act, the problem to be addressed by the proposed regulations may be formally defined as follows:

Whether the use or possession of certain methods of capture of rodents and other animal pests should be prohibited or restricted on the grounds that they cause injury, suffering or distress to animals.

1.3 Policy objective of regulatory proposal

Having regard to the main purpose of the Act being to prevent cruelty to animals¹⁵ and the above evidence of the inhumaneness of glue traps, to solve the problem identified in Part 1.2.4 of this RIS, the following overarching policy objective of the regulatory proposal is suggested:

To minimise the risk of injury, suffering and distress to animals from methods of capture.

This policy objective is not necessarily the same as the formal objectives of the proposed regulations (see Part 3.0 of this RIS). As shown in Figure 1 of this RIS, the proposed regulations are one possible means of achieving this policy objective. The main criterion for assessing the proposed regulations against the practicable alternatives is their relative cost-effectiveness in achieving this policy objective, compared to the benefits of each option.

1.4 Consultation to date

The primary process for consultation about the proposed regulations is the publication of this RIS for public comment. All interested stakeholders are now being consulted through the publication of this RIS and the proposed regulations.

The following key stakeholder organisations have been consulted in a preliminary way about the proposed regulations.

Animal welfare organisations

- Royal Society for the Prevention of Cruelty to Animals (Victoria) (RSPCA); and
- Animals Australia.

¹⁵ See section 1 of the Act.

Glue trap suppliers

- Pascoe's Pty Ltd (suppliers of Hovex glue traps);
- Rentokil Initial Australia (suppliers of Catchmaster glue traps);
- Grandview Management Pty Ltd trading as Coast to Coast Vermin Traps (suppliers of Tomcat glue traps); and
- Bell Laboratories Inc. (suppliers of Trapper glue boards).

Glue trap users

- Australian Environmental Pest Managers Association (AEPMA).
- Victorian Farmers Federation (VFF)

Food industry

- Australian Food and Grocery Council (AFGC);
- Restaurant and Catering Association of Victoria (RCAV);
- Baking Industry Association of Victoria; and
- Australian Meat Industry Council.

Food regulators

- Food Safety Unit, Department of Human Services;
- Primesafe (regulator of meat and seafood);
- Australian Institute of Environmental Health, Victorian Division (environmental health inspectors).

Both RSPCA Victoria and Animals Australia have indicated that they support the regulatory proposal regarding glue traps.

The **Royal Society for the Prevention of Cruelty to Animals (Victoria)** is an independent, non government, community based animal welfare charity providing services for the prevention of cruelty to animals. RSPCA Victoria endorses and is bound by RSPCA Australia policy statements.

RSPCA Australia has issued a news release criticising mouse glue traps as 'cruel and unacceptable'. According to RSPCA spokesperson, Sonja Pritchard:

The Society's stance on humane killing is that death must be instantaneous or the animal must be instantaneously rendered insensitive to pain while death supervenes. Unnecessary stress and suffering is not acceptable, and the Society is appealing to the public not to purchase or use these types of traps.¹⁶

RSPCA Victoria receives around 6 complaints of animal cruelty per year in relation to the use of glue traps. In one instance a kitten was caught on a large version of this type of trap.

RSPCA Victoria has investigated cases where animals have died slowly on these traps without access to food or water. In some cases animals have suffered severe injuries, such as severed and broken limbs from trying to free themselves. RSPCA Victoria is also concerned about instructions on glue trap packaging that state words to the effect "when mouse is caught simply dispose of mice and glue tray together". RSPCA Victoria believes that such

¹⁶ RSPCA media release (1 September 1999) *RSPCA Slams Mouse Glue Traps*
<http://www.rspcawa.asn.au/News/Media98_99.htm#GLUE%20TRAPS>

instructions encourage people to dispose of the trap and mouse alive by putting them in the garbage bin.

Animals Australia is the Australian arm of the Australian and New Zealand Federation of Animals Societies (ANZFAS) and currently represents more than 40 member groups and individual members throughout Australia. Animals Australia has a published policy calling for the banning of the use of adhesives as a population control method because they cause suffering.¹⁷ Animals Australia has received around a dozen telephone calls over the last few years from members of the public expressing concern about the use of glue traps.¹⁸

Rentokil Initial Pty. Ltd are based in Willoughby NSW and import and distribute the Catchmaster brand of glue traps.¹⁹ Rentokil do not object to the banning of glue traps as they were planning to phase them out anyway. They do not believe that this products fits their 'environment-friendly image'. They have only about \$8000 worth of small glue traps in stock, targeting mice and cockroaches. They estimate that this is about one year's supply, and accept that they will be able to sell them in other states.

Pascoe's are based in Welshpool, WA and import and distribute the Hovex brand of glue traps throughout Australia, including Victoria.²⁰ Their glue traps are used for trapping cockroaches as well as mice. The Hovex packaging label advises against placing traps where birds or non-target animals may come into contact with adhesive. Pascoe's say that the agricultural sector has problems with rats and mice becoming 'immune' to the traditional poisons and the loss that can be incurred by the farmers can be substantial. They say that glue traps are the most effective in that environment. Pascoe's say they would need either compensation or two years lead time to dispose of their stock of about \$49,000 (at wholesale prices) in glue traps.²¹

Coast to Coast Vermin Traps import and distribute the Tomcat brand of glue traps and are based in Baldivis, WA.²² They have indicated that they are opposed to the proposed prohibition of the use and possession of glue traps.

Bell Laboratories import and distribute the Trapper brand of glue traps and are based in Sydney. They question whether there are suitable alternatives to glue traps, especially for professional pest controllers. They argue that glue traps are more humane than anticoagulants which can result in animals taking longer to die than with glue traps. Anti-coagulants can result in animal bodies being unrecovered from wall cavities and under floors and that this can create offensive odours. They also say that snap traps do not always result in clean kills either. Bell Laboratories would like to see an exemption in the proposed regulations for use and possession of glue traps by professional pest controllers.

The **Australian Environmental Pest Managers Association (AEPMA)** is a national association of around 700 professional pest managers, and was established in 1988 out of the then Council of Australian Pest Control Associations (CAPCA). They advised that baiting is not an acceptable method of rodent control in some premises, particularly in the food industry and in some areas of agriculture such as piggeries and poultry sheds. Snap traps are more expensive than glue traps and not always able to be used, and curiosity traps could cause as

¹⁷ Animals Australia web site <<http://www.animalsaustralia.org/>>

¹⁸ However, the interpretation of this statistic is problematic, because it is not the role of Animals Australia to deal with individual complaints of animal cruelty.

¹⁹ <<http://www.catchmaster.com/home.html>>

²⁰ <<http://www.pascoes.com.au/products.php?which=57&level=13>>

²¹ For this reason, it is proposed to the delay the commencement of the regulations regarding animal glue traps (see Part 3.0 of this RIS).

²² <<http://home.primus.com.au/panorama/>>

slow a death to rodents as glue boards. AEPMA is not aware of electrocution being used in the industry and will check out its level of acceptability. AEPMA has indicated that it opposes the proposed prohibition of the use and possession of glue traps, on the grounds that the benefits of the traps to society outweigh the costs to animal welfare. However, they may accept restricting the use of glue traps to appropriately trained registered pest controllers as an alternative to a total ban.

The **Victorian Farmers Federation** (VFF) represents the interests of Victorian farmers, comprising over 230 local branches with in excess of 21,000 members. Glue traps are rarely used by farmers, but may be used by professional pest managers engaged by farmers depending on the circumstances. Farmers tend to use alternative methods such as 'bait boxes' (see Part 1.2.2 of this RIS) for routine rodent control. Periodic mouse plagues are dealt with by using poisons rather than traps.

The VFF does not object to the proposed regulations in principle. However, the VFF would have some concerns about the implementation of the proposal, particularly if Victorian farmers were disadvantaged in comparison to those in other jurisdictions; for example, if one or more supermarket chains was to insist on the use of glue traps for rodent control.

The **Australian Food and Grocery Council** (AFGC) is the national body representing Australia's food and grocery products manufacturers. Its views on the regulatory proposal are:

Glue boards/traps are the only pest treatment option open to most factories, particularly food production facilities, for use in processing and warehousing areas.

Poison baits are used outside factory buildings as the major control mechanism for rodents. However, poison baits cannot be used in processing or warehousing areas for the following reasons:

- Government bodies, such as Dairy Food Safety Victoria, do not permit the use of poison baits in this situation;
- There is the risk of rodents dying in crevices and other hard to get to areas, which will create a hygiene problem inside, and also attract other pests; and
- There is a risk of contamination of the food being produced, which needs to be avoided.

The fact that poison baits are used outside factory buildings as the major control mechanism, means that only the occasional rodent infiltrates the factory building and use of glue boards/traps represents a useful mechanism to measure the effectiveness of the external use of poison baits.

The use of snap traps is not encouraged unless they can be serviced on a daily basis which is not practical as they must be set in areas where they are unlikely to be triggered accidentally or by routine activities. Glue board/traps can be placed in less 'hard to get at' areas and consequently can be checked on a more regular basis. As a result it is more likely that animals captured by a glue board/traps will be dealt with more promptly and humanely than those captured by snap traps.²³

The **Restaurant and Catering Association of Victoria** (RCAV) represents the state's restaurant and catering industry. RCAV advises that the use of glue traps is reasonably common in the industry, but primarily through the use of pest control contractors. RCAV understands the arguments against their use, particularly when left attended for long periods of time. They also feel that their pest control contractors should be able to find suitable alternatives or ways to manage the issue.

The **Food Safety Unit of the Department of Human Services** advises that from a food safety perspective, they do not see any issue with the proposed prohibition of glue traps for

²³ Letter to Tim Harding & Associates dated 20 May 2004.

premises registered under the Food Act. They say that there are a number of alternative methods for the food industry to use.

None of the organisations consulted raised the issue of metal toothed rodent traps.

1.5 Authorising legislation

The authorising power for the proposed regulations is section 42 of the **Prevention of Cruelty to Animals Act 1986** as amended by the **Animals Legislation (Animal Welfare) Act 2003**. The latter Act inserted new regulation-making powers in section 42(1), namely:

- (na) prohibiting or regulating—
 - (i) any medical or veterinary procedure conducted on animals; or
 - (ii) any method of capture of animals; or
 - (iii) any method or procedure of transport of animals—
that may cause injury, suffering or distress to animals.

2.0 Case for intervention

2.1 Need for regulation

Having identified the nature and extent of the problem and the suggested policy solution, the threshold or first preliminary question to be addressed in an RIS is: *Is there a sufficient case for further government intervention to assist in solving the problem?*

The consequences of inaction are that the problem identified in Part 1.2 of this RIS would not be addressed. In particular glue traps would continue to cause injury, suffering or distress to animals.

The economic rationale for Government intervention in markets comes from the concept of market failure. In other words, market forces alone would not be expected to provide sufficient protection of animals from injury, suffering or distress arising from the use of glue traps. Relevant market failures addressed by the proposed regulations are associated with externalities and insufficient information about the impact of glue traps on animal welfare, as was discussed in the National Competition Policy (NCP) Review of the Prevention of Cruelty to Animals Act (POCTA) by KPMG Management Consulting as follows:

The outcome the POCTA Act seeks to achieve is protection of animals and their enhanced welfare and the consequent enhanced welfare of the community. This can be related to market failures associated with public good aspects of animal welfare and externalities arising from the failure of private decision makers to take full account of the social costs arising from the cruel treatment of animals. Information problems may also cause individuals to behave differently from when they are more fully informed, but these problems do not appear to be market failures in the strict sense.

The NCP Review also found that there are non-economic grounds for government intervention, as follows:

It is clear, however, that the purposes and objectives of the Act go beyond the regulation of business conduct and cannot be assessed simply in terms of market failure. The POCTA Act aims to ensure adherence to values and behaviours which are accepted by the community. This is perhaps best reflected in Part 2 of the legislation which explicitly defines what constitutes cruelty to animals and provides appropriate punishment. Similarly the objective of the Regulations is to implement the purposes of the legislation, and obligations imposed under the Regulations indicate the type of activities which frustrate the purpose of the Act (KPMG Management Consulting, 1997).

This view of the legislation was strongly asserted in a number of submissions to the NCP Review, including that of the Australian Veterinary Association (AVA) which suggested that:

The objective behind legislation for the welfare of animals is not a Government response to 'market failure'. It is a reasoned response to community concerns about cruelty to animals, and an appreciation

of the concept that the way in which a country treats its animals may be taken as a measure of civilisation.

2.2 Feasibility of regulation: compliance issues

The next preliminary question to be addressed is whether government intervention is feasible *that is, are regulations likely to be enforceable?*

The effectiveness of the proposed regulations will in part be driven by the likely level of compliance.

The Bureau has estimated that enforcement activities associated with the regulations as distinct from the Act represent only a small proportion of animal welfare enforcement costs.

Where necessary, enforcement of the Act and regulations (except in relation to scientific procedures – see below) may lawfully be undertaken by inspectors as defined under section 18 of the Act, that is:

- Members of the Victoria Police;
- Persons appointed by the Minister as ‘authorised officers’ or ‘inspectors of stock’ in the Bureau of Animal Welfare and the Animal Health and Welfare Service of the Department of Primary Industries (DPI);
- Authorised officers of Municipal Councils; and
- Authorised officers of the Royal Society for the Prevention of Cruelty to Animals (RSPCA). These officers have specific powers under the Act which confine their power to investigate or intervene to situations where animals are suffering or need emergency assistance. These officers do not have power to enter premises to investigate unless these circumstances exist that is, they do not have powers to routinely investigate without a legitimate suspicion or report of a suffering in animals.

The Minister may also appoint ‘specialist inspectors’ to investigate most situations where animals are present with written authority for each situation to be investigated. However, only persons appointed by the Minister as ‘authorised officers’ can inspect or enforce the Act and regulations pertaining to scientific procedures.

As the proposed regulations primarily affect people with a professional or business reputation to protect, such as suppliers of glue traps and pest controllers, the level of compliance is expected to be relatively high compared to individual householders. Compliance by businesses, including the agriculture and the food industry, is unlikely to be a problem because glue traps are most commonly used by professional pest controllers in commercial situations. Enforcement of the prohibition of the sale of glue traps by Victorian suppliers will be a relatively simple matter of monitoring advertisements and sales outlets. Enforcement in relation to other suppliers and professional pest controllers will most likely be in response to complaints (see Part 1.4 of this RIS for information on previous complaints). The incremental costs of enforcement are therefore expected to be minimal.

The proposed prohibition of the possession and use of glue traps by private individuals in their homes will obviously be more difficult to enforce, even though householders are more likely to use poisons or ‘snap traps’ than animal glue traps. If the proposal is adopted by Government, a media release would normally be issued, but there are doubts that many householders would be aware of the prohibition. However, the enforcement strategy will take this into account and this problem will largely resolve itself with time as animal glue traps

cease to be available for purchase²⁴ and existing stocks are exhausted. There would be even greater difficulties in monitoring and enforcing any alternative requirement that glue traps be frequently checked and that trapped animals be killed humanely (see Part 5.0 of this RIS).

On the above basis, there is no reason to assume that the proposed regulations would not be feasible or workable.

3.0 Nature and effects of proposed regulations

This Part of the RIS describes the proposed regulations, and gives reasons for changes to the existing Regulations.

Draft Regulation 1 states the formal objectives of the proposed regulations, that is 'to amend the Prevention of Cruelty to Animals Regulations 1997 to make further provision in relation to methods of capture of animals.

Draft Regulation 2 cites the provision of the Act that authorises the making of the proposed regulations (see section 1.5 of this RIS).

Draft Regulation 3 prescribes the commencement date of the proposed regulations, which will be deferred until 6 months after the day on which they are made to enable suppliers and users of glue traps to dispose of existing stocks. (Victoria has an estimated 25% of the Australian market for glue traps, enabling up to 2 years of existing stocks to be sold in other states and territories).²⁵

Draft Regulation 4 inserts a new Regulation 7F into the Principal Regulations to prohibit the use of glue or adhesives²⁶ in connection with the taking or restraining of an animal that is not wildlife.²⁷ The exception for wildlife is to avoid duplication of the offence provision in section 55 of the **Wildlife Act 1975**²⁸. The new regulation also prohibits the possession²⁹ of glue traps in connection with the taking or restraining of an animal (see Part 1.2.1 of this RIS for reasons). The maximum penalty is 10 penalty units (from 1 July 2005, 10 penalty units will equate to a fine of \$1048.10).³⁰

4.0 Alternatives to regulations

In accordance with government guidelines, an RIS is required to identify all practicable alternatives to the proposed Regulations and their relative costs and benefits compared to the proposed Regulations (as quantitatively as possible, otherwise qualitatively). Conversely, an RIS is not required to identify alternatives which are not practicable, or which are beyond the scope of the existing Act.

²⁴ Insect glue traps will still be available, but these are unsuitable for trapping rodents or other animals other than insects (see Part 1.2 of this RIS).

²⁵ 25% of 2 years = 6 months.

²⁶ This includes 'home made' animal glue traps.

²⁷ Glue traps for insects have a different design, usually with a distinctive yellow colour and a much thinner layer of glue.

²⁸ Section 55 of the Wildlife Act 1975 provides that 'any person who without the authority in writing of the Secretary uses any glue, adhesive material, bird-lime or any similar viscid substance for or in connexion with the taking or restraining of wildlife shall be guilty of an offence against this Act. Penalty: 20 penalty units.

²⁹ 'Possession' includes the purchase and sale of animal glue traps in Victoria. It also includes the possession of animal glue traps in Victoria that are lawfully purchased interstate.

³⁰ This is the maximum penalty available for offences against regulations made under the **Prevention to Cruelty to Animals Act 1986**.

Public education campaigns using television, radio and newspapers are sometimes a feasible alternative to regulations or codes of practice where the behaviour of a wide section of the community can be influenced by simple clear messages such as ‘Don’t drink and drive’ or ‘Don’t waste water’. However in the case of the proposed glue traps regulations, which involve only a limited section of the community³¹ and more complex messages, such public education campaigns are likely to be ineffective and therefore not a practicable option.

Self-regulation by private organisations through voluntary codes of practice is often mentioned as an alternative to regulation by government and statutory codes of practice. However, self-regulation can only be effective if:

- A high proportion of persons whose behaviour needs to be modified are members of the relevant private organisations; and
- There are sufficient sanctions available to private organisations to ensure compliance by their members.

Voluntary codes of practice may receive a high level of compliance in self-regulated professions or industries such as the veterinary profession or rodeo associations, but are unlikely to be widely observed by all glue traps users, who include private householders. A voluntary code of practice could be observed to a satisfactory level by members of a professional association, such as the AEPMA, but the AEPMA estimates that less than half of pest controllers are members of AEPMA.

A statutory code of practice dealing with glue traps could be made under section 7 of the Act, where the Minister may with the approval of the Governor in Council prepare, vary or revoke codes of practice, which could amongst other things specify procedures for the trapping and killing of any animal or class of animals. Under section 42(2) of the Act, the regulations may apply, adopt or incorporate (with or without modification) the provisions of a code of practice. However, under section 6 of the Act, the Act (including the regulations) does not apply to the trapping and killing of any animal or class of animals (other than farm animals) which is carried out in accordance with a code of practice.

However, a statutory code of practice is not enforceable in the absence of accompanying regulations. A practicable alternative could include an exemption from the proposed regulations for pest controllers registered under section 108B of the **Health Act 1958**, accompanied by a code of practice specifying procedures for the trapping and killing of pest rodents.

For these reasons, a regulatory approach is considered to be the most appropriate form of intervention to achieve the policy objective identified in Part 1.3 of this RIS of minimising the risk of suffering and distress to animals from methods of capture.³²

Mason and Littin classified anticoagulant poisons as being as inhumane as glue traps. They also noted that there would be significant animal welfare improvements if the number of rodents killed using ingested poisons were reduced. However, ingested poisons are not a ‘method of capture’ of animals. In any case, legislative change would be required to enable regulations to be made under the Prevention of Cruelty to Animals Act 1986 (POCTA) to limit or ban the use of ingested poisons (refer section 1.2.4).

³¹ The available evidence indicates that animal glue traps are mainly used by professional pest controllers. The traditional ‘snap trap’ or anticoagulant poisons are more commonly used by individual householders.

³² Complementing the proposed regulations with restrictions on ingested poisons under the Drugs, Poisons and Controlled Substances Act 1981 has not been considered because the policy objective of this proposal is focussed on harm caused by ‘methods of capture’ not all forms of rodent control.

For the purposes of assessment of costs and benefits, the proposed regulations, together with the practicable alternatives, will be referred to in this RIS as ‘options’.

The options to be assessed in terms of costs and benefits are therefore:

Option A – No new regulations but encourage guidelines on animal glue trap packaging labels for checking traps and humanely disposing of trapped animals;

Option B – The proposed regulations with exemptions for pest controllers registered under the Health Act 1958 plus a statutory code of practice on procedures for trapping and killing pest rodents when using animal glue traps; or

Option C - The proposed regulations that is, prohibition of the use and possession of animal glue traps.

The ‘base case’ of maintaining the status quo is not an option because it would not contribute anything towards the achievement of the policy objective. It would do nothing to alleviate the suffering caused to animals by the use of glue traps.

5.0 Assessment of costs and benefits

5.1 Introduction

The purpose of this section is to:

- Identify the types, incidence and distribution of costs and benefits;
- Assess the relative costs and benefits of the proposed regulations for the Victorian community; and
- Compare and contrast the costs and benefits with the options identified in Part 4.0 of this RIS and with the ‘base case’ or the status quo.

The assessment of the relative benefits and costs for each of the options will be conducted in relation to how well the underlying policy objective in section 1.3 of this RIS can be achieved. Where data exists, quantitative estimates of costs and benefits will be made. However, where cost and benefit data is not available, the assessment will be made using qualitative criteria about the achievement of the policy objective.

In its National Competition Policy Review of the Act, KPMG Management Consulting found that:

The benefits of legislation like the POCTA³³ Act are difficult to quantify and can best be measured by reference to the value the community places on the welfare of animals and prevention of cruelty to animals.³⁴

The value the community places on the welfare of animals is illustrated by the relatively large allocation of public, private and volunteer resources to animal welfare activities at federal, state and local levels, including the Bureau of Animal Welfare, the RSPCA and other animal welfare organisations.

This finding has implications for the evaluation of the benefits of the proposed regulations. Having regard to the purpose of the Act, appropriate weight should be given to animal welfare benefits as well as economic or social benefits.

³³ Prevention of Cruelty to Animals Act

³⁴ KPMG Management Consulting (1999) *National Competition Policy Review of the Prevention of Cruelty to Animals Act 1986*, Department of Natural Resources and Environment, Melbourne.

5.2 The base case

The ‘base case’ of doing nothing is not an option because it would not contribute towards the achievement of the policy objective. It would do nothing to alleviate the suffering caused to animals by the use of glue traps.

The ‘base case’ would impose no direct costs on any of the stakeholders, but it could create uncertainty in the pest management industry. Glue traps have now been identified, particularly through the recently published Mason and Littin review, as an inhumane method of killing animals. Given the purposes of the Act, this evidence of inhumaneness to animals cannot be ignored.

In the light of this new evidence, and in the absence of regulations or a statutory code of practice regarding the use of glue traps, there could now be a possibility of prosecutions under the cruelty provisions of section 9 of the Act, which provides for a penalty of 60 penalty units or imprisonment for 6 months for a person who, amongst other things, ‘knowingly or negligently does or omits to do an act with the result that unnecessary, unreasonable or unjustifiable pain or suffering is caused to an animal’. No such prosecutions have been undertaken in Victoria to date, because of the previous lack of awareness of the inhumaneness of glue traps and pending the resolution of the problem through this RIS process.

However, if the Government made a policy decision to implement either Option A, B or C, a prosecution for cruelty under section 9 of the Act in relation to the use of animal glue traps would either be unnecessary or inappropriate.

5.3 Costs of alternatives to animal glue traps

As discussed in Part 1.2.2 of this RIS, there is a range of alternative rodent control methods to glue traps available for use in Victoria. The relative costs of these alternative control methods to consumers and a summary of their advantages and disadvantages is set out in the following Table 1.

Table 1 – Costs of alternative rodent control methods

Type	Price range ³⁵	Advantages	Disadvantages
Rodent-proofing buildings ³⁶	Costs will vary, but are likely to be higher than for other methods	The most effective, secure and humane method. Usually worth the higher costs for high-risk businesses such as restaurants and other human food industries.	Relatively high cost, especially for older or larger buildings such as factories and warehouses.
Snap traps	\$0.50 - \$4.40 ³⁷ per trap	Cheap. Usually rapid death. Reusable. Safe for use in food premises.	Occasional suffering if animal trapped other than by head and neck. Difficult to use in confined spaces.
Metal toothed rodent traps	\$3.20 - \$5.30 per trap	Cheaper than live box traps, but more expensive than wood-based snap traps. Usage and effectiveness unknown.	If animal not killed outright, possibly inhumaneness from cut or torn flesh and/or bleeding to death. May result in spillage of blood on floors. Difficult to use in confined

³⁵ The retail single product price range is indicative only – it may vary with the supplier. Trade discounts are likely to be available for pest controllers and other bulk purchasers. The low end of the range is usually for mice; the high end for rats.

³⁶ See Part 1.2.2 of this RIS.

³⁷ The low price is for a wood-based mouse snap trap. The high price is for a plastic-based rat snap trap. (The price of a wood-based rat snap trap is around \$1.60).

Type	Price range ³⁵	Advantages	Disadvantages
			spaces.
Electrocution	\$115.00 per trap	Rapid death. Claimed to avoid 'trap shyness'. Reusable. Easy disposal of bodies.	More expensive initial outlay, but cost per kill reduces with reuse. Difficult to use in confined spaces.
Live box traps, including multi-catch traps	\$14.30 - \$75.00 per trap	Live trap. Minimal suffering if checked daily. Reusable.	Potential for suffering if animal not killed humanely. More expensive initial outlay, but cost per kill reduces with reuse. Difficult to use in confined spaces.
Fumigation	Aluminium phosphide \$16-\$20 per canister of 100 tablets.	Cheap. Little harm to rodents exposed to non-fatal doses.	Less humane than methods above. Only permitted to be used for mice control in stored cereals.
Poison baits	Anti-coagulants: \$12.50 - \$22.00 per kg. Zinc phosphide \$6.80 to \$7.75 per kg.	Probably cheapest alternative per animal killed. No need to check for catches.	One of the most inhumane methods. Unsuitable for use in food industry or agriculture unless in bait boxes or during mouse plagues. Dead animals may be hard to find and may create odours.
Bait boxes	\$13 - \$33 per box	As for poison baits, plus they enable anticoagulant poison baits to be used in agriculture and the food industry. Initial higher cost, but boxes are reusable. More efficient than traps (more kills per unit time).	As for poison baits, except bait boxes can be used in agriculture and the food industry.
Glue traps	\$1.25 - \$11.00 per trap	Cheap. Safe for use in food premises. Can be used in confined spaces where other types of traps may be unsuitable.	Potential for prolonged suffering on trap and after disposal if animal not killed humanely. Not reusable.

Source: Adapted from NZ MAF Discussion Paper (2002) (except for information on zinc phosphide and aluminium phosphide).

The New Zealand MAF review found that a transition from glue traps to other traps or devices is likely to be feasible and the capital costs associated with purchasing alternatives do not appear to be marked when viewed over time (that is, more expensive products are reusable).³⁸

Wood-based snap traps are less than half the price of glue traps, and have the advantage of being re-usable. However, snap traps are not a pure substitute for glue traps because they can be more difficult to use in confined spaces.

There is also evidence that snap traps are more effective than glue traps. The New Zealand Ministry of Agriculture and Forestry discussion paper cited a single night test (Corrigan, 1998) where 48 glueboards were installed in a food manufacturing plant along with 96 snap traps. Two snap traps were used to each glueboard to compensate for differences in surface area and the possibility that a glue board could catch more than one mouse. The glueboards caught four mice, while the snap traps caught 56 mice.³⁹ In laboratory testing, mice fixed to a glueboard by all four feet were occasionally able to temporarily free one or other of their limbs, although they became further ensnared over time. The tests indicated, however, that

³⁸ NZ MAF Discussion Paper (2002).

³⁹ A possible explanation for this difference is that the presence of live animals trapped on glue traps acts as a warning to other animals.

mice might be able to escape from glueboards if they are not initially captured by all four feet (Franz & Padula, 1983).

Metal toothed rodent traps are more expensive than wood-based snap traps and glue traps, but whether they are more effective than normal snap traps is unknown. Minor additional cleaning costs may be incurred if animal blood is spilled on floors or skirting boards from animals injured by these traps.

Curiosity traps and electrocution devices are more expensive but are also re-usable, so this initial outlay may be offset by the ability to re-use traps and, potentially, achieve more cost-effective control in the longer term.

The costs to householders of prohibiting the use and possession of glue traps would be minimal, as householders would not normally keep more than a few glue traps in the home, and can switch to poison baits (which are cheaper per kill) or snap traps (which are initially around half the price of glue traps and arguably more effective and economical in the home).

Some householders may find a dead animal found in a snap trap to be as aesthetically disturbing as a live animal caught in a glue trap. Although more expensive, curiosity traps provide a further alternative to choose from. However, householders need to dispose of animals caught in any kind of trap, and should do so humanely, although this would be very difficult to monitor or enforce.

The cost to professional pest controllers and businesses is more difficult to estimate. As discussed in Part 1.2 of this RIS, there are potential problems with using poisons in the food industry and some agricultural industries. Such risks and obligations often lead to the favouring of non-toxic methods of pest control. Glue traps may also be favoured because the animal will remain in the trap rather than crawl away to die unseen and possibly cause odours, as may be the case with poisons. This is one reason why pest control operators use glue traps.

Some householders and professional pest controllers use mouse glue traps for catching cockroaches, but insect 'sticky traps' can also be used for cockroaches.⁴⁰ There are also glue traps sold specifically as cockroach traps and there is a range of other alternative control measures available for cockroaches. As cockroach glue traps and insect 'sticky traps' are available at a similar or cheaper price than mouse glue traps, the proposed regulations would impose no appreciable cost burden on those who use mouse glue traps for cockroaches.

As discussed above, animal glue traps are not the only alternatives for the control of rodents (or cockroaches). Rodent-proofing, snap-traps, curiosity traps and electrocution devices can also be used instead of poisons where the latter poses a contamination risk. Bait boxes can also be used to greatly reduce the risks of using poisons in agricultural and food industries. These alternative traps and devices may be initially be more expensive than glue traps, but unlike glue traps, they can be re-used.

In other words, there are suitable alternatives to glue traps available. These alternatives whilst not pure substitutes are equally or possibly more effective, including cost-effective in the longer term, than glue traps.

As discussed in Part 1.2 of this RIS, the estimated annual value of glue traps used in Victoria by professional pest managers is up to \$1.5 million. However, the delayed introduction of the proposed regulations and the fact that glue traps will still be able to be sold in other states and

⁴⁰ The proposed regulations do not apply to glue traps used for insect control.

territories means that the costs to importers and suppliers of glue traps will be in the form of opportunity costs rather than financial losses.⁴¹

These figures do not include the number or value of glue traps used by persons other than professional pest managers, such as farmers and householders.⁴² No figures are available on the numbers or value of glue traps used by these groups. However, as Victoria has about 25% of Australia's population and contributes about 25% of Australia's GDP, it is probably a reasonable assumption that Victoria comprises around 25% of the Australian market for glue traps.

5.4 Benefits of alternatives to animal glue traps

The benefits of using alternatives to glue traps are likely to be a significant reduction in the amount of pain and suffering experienced not only by rodents, but also by non-target animals such as possums and kittens (see Part 1.2.1 of this RIS). All other available methods of rodent control, except for ingested poisons and possibly metal toothed rodent traps, are more humane than glue traps.

The extent of animal welfare benefits from banning glue traps will depend on the alternate measure used. For example, if all glue traps were replaced by ingested poisons or metal toothed rodent traps there may be no increase in animal welfare benefits because ingested poisons are as inhumane as glue traps and metal toothed rodent traps may also be inhumane (see Part 1.2.2 of this RIS). Under this scenario, there may be no difference in animal welfare terms between the base case and banning glue traps.

However, such a scenario is highly unlikely to occur in practice. As listed in Table 1, there is a range of alternative control measures being sold in the market place at various prices which offer different advantages and disadvantages under each set of circumstances. To state the obvious, these alternative control measures would not be being produced for sale if there was no demand for them. Whilst probably cheaper per kill, ingested poisons are not a pure substitute for glue traps, and there is no evidence to suggest that 100% of users of glue traps would switch to using ingested poisons if the use and possession of glue traps was prohibited. Nor is it likely that many users of glue traps would switch to metal toothed rodent traps, because they are more expensive than glue traps. Although wood-based snap traps are cheaper than glue traps, they are not a pure substitute for glue traps either. Nevertheless, any degree of switching from glue traps to methods other than ingested poisons or metal toothed rodent traps (such as snap traps or live box traps) would constitute a net benefit to animal welfare.

5.5 Assessment of options

The following table (Table 2) analyses and compares the distribution of animal welfare, social and economic costs and benefits of the various options identified in Part 4.0 of this RIS, namely:

Option A - no regulations but encourage guidelines on animal glue trap packaging labels for checking traps and humanely disposing of trapped animals;

⁴¹ Although other states are also considering banning animal glue traps, none of these proposals are as well advanced as in Victoria, and are therefore unlikely to come into effect before existing stocks of glue traps are exhausted.

⁴² There are currently no restrictions in Victoria on the use by any person of any of the rodent control methods listed in Table 1 (except aluminium phosphide and zinc phosphide which are Schedule 7 poisons – see section 1.2.2), other than the general cruelty provisions of section 9 of the Act.

Option B - the proposed regulations with exemptions for pest controllers registered under the **Health Act 1958**, accompanied by a statutory code of practice on procedures for trapping and killing of pest rodents when using animal glue traps; or

Option C - the proposed regulations that is, prohibition of the use and possession of animal glue traps.

Table 2 – Cost-benefit analysis of each practicable option re: glue traps

	Expected Costs	Expected Benefits
Option A	<i>No regulations and encouraging better labelling of animal glue trap packaging</i>	
	<p>This Option would involve encouraging better labels on animal glue traps so that they would include guidelines for frequent checking and humane disposal of trapped animals.</p> <p>This Option would be likely to result in the following expected animal welfare, economic and social costs.</p> <p><u>Animal welfare costs</u></p> <p>Private householders would be unlikely to check traps regularly (every 2 hours⁴³) or humanely dispose of trapped animals, especially overnight or during working hours. Registered pest controllers would be more likely to regularly check traps, but still not often enough to overcome the problem of inhumaneness.</p> <p>As discussed in Part 1.2.1 of this RIS, there are likely to be significant costs to animal welfare from this option. Mason and Littin concluded that of all the available pest rodent control methods, glue traps are one of the most inhumane ‘because of the enormous distress that these traps cause, even if the trapped animals are found after just a few hours and then humanely dispatched’. In other words, this Option would be likely to involve an unacceptable level of inhumaneness, similar to that under the base case.</p> <p><u>Costs to glue trap suppliers</u></p> <p>As compliance with the labelling guidelines would be voluntary, there would be no costs imposed upon the suppliers of glue traps, compared to the base case.</p> <p><u>Costs to users of glue traps</u></p> <p>Where glue trap suppliers voluntarily choose to improve labelling under this Option, there could be a minor incremental printing cost as a result of additional wording on labels, which would be either absorbed by the company or passed on to</p>	<p>The following animal welfare and social benefits would be expected as a likely result of this Option.</p> <p><u>Animal welfare benefits</u></p> <p>The animal welfare benefits of this Option mirror the animal welfare costs in the left hand column of this table.</p> <p><u>Benefits to glue trap suppliers</u></p> <p>Glue trap importers and suppliers would benefit from this option as a result of the continuation of this product line in the market place, compared to the proposed regulations (Option C).</p> <p>However, compared to the base case, there would be no net benefits to glue trap importers and suppliers.</p> <p><u>Benefits to users of glue traps</u></p> <p>For reasons discussed in Part 5.3 of this RIS, glue traps are not necessarily more cost-effective than alternative rodent control methods over the longer term. However, both individual and professional users of glue traps, especially in the food industry, could benefit from the wider choice of pest control methods as a result of the continued availability of glue traps, compared to the proposed regulations (Option C).</p> <p>Compared to the base case, there would be no net benefits to users of glue traps from this Option, other than reducing the risk of prosecution under the Act for cruelty, as discussed in Part 5.2 of this RIS.</p>

⁴³ Checking glue traps every 2 hours would be more frequent than the ‘few hours’ referred to by Mason and Littin as being inhumane.

<p>consumers, depending upon pricing considerations.</p> <p>As compliance with the labelling guidelines would be voluntary, there would be no costs imposed upon private householders or registered pest controllers. However, there may be some increased costs to customers of registered pest controllers if they voluntarily decide to comply with the guidelines and pass the costs of increased checking of traps on to their customers.</p> <p><u>Enforcement and monitoring costs</u></p> <p>As compliance with the labelling guidelines would be voluntary, there would be no enforcement costs compared to the base case.</p> <p>However, there would be some very minor costs to the DPI in monitoring glue trap products on sale (estimated at less than \$100 every 3 months) to check whether the labelling guidelines are included on product packaging.</p>	
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Table 2 continued

	Expected Costs	Expected Benefits
Option B	<i>The proposed regulations with exemptions for registered pest controllers, with a statutory code of practice on procedures for trapping and killing pest rodents when using animal glue traps</i>	
	<p>Under this option, pest controllers registered under the Health Act 1958 would be exempted from the proposed prohibition on the use and possession of animal glue traps. The regulations would be accompanied by a statutory code of practice on procedures for trapping and killing pest rodents when using glue traps.</p> <p>This option would be likely to result in the following expected animal welfare, economic and social costs:</p> <p><u>Animal welfare costs</u></p> <p>As discussed in Part 1.2.1 of this RIS, the animal welfare costs of this option are likely to be less than for the base case and Option A but there is still an unacceptable risk that some registered pest controllers may not check glue traps frequently enough (every 2 hours) or may not dispose of trapped animals humanely. There would be difficulties in monitoring and enforcing such requirements.</p> <p>Mason and Littin concluded that of all the available pest rodent control methods, glue traps are one of the most inhumane 'because of the enormous distress that these traps cause, even if the trapped animals are found after just a few hours and then humanely dispatched'. In other words, this Option, whilst an improvement compared to the base case and Option A, would still be unacceptable from an animal welfare point of view.</p> <p><u>Costs to glue trap suppliers</u></p> <p>Compared to the base case and Option A, this Option would involve unquantifiable opportunity costs to glue trap importers and suppliers from the loss of the non-professional pest controller market for this product line within Victoria. However, for suppliers who sell other pest control products, it is possible that these opportunity costs may be offset by increased sales of other products.</p> <p>The opportunity costs to glue traps</p>	<p>This option would be likely to result in the following expected animal welfare, economic and social benefits:</p> <p><u>Animal welfare benefits</u></p> <p>The animal welfare benefits of this Option mirror the animal welfare costs in the left hand column of this table.</p> <p><u>Benefits to glue trap suppliers</u></p> <p>Glue traps importers and suppliers would benefit from this option as a result of the continuation of this product line in the market place, as compared to the proposed regulations (Option C).</p> <p>However, compared to the base case and Option A, there could be a smaller market for glue traps if their use is confined to registered pest controllers.</p> <p><u>Benefits to users of glue traps</u></p> <p>For reasons discussed in Part 5.3 of this RIS, glue traps are not necessarily more cost-effective than alternative rodent control methods over the longer term. However, both individual and professional users of glue traps, especially in the food industry,⁴⁴ could benefit from the wider choice of pest control methods as a result of the continued availability of glue traps to registered pest controllers, compared to the proposed regulations (Option C).</p> <p>Compared to the base case, registered pest controllers could receive a significant benefit from the increased business resulting from their exclusive access to glue traps as a result of other users being prohibited from using them. The extent of such a benefit to registered pest controllers cannot be estimated, but would be likely to accrue even if there was a net decrease in the total usage of glue traps.</p> <p>There would be no net benefits to other users of glue traps from this Option, compared to the base case, other than reducing the risk of prosecution under the Act for cruelty, as discussed in Part 5.2 of this RIS.</p>

⁴⁴ As discussed in Part 1.4 of this RIS, the VFF advises that glue traps are rarely used by farmers themselves., although they may at times engage professional pest controllers who use them.

	Expected Costs	Expected Benefits
	<p>suppliers under this Option are likely to be less than for the proposed regulations (Option C) because glue traps could still be sold to registered pest controllers.</p> <p><u>Costs to users of glue traps</u></p> <p>Compared to the base case, this Option would require users of glue traps to either use alternative pest control methods or engage registered pest controllers to use glue traps. However, for reasons discussed in Part 5.3 of this RIS, this Option would not necessarily impose increased costs on these users in the longer term.</p> <p>Compared to the proposed regulations (Option C), the costs to glue trap users are likely to be less under this Option because glue traps could still be used by registered pest controllers.</p> <p><u>Costs of penalties for breaches of the regulations</u></p> <p>Penalties of up to \$1048.10 could be imposed by the courts on users and possessors of glue traps who are not registered pest controllers. However, as such penalties would be imposed only on those who choose to break the law, these costs are to that extent voluntary.</p> <p><u>Administrative and enforcement costs</u></p> <p>Compared to the base case and other options, this option would involve additional costs to both government and pest control associations during the development of the code of practice. The estimated cost to government of preparing the code of practice, including consultation with industry, animal welfare groups and other stakeholders is estimated to be in the range of \$20,000 to \$30,000.</p> <p>Participation by stakeholders in the development of the code of practice would be voluntary, but could involve significant amounts of member and staff time.</p> <p>The costs of enforcement to taxpayers are likely be slightly higher under this option than the base case or the proposed regulations (Option C) because in the event of a complaint about the use of glue traps, an inspector would need to check whether a person is registered as a pest controller under the Health Act.</p>	

	Expected Costs	Expected Benefits
	However, this enforcement cost could be offset by a fewer number of complaints if the use of glue traps is legally confined to registered pest controllers.	

Table 2 continued

	Expected Costs	Expected Benefits
Option C	<i>The proposed regulations i.e. prohibition of the use and possession of animal glue traps</i>	
	<p>The following animal welfare and economic and social costs would be likely to result from the proposed regulations:</p> <p><u>Animal welfare costs</u></p> <p>The animal welfare costs of this Option mirror the animal welfare benefits in the right hand column of this table. (Reducing animal welfare costs from pain and suffering increases animal welfare benefits).</p> <p><u>Costs to glue trap suppliers</u></p> <p>The opportunity costs to glue trap importers and suppliers are likely to be higher than the base case and other options because of the loss of a product line within Victoria. However, for suppliers who also sell other pest control products, it is possible that these opportunity costs may be offset by increased sale of other products.</p> <p>However, as there will be a delay of 6 months⁴⁵ to enable existing stocks of glue traps to be used up or sold in other states⁴⁶, it is not expected that this option will impose significant financial losses. (All glue traps used in Australia are imported).</p> <p><u>Costs to users of glue traps</u></p> <p>The estimated annual value of glue traps used in Victoria by professional pest managers is up to \$1.5 million, but cannot be estimated for other users of glue traps.</p>	<p>The following animal welfare and social benefits would be likely to result from the proposed regulations:</p> <p><u>Animal welfare benefits</u></p> <p>As discussed at length in Part 1.2.1 of this RIS the animal welfare benefits of this option from the reduction of pain and suffering as a result of prohibiting the use and possession of glue traps are likely to be significant.</p> <p>As discussed in Parts 1.2.1, 1.2.4 and 5.4 of this RIS, glue traps are one of the most inhumane methods of rodent control permitted in Victoria. All other available methods of rodent control, except for ingested poisons and possibly metal toothed rodent traps are more humane than glue traps. As it is highly unlikely that all users of animal glue traps will switch to ingested poisons, the proposed regulations are expected to result in net benefits to animal welfare.</p> <p><u>Benefits to glue trap suppliers</u></p> <p>Some glue traps suppliers could benefit from this option as a result of an improved animal welfare image (see comments by Rentokil in Part 1.4 of this RIS) possibly resulting in increased sales of alternative pest control products. However, the distribution and extent of such a benefit would depend on pricing, marketing and other industry dynamics.</p> <p><u>Benefits to users of glue traps</u></p> <p>There are no identifiable short-term benefits to users of glue traps, apart from</p> <ul style="list-style-type: none"> the knowledge that alternative rodent pest methods they may use are more humane

⁴⁵ As discussed in Part 3.0 of this RIS, the 6 months delayed commencement is based upon Victoria having an estimated 25% of the market share for glue traps, and one supplier having 2 years supply in stock (25% of 2 years = 6 months).

⁴⁶ There are no restrictions as yet on the sale of glue traps in any other state or territory. Although other states are also considering banning animal glue traps, none of these proposals are as well advanced as in Victoria, and are therefore unlikely to come into effect before existing stocks of glue traps are exhausted.

	Expected Costs	Expected Benefits
	<p>The costs to users of glue traps are likely to be initially higher than for the other options because of the need to use more expensive devices and methods, especially in the food industry (see Parts 1.2.2 and 5.3 of this RIS).</p> <p>However, the cost of alternatives is likely to decrease over time, because traps other than glue traps can be re-used. In particular, the continued re-use of snap traps is likely to be significantly cheaper than glue traps in the longer term. There also is evidence that snap traps are more effective, except in confined spaces (see Part 1.2.2 of this RIS).</p> <p>In confined spaces, there are alternatives available other than glue traps or snap traps, which are likely to be as or more cost-effective than glue traps in the longer term (see Part 5.3 of this RIS).</p> <p>There is no cost impact regarding the use or possession of glue traps for insect control, because insects are not ‘animals’ within the meaning of the Act and therefore the regulations do not apply to glue traps for the purpose of insect control.</p> <p><u>Costs of penalties for breaches of the regulations</u></p> <p>Penalties of up to \$1048.10 could be imposed by the courts on users and possessors of glue traps. However, as such penalties would be imposed only on those who choose to break the law, these costs are to that extent voluntary.</p> <p><u>Enforcement costs</u></p> <p>The costs of enforcement of the proposed regulations are likely to be at least equal to Option B, due to the need to monitor any unlawful sales of glue traps and to investigate the unlawful use of glue traps in response to complaints. However the marginal costs of increased total enforcement of the Act and Regulations are expected to be minimal, because unlawful glue traps would constitute only a tiny percentage of the overall enforcement effort. (No additional staff or other resources will be required to enforce the proposed regulations).</p>	<p>(other than ingested poisons); and</p> <ul style="list-style-type: none"> eliminating the risk of prosecution under the Act for cruelty, as discussed in Part 5.2 of this RIS. <p>However, the use of snap traps as an alternative to glue traps is likely to be significantly cheaper in the longer term as they can be re-used.</p>

5.6 Net benefit of the proposed regulations

The 'base case' of maintaining the status quo would not contribute towards the achievement of the policy objective. It would do nothing to alleviate the suffering caused to animals by the use of glue traps and could create uncertainty in the pest management industry regarding possible future prosecutions under the cruelty provisions of the Act.

The expected costs and benefits of each option in relation to glue traps, as shown in Table 2, indicate that **Option C (the proposed regulations)** is likely to result in the greatest benefits to animal welfare in terms of the likely reduction of pain and suffering to trapped animals. Glue traps are one of the most inhumane methods of rodent control permitted in Victoria. All other available methods of rodent control, except for ingested poisons and possibly metal toothed rodent traps are more humane than glue traps. As it is highly unlikely that all users of animal glue traps will switch to ingested poisons or metal toothed rodent traps, the proposed regulations are expected to result in net benefits to animal welfare.

Whilst the costs of **Option A (encouraging better labelling of glue trap packaging)** would be minimal, the benefits of this Option would also be minimal, especially to animal welfare. This option would be highly unlikely to meet the policy objective of minimising the risk of injury, suffering or distress to animals.

If animals were left on glue traps for only very short periods, the duration of pain and distress would obviously be reduced. However, glue traps can cause unacceptable distress, even if the trapped animals are found after just a few hours. There would be difficulties in monitoring and enforcing any requirement under **Option B (exemptions for registered pest controllers)** that glue traps be frequently checked and that trapped animals be killed humanely, especially by individual householders who are unlikely to check glue traps overnight or if they work elsewhere during the day. It is unlikely that it would be economically viable for registered pest controllers to check glue traps as often as would be required to prevent pain and suffering of trapped animals i.e.: several times each day and night, especially where clients refuse to pay the additional costs.

The proposed regulations are likely to impose some opportunity costs on the suppliers of glue traps but minimal actual financial loss, in view of the six months delay in the commencement of the proposed regulations regarding glue traps. The costs to users of glue traps are likely to be initially higher than for the other options because of the need to use more expensive devices and methods, especially in the food industry (see Part 1.4 of this RIS). However, the fact that other types of traps are re-usable means that the costs of using alternative control methods is likely to reduce over time, and become more cost-effective in the longer term.

The best strategy for the food industry is to control rodent populations outside buildings, where poison baits can be used, and where possible to physically restrict rodent access to buildings where food is stored or processed.

Comparing animal welfare costs and benefits with other costs and benefits is more complex, but having regard to the main purpose of the Act being to prevent cruelty to animals and the importance the community places on animal welfare (See Part 5.1 of this RIS), the reduction of pain and suffering to animals is considered to outweigh the costs to suppliers and users of glue traps. The relative weightings of the various criteria used to arrive at this conclusion are transparently set out in Table 3. Using this technique, **Option C (the proposed regulations)** results in the highest weighted score at 1.6, followed by **Option B (exemptions for registered pest controllers)** at a weighted score of 0.4 and **Option A (encouraging better labelling of glue trap packaging)** at a weighted score of 0.1.

In summary, the proposed regulations are considered to be the most appropriate form of intervention and the best option for achieving the identified policy objective, in which the costs of the proposed regulations are outweighed by their likely benefits, especially to animal welfare.

Table 3 – Weighted criteria decision analysis

Criteria	Weighting %	Option A		Option B		Option C	
		<i>Assigned score (-3 to +3)</i>	<i>Weighted score</i>	<i>Assigned score (-3 to +3)</i>	<i>Weighted score</i>	<i>Assigned score (-3 to +3)</i>	<i>Weighted score</i>
Reduction in animal pain and suffering	70	0	0	+1	+0.7	+3	+2.1
Effectiveness of rodent control	10	0	0	+1	+0.1	0	0
Costs of compliance and administration	10	-1	-0.1	-3	-0.3	-2	-0.2
Equitable distribution of costs and benefits	10	2	+0.2	-1	-0.1	-3	-0.3
Total	100	+1	+0.1	-2	+0.4	-2	+1.6

6.0 National Competition Policy tests

6.1 National Competition Policy and guidelines

At the Council of Australian Governments (COAG) meeting in April 1995, all Australian governments agreed to implement the National Competition Policy (NCP). As part of the *Competition Principles Agreement*, all governments, including Victoria, agreed to review all legislation containing restrictions on competition under the following principle:

‘Legislation should not restrict competition unless it can be demonstrated that:

- *the benefits of the restriction to the community as a whole outweigh the costs; and*
- *the objectives of the legislation can only be achieved by restricting competition.’⁴⁷*

To successfully pass the competition and cost-benefit tests, for each proposed regulation it is necessary to:

- Step 1: Identify the restriction on competition, if any;
- Step 2: Show that the restriction, if any exists, is necessary to achieve the objective;
- Step 3: Assess the costs to the community caused by the restriction;
- Step 4: Assess the community benefits; and
- Step 5: Assess whether benefits outweigh the costs.

If no restriction on competition is found in the course of Step 1, it is not necessary to complete the remaining steps (that is, Steps 2 to 5). Issues to be discussed in the NCP assessment relate to whether or not the proposed regulations restrict competition in the relevant market by, for example:

- allowing only one company or person to supply a good or service (monopoly);
- requiring producers to sell to a single company or person (monopsony - see Glossary);
- limiting the number of producers of goods and services to less than four (duopoly or oligopoly - see Glossary);
- limiting the output of an industry or individual producers; or
- limiting the number of persons engaged in an occupation.⁴⁸

In relation to the proposed regulations ‘limiting the output of an industry or individual producers’ could include reducing the range of products or services available in the market place.

⁴⁷ State Government of Victoria (1996), *National Competition Policy, Review of Legislative Restrictions on Competition, Guidelines*. Melbourne.

⁴⁸ Victorian Competition and Efficiency Commission (2005) *Victorian Guide to Regulation* Department of Treasury and Finance, Melbourne

6.2 NCP assessment

A market is defined as:

The organisation in which the coordination of specialised economic units occurs as a consequence of individual agents interacting as buyers and sellers for the purpose of facilitating exchange.⁴⁹

A market is deemed to be perfectly competitive if it exhibits the following characteristics:

- many buyers and sellers;
- all businesses sell an identical product or service;
- there is ease of entry into and exit from the industry for businesses; and
- buyers are perfectly informed about alternative choices.

While few markets are perfectly competitive, a key characteristic of competitive markets is mobility between buyers and sellers.⁵⁰ Mobility between buyers and sellers within a market entails that buyers may choose between alternative sellers and sellers may choose between alternative buyers (that is, a system which emulates a perfectly competitive auction market). The desire to obtain a competitive outcome for markets is based on the efficiency implications arising from such a market structure.

The relevant markets in this case are the markets for suppliers and professional users of rodent pest control products.

The NCP Review of the Act concluded that the provisions of the Act, Regulations and Codes of Practice are necessary to achieve the objectives of the legislation and that they do not significantly impact on competition, with one relatively small exception⁵¹ (KPMG Management Consulting 1997).

The proposed regulations would restrict competition because they would prohibit the use and possession of one particular pest control product, namely animal glue traps, thereby providing a competitive advantage to suppliers and users of other pest control products. In other words, the proposed regulations would 'limit the output of an industry or individual producers' within the terms of the Competition Principles Agreement. All glue traps sold in Australia are imported, so there is no domestic manufacturing industry affected. Suppliers of glue traps also supply other products, so the loss of one product line should not affect their ability to survive as a business.

However, for reasons discussed at length in the cost benefit analysis in Part 5.0 of this RIS, the benefits of the proposed restriction of competition outweigh the costs.

⁴⁹ Rivers, G, and Ward, I (2002), *Economics in the Business Environment*, Pearson Education.

⁵⁰ Tim Harding & Associates (2001), *Regulatory Impact Statement, National Parks (Fees and Charges) Regulations*, Department of Natural Resources and Environment, Melbourne.

⁵¹ This exception has already been corrected by other amendments to the Principal Regulations.

Glossary of terms and acronyms

Act	Prevention of Cruelty to Animals Act 1986
AEPMA	Australian Environmental Pest Managers Association
AFGC	Australian Food and Grocery Council
Animal	The Act defines an ‘animal’ as a live member of a vertebrate species and a live crustacean.
Animals Australia	The Australian arm of Australian and New Zealand Federation of Animals Societies (ANZFAS)
Anti-coagulant	An anti-coagulant inhibits the formation or action of one or more of the clotting factors involved in the sequence of reactions that cause blood to coagulate.
ANZFAS	Australian and New Zealand Federation of Animals Societies
AVA	Australian Veterinary Association
AWAC	Animal Welfare Advisory Committee
BAW	Bureau of Animal Welfare
Bureau	Bureau of Animal Welfare
CAPCA	Council of Australian Pest Control Associations
COAG	Council of Australian Governments
CPA	Competition Principles Agreement
DPI	Department of Primary Industries
Fumigant	A chemical compound used in its gaseous state as a pesticide (e.g. methyl bromide, phosphine).
MAF	Ministry of Agriculture and Forestry, New Zealand
Monopoly	A market structure such that only one firm supplies the entire market.
Monopsony	A market dominated by one buyer.
Natural monopoly	Industry in which economies of scale makes it possible for an established firm to effectively prevent rivals from entering the industry.
NAWAC	National Animal Welfare Advisory Committee, New Zealand
NCCAW	National Consultative Committee on Animal Welfare
NCP	National Competition Policy
Oligopoly	A market dominated by a few sellers.

Opportunity cost	The cost of something in terms of an opportunity foregone (and the benefits that could be received from that opportunity).
POCTA	Prevention of Cruelty to Animals Act
Prescribed	Specified by regulations made under an Act.
Public good	A good or service that will not be produced in private markets because there is no way for the producer to keep those who do not pay for the good or service from using it.
RCAV	Restaurant and Catering Association of Victoria
RIS	Regulatory impact statement
RSPCA	Royal Society for the Prevention of Cruelty to Animals
Statutory rules	Regulations made by the Governor in Council and other instruments of a legislative character deemed by an Act prescribed to be statutory rules.

References

- British Pest Control Association (2004), *'Humane Use of Rodent Boards'*, in BPCA Code of Practice, Derby, UK
- Bureau of Animal Welfare (1997), *RIS for the Prevention of Cruelty To Animals Regulations 1997*, Department of Natural Resources and Environment, Melbourne.
- Caughley, J, et al (1998), *Managing Vertebrate Pests: Rodents*, Bureau of Rural Sciences, Canberra.
- Corrigan, R.M. (1992) *Exterior Baiting Programs for Rodent Control*. Pest Control. 60(8):26-30. in Ministry of Agriculture and Forestry (2002), *Proposed Prohibition of the Use of Rodent Glueboard Traps, Public Discussion Paper No 29*, Ministry of Agriculture and Forestry, Wellington.
- Frantz, S and Padula, C (1983), 'A Laboratory Test Method for Evaluating the Efficacy of Glueboards for Trapping House Mice' in Kaukinen, D (Ed.), *Vertebrate Pest Control and Management Materials: Fourth Symposium, ASTM STP 817*, American Society for Testing and Materials, Philadelphia.
- Government of Victoria (1999), *National Competition Policy Review of the Prevention of Cruelty to Animals Act 1986: Government Response*, Department of Natural Resources and Environment, Melbourne.
- KPMG Management Consulting (1997), *National Competition Policy Review of the Prevention of Cruelty to Animals Act 1986*, Department of Natural Resources and Environment, Melbourne.
- Mason, G & Littin K (2003), 'The Humaneness of Rodent Pest Control' in *Journal of Animal Welfare 2003, 12:1-37*.
- Ministry of Agriculture and Forestry (2002), *Proposed Prohibition of the Use of Rodent Glueboard Traps, Public Discussion Paper No 29*, Ministry of Agriculture and Forestry, Wellington.
- National Animal Welfare Advisory Committee (2002), *Annual Report*, Ministry of Agriculture and Forestry, Wellington.
- Victorian Competition and Efficiency Commission (2005) *Victorian Guide to Regulation* Department of Treasury and Finance, Melbourne

Attachments

1. Draft Regulations

STATUTORY RULES 2005

S.R. No. /2005

Prevention of Cruelty to Animals Act 1995

Prevention of Cruelty to Animals (Prohibition of Glue Trapping) Regulations 2005

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

BOB CAMERON
Minister for Agriculture

Clerk of the Executive Council

1. *Objective*

The objective of these regulations is to amend the Prevention of Cruelty to Animals Regulations 1997 to make further provision in relation to methods of capture of animals.

2. *Authorising provision*

These Regulations are made under section 42 of the **Prevention of Cruelty to Animals Act 1986**.

3. *Commencement*

These Regulations come into operation 6 months after the day on which they are made.

4. *New regulation 7F*

After regulation 7E of the Prevention of Cruelty to Animals Regulations 1997¹
insert—

'7F. Use of glue etc

- (1) A person must not use any glue, adhesive material or any similar viscid substance for or in connection with the taking or restraining of an animal that is not wildlife.

Penalty: 10 penalty units.

Note: For the equivalent offence for wildlife see section 55 of the **Wildlife Act 1975**.

- (2) A person must not possess any implement, device or thing containing any glue, adhesive material or any similar viscid substance for or in connection with the taking or restraining of an animal.

Penalty : 10 penalty units.

- (3) In this regulation "**wildlife**" has the same meaning as in the **Wildlife Act 1975**!.

ENDNOTES

¹Reg.4: S.R. No.159/1997. Reprint No.1 as at 1 November 2002. Reprinted to S.R. No. 65/2001. Subsequently amended by S.R. No. 23/2004, 63/2004 and 64/2004.