

A Guide to the NSW Animal Welfare Reform - Discussion Paper

Submissions or
survey responses
due Friday
17 September
2021

The Department of Primary Industries wants to reform NSW animal welfare laws and has put out a Discussion Paper with its proposals. You can contribute by sending in a submission or doing a survey. We have put together this guide to help you get started. It contains some of our ideas, mainly about things we think the Discussion Paper gets wrong. You don't have to agree with us :)

You can access the Discussion Paper and a link to the survey here:

<https://tinyurl.com/7n7z793p>

Proposal 1 – Replace 3 laws with a single Act

- There is no obvious benefit to animals from this. The Prevention of Cruelty to Animals Act sets out animal cruelty criminal offences that should apply to all animals regardless of their use or context. The other two Acts are mainly licensing regimes. And if it means placing more content in regulations, with much lower parliamentary scrutiny than Acts, then we don't support it.

Proposal 2 – Update the objects of the Act

- The Paper inexplicably does not mention **animal sentience**. This is unacceptable. Any new law must acknowledge animal sentience and animals' intrinsic value. We think this should go in the objects clause of any new law. Anything less than this is completely out of step with contemporary animal welfare legislation. Example: the UK's Animal Welfare (Sentience) Bill (2021).

Proposal 3 – Update the definition of 'animal'

- All decapod crustaceans should be included ie prawns (shrimp). What about insects used by industries, such as the 'honey bee' (protected in Norway's animal welfare law) and insects bred and killed for human consumption (eg crickets)?



Proposal 4 – A new minimum care requirement

- We would support the creation of a new offence of failing to meet a minimum care requirement, if it applied to all animals and is not undermined by exemptions or defences.

Proposal 5 – Update the definition of cruelty

- We support including psychological suffering in the definition.

Proposal 6 – New offences

- We do NOT support the proposed offence of producing or distributing **animal cruelty material**. It is too broad. A specific offence relating to **crush videos** should be introduced. *Possessing* animal crush videos should also be an offence. Broadcasting animal cruelty footage for political, transparency or awareness-raising purposes should NOT be criminalised.
- We support prohibiting and restricting items that harm animals. The main list should be included in the Act not regulations. It should include items such as prong collars, glue traps, harmful fruit tree netting, and barbed wire fencing.

Proposal 7 – Harmful procedures

- Prohibited procedures should include debarking dogs, macerating chicks, battery hen cages, 1080 poison.
- Restricted procedures, ie those that should be carried out by veterinarians and with mandatory pain relief for animals of any age, should include mulesing, castration, dehorning, and debeaking.

Proposal 8 – Certainty for lawful activities

- We strongly object to any defence that legitimises conduct that would otherwise be considered animal cruelty, including hunting, pig-dogging, killing for religious purposes, or using any animal as live bait or lure.
- We strongly disagree that the proposed defences should apply to serious animal cruelty offences under the Crimes Act. These offences already include exemptions (and in our opinion even they are too broad).

Proposal 13 – Enforcement arrangements

- We strongly disagree that there is 'a robust enforcement framework for animal welfare laws in NSW'. This flies in the face of evidence provided to the Select Committee into Animal Cruelty Laws in NSW. The ONLY solution is to establish an independent office of animal protection.

Proposal 16 – Authority to prosecute

- The ability for anyone to bring proceedings for offences under animal welfare laws should be reintroduced in the Act (it was removed in 2007).

Proposal 17 – Stock Welfare Panels

- Until evidence of the alleged benefits of these Panels is provided, we do not support a process that results in large numbers of animals being allowed to suffer for lengthy periods and often leading to a painful death.

Proposal 19 – Licensing schemes

- In principle, the ADO does not support a risk-based approach to regulating human interactions with animals. Who will assess whether the risk is low or high—industry?

Appendix A – Offences

- The offence of administering poisons should apply to all sentient animals.
- The cruelty offence should include the following recreational activities as they are always cruel:

- Rodeos or at least events such as calf roping
- Recreational fishing
- Use of exotic animals in circuses

Some tips!

- Make your points clear and concise (use dot points if it helps!)
- Offer concrete suggestions for improvements
- If possible, provide evidence (e.g. links to websites) from reputable sources to support your opinions

