

# Have your say!

## Exposure Draft of the Animal Welfare Bill 2022 (NSW)



The New South Wales (NSW) Government is seeking views from the community on the Animal Welfare Bill 2022, which will replace three existing laws on animal welfare.

The Animal Defenders Office (ADO) encourages you to have your say on what you think should be reformed. This information sheet contains our views about what's in the Bill and what has been left out. We suggest changes that could be made to secure genuine protections for animals in NSW.

**COMMENTS DUE:**  
Monday 28 February 2022  
Read the Bill and make your  
submission here:  
<https://tinyurl.com/2p9xw3sp>

### The ADO supports...

- ✓ Taking into account the **psychological** condition of animals when considering their welfare (sections 8(b) and 11(c) of the Bill).
- ✓ Establishing minimum **care** requirements for animals, which include taking into account their **behavioural** needs (sections 13, 14 of the Bill).
- ✓ Requiring that a person in charge of an animal **must comply** with animal welfare standards (section 20(1)).
- ✓ Ensuring the RSPCA and AWL (enforcement agencies) are subject to '**freedom of information**' laws (Schedule 4).

### The ADO does **NOT** support...

- ✗ The failure to acknowledge **animal sentience**. This is out of step with contemporary laws in Australia (eg the ACT) and other countries (eg the UK). The Bill must explicitly acknowledge in its objects clause (section 3) that animals are **sentient** and have **intrinsic value**.
- ✗ Allowing people to comply with animal welfare 'standards' that are **lower** than the minimum care requirements in the Bill (Part 3, Division 1). Section 20(2) should be removed from the Bill.
- ✗ Making the offence of **abandoning** animals too broad. It could criminalise letting a stray dog out of a person's back yard or desexing stray cats. Section 27(2)(a)(ii) of the Bill ('intentionally allowing the animal to escape') should be removed.
- ✗ Excluding **birds** from the requirement to alleviate harm to animals struck by vehicles. The exclusion of birds in section 29 of the Bill should be removed.
- ✗ Excluding non-domestic animals from the offence of **poisoning** animals. The offence should be broadened to apply to all animals. The reference to 'domestic' in section 30 of the Bill should be removed.
- ✗ Exempting **rodeos** from the prohibition on animal fighting in the Bill. Sections 32(2)(a) and 32(3) should be removed.
- ✗ The proposed offences involving 'animal cruelty material'. They are **too broad** and could apply to people wanting to expose animal cruelty. They are also **unnecessary** because possessing obscene material such as crush or bestiality videos are already offences under the Crimes Act. Division 5 ('Animal cruelty material') must be removed from Part 4 of the Bill.
- ✗ The failure to deal with **backyard breeding** of cats and dogs. Backyard breeding must be explicitly specified as a commercial activity in section 66 of the Bill so that inspectors can investigate properly.
- ✗ **Exemptions** to cruelty offences. If there are to be exemptions, they must all be subject to a 'no unnecessary harm' requirement in section 119 of the Bill. This would mean that conduct can only be exempted if it inflicts 'no unnecessary harm' on an animal.

### What else?

- **Painful procedures** on farmed animals such as dehorning, castrating, ear tagging, Mulesing, and branding should be added to the list of 'restricted procedures' in Schedule 1 to the Bill so that pain relief is mandatory.
- **Trimming the beaks of hens** should be listed as a 'prohibited procedure' in section 22 of the Bill.
- A stand-alone offence to **ban pig-dogging** should be added to Part 4, Division 2 of the Bill. It could be modelled on the ACT's ban on 'violent animal activities' in the *Animal Welfare Act 1992* (ACT), section 17.
- The Bill should allow people to **rescue animals locked in vehicles in hot weather**, as in the *Animal Welfare Act 1992* (ACT), section 109A.
- The Bill should establish an **independent office of animal protection** to administer and enforce the Bill.
- The Bill should establish an **animal cruelty offenders register** accessible to relevant entities.