



24 March 2022

The Hon. Catherine Cusack, MLC  
Chair, Standing Committee on State Development  
NSW Parliament House  
SYDNEY NSW 2000

**Re: Responses to inquiry into animal welfare policy in NSW**

Dear Ms Cusack

Thank you for giving Western Sydney University the opportunity to participate in the parliamentary hearing to discuss the proposed Animal Welfare Bill. We appreciate the chance to voice our concerns on this distinguished platform, and welcome future discussions that reinforce the importance of animal welfare in the use and care of animals for research and teaching.

Please find below the responses to the queries brought up during the hearing:

1. Should the responsibility of overseeing the retained Animal Research Act (ARA) or Animal Welfare Bill lie with the Minister of Agriculture?

We agree that the responsibility of overseeing the animal welfare laws should lie with the Minister of Agriculture, through the NSW Department of Primary Industries (DPI).

2. What member of the NSW Department of Primary Industries do the Animal Ethics Committees report to?

Per the Animal Research Act, Animal Ethics Committees (AEC) currently report to the Animal Research Review Panel (ARRP). Members of the ARRP are appointed by the Minister for Primary Industries. Following the review process, the Manager of the Biosecurity & Food Safety Compliance division from the DPI has the authority to approve reports, accreditation, licences and committee membership on behalf of the ARRP.

3. Should the concept of “sentience” be included in the Bill?

The term “sentience” is believed to be derived from the Latin word *sentietem*, meaning “a feeling”, and is defined by the Cambridge dictionary as “the quality of being able to experience feeling”. The definition of the concept varies greatly in Western and Asian philosophy, and has been a topic of intense philosophical debate, including in the areas of animal ethics, bioethics, and the science and policy of animal welfare (Browning & Birch, 2022). The Code mentions “sentience” alongside the ability to experience pain and distress, when determining if an animal not currently covered by the Code requires the approval of an AEC.

There is currently no universally accepted definition of “sentience” concerning animal welfare. Therefore, it would be difficult to determine sentience in an animal (disregarding vertebrates and established “sentient” animals), and respectively whether they would need to be included in the Bill. The concept of “sentience” may also reflect a spectrum of experience, making it difficult to establish a dichotomy of classification to oversee



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the inclusion of animals in the Bill. Relying on the scientific taxonomy of animals would clearly delineate which animals are covered and remove the lack of clarity.

Legal recognition of animal sentience

Should a clear and operable definition of “sentience” arise in the future that can be incorporated in the national Code and the NSW animal welfare laws, the inclusion of the term would be greatly encouraged. For the current iteration of the NSW Bill, we would not recommend using the term when classifying the inclusion of animals with the current understanding of the concept. However, if sufficient conceptual work, legal operationalisation and consultation were undertaken, then inclusion of ‘sentience’ in the Act could be considered worthwhile (see also Blattner 2019). This would put NSW at the forefront of Animal Welfare legislation globally.

**References**

Blattner, C.E., 2019. The recognition of animal sentience by the law. *Journal of Animal Ethics*, 9(2), pp.121-136.

Browning, H. and Birch, J., 2022. Animal sentience. *Philosophy Compass*, e12822.

Yours sincerely

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