

**Submission  
No 93**

## **INQUIRY INTO ANIMAL CRUELTY LAWS IN NEW SOUTH WALES**

**Name:** Lisa J Ryan  
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# SELECT COMMITTEE ON ANIMAL CRUELTY LAWS IN NEW SOUTH WALES

## Inquiry into animal cruelty laws in New South Wales

By email: [animalcrueltylaws@parliament.nsw.gov.au](mailto:animalcrueltylaws@parliament.nsw.gov.au)

Dear Select Committee

Thank you for the opportunity to lodge a personal submission to this long overdue, very welcomed and important Select Committee Inquiry into animal cruelty laws in NSW. I genuinely hope my submission points will add value and assist the committee during its deliberations and compilation of the final report, key findings and recommendations.

My submission includes responses and comments supported by relevant evidenced examples regarding:

- the Inquiry's Terms of Reference;
- the Prevention of Cruelty to Animals Act 1979 and corresponding legislation including, the application and administration of this legislation;
- the authorised animal welfare agencies;
- legal and non-legal animal cruelty;
- recommendations and key reform proposals.

***“We must fight against the spirit of unconscious cruelty with which we treat the animals. Animals suffer as much as we do. True humanity does not allow us to impose such sufferings on them. It is our duty to make the whole world recognise it. Until we extend our circle of compassion to all living things, humanity will not find peace.”***

**Albert Schweitzer**

### **PREAMBLE**

Australia is generally a nation of animal lovers and while many only have limited but very rewarding experience sharing their lives with companion animals, increasingly, Australians' have a growing awareness about the sentience of many other non-human animals, a keen understanding that all animals have the capacity to suffer, and a strong view that all animals are entitled to an equal level of legal protection and justice, regardless of their species type.

This growing awareness is increasingly demonstrated by the huge public reaction to the transparent and publicly accessible work undertaken by animal advocates, activists and media reports involving animal suffering, neglect, cruelty and aggravated cruelty. These strong public reactions have been well demonstrated in relation to notable and comprehensive media covering live exports, greyhound and horse racing, companion animals suffering neglect, deliberate and inhumane culling, farm animals suffering in intensive animal agriculture, and the current level of suffering experienced by many species due to the climate emergency and the consequences of drought, bushfire and habitat loss.

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An increasing number of prominent, individual and widely reported cases of animal cruelty and aggravated animal cruelty have outraged many Australians and heightened public views and expectations to a level government can no longer ignore.

Most Australians are incensed by acts of animal neglect and cruelty, and fully support public money going towards comprehensive investigations, prosecutions and court outcomes which deliver meaningful justice for the animal victims, regardless of species type. Australians want strong laws to protect all animals, authorities to follow through with enforcement, and a judicial system which delivers real justice in a consistent manner. The public also wants government to lead by acknowledging that all animals matter, that animal cruelty will not be tolerated, and that our government policies and policy direction will align with and compliment public expectations with both **legal and non-legal animal cruelty**.

Australians are frustrated and distressed by the inadequacy and inconsistency of our animal cruelty laws, the performance of the authorised agencies, and the outcomes delivered by our courts. Animal cruelty is a crime and similar to all other criminal prosecutions, should be undertaken by those most experienced, best equipped and best resourced to investigate and prosecute criminal matters. Australians are demanding significant change and improvement through government action.

***“The greatness of a nation and its moral progress can be judged by the way its animals are treated.”***

**Mahatma Gandhi**

## **INTRODUCTION**

Our NSW animal cruelty legislation is failing to deliver its intended and stated purpose of protecting non-human animals, deterring acts of animal cruelty and administering justice in line with community expectations. Similarly, current NSW laws do not ensure or deliver the necessary and expected monitoring, enforcement, prosecution outcomes or deterrents as expected with criminal matters.

NSW animal cruelty laws are significantly outdated, weak, inadequate and compromised; riddled with loopholes, exemptions, self-regulation and conflicts of interest which are at odds with achieving and delivering, what is in the best interests of all animals.

Increasingly, the public have lost all confidence with inadequate, ineffective and compromised legislation, a lack of monitoring, enforcement, prosecution and inadequate penalties being imposed against those who are found guilty of acts of neglect, cruelty and aggravated cruelty towards animals. Successful prosecutions similarly fail to deliver expected penalties and deterrents; rendering meaningful justice as impotent.

Prior to the urgently needed comprehensive overhaul of the Prevention of Cruelty to Animals Act (POCTAA), and how the Act is administered, we must first examine and agree on key issues including the definitions of 'animals', 'sentience', 'personhood', 'cruelty' and 'well-being' as defined by the law, evidenced science and public expectations, and the level of consistency of how we prosecute and determine criminal matters.

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Further, we must examine the roles, powers, limitations and any failings by the authorised animal cruelty authorities - namely, the NSW Police, NSW RSPCA, NSW AWL and NSW DPI. We also need to review objectively and impartially government's own role and performance in legitimising, endorsing, normalising and/or hindering better animal welfare outcomes.

Our current animal protection laws are failing and we must look to and consider other Australian state and territory laws and systems in addition to international models where better and successful outcomes have been and continue to be achieved. Animal cruelty is serious and a criminal matter and deserves our urgent attention and decisive action.

Specialised animal cruelty units, dedicated to investigating and prosecuting animal crimes, are being adopted as a way to better serve animal welfare and the community at large. We need to give objective and comprehensive consideration to all available options including a combination of options to ensure the best solutions to a very pressing subject.

*The question is not, "Can they reason?" nor, "Can they talk?" but rather, "Can they suffer?"*

**Jeremy Bentham**

#### **TERMS OF REFERENCE**

To a large extent, inadequate and weak legislation and inconsistency with court verdicts contributes to the effectiveness or ineffectiveness with the administration of POCTAA and achieving the objects of the Act. There is also recognition that the authorised agencies are not adequately funded and resourced to prosecute and deliver and meet community expectations to achieve the object of the Act.

In no other circumstances is a charitable organisation such as RSPCA or AWL relied on to achieve the objects of a criminal Act.

POCTAA is not meeting the needs of non-human animals who rely on this legislation for their protection. It is riddled with ambiguity and exemptions and offers minimum, weak and inadequate protection to only a select number of non-human animal species. This failing is also impacting the number of successful animal cruelty prosecutions and penalties.

Neither POCTAA or the authorised agencies is meeting contemporary public expectations about what is considered adequate and necessary protection against cruelty including provisions to prevent cruelty towards animals, and promote the welfare of animals. There is a diminished level of public confidence and this increases frustration by the public with reporting cruelty, prosecutions and sentencing outcomes in relation to the authorised agencies and the judicial system.

POCTAA is in urgent need of a comprehensive review and overhaul of its content, including 'intent', sentencing provisions and those authorised under the Act. While this outdated legislation remains law, all corresponding CoP's, standards, policies and policy direction continues to be inadequate, failing the animals and the public interest test.

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As charities, RSPCA and AWL have an enormous and unenviable burden attempting to fulfil a government function of law enforcement. As non-government, charitable organisations RSPCA and AWL are fundamentally incapable of effective animal cruelty law enforcement.

An estimated 80 NSW RSPCA prosecuted cruelty cases can potentially involve around 400 individual cruelty charges requiring significant manpower and resource use and at present I do not believe RSPCA or AWL are adequately funded and resourced to prosecute and meet community expectations and deter acts of cruelty.

There is a clear dichotomy that exists between legal and non-legal cruelty, and minimal acknowledgement of the horrific and systemic extent of the legal variety by RSPCA and AWL. There is also a strong public perception, supported by evidence that there is a 'conflict of interest' prevalent within RSPCA and AWL. Approved 'farming' schemes, relationships with businesses like Kellyville Pets and a focus on commercial interests are examples.

There is ample evidence to suggest a high level of public dissatisfaction with the adequacy of the standard of care and kill rates for stray, surrendered or seized animals under the control or supervision of the approved charitable organisations; and an increased public demand for the introduction of the 'No Kill' programs which have achieved significant success. It is also important to remember that the majority of stray, surrendered or seized companion animals fall under the responsibility of local government councils, many of which continue to operate in a non-complaint manner.

Whilst adequate consideration must be given to protection of privacy and sensitive investigations and prosecutions, given the nature of the work undertaken by NSW Police, RSPCA NSW and AWL NSW regarding animal cruelty matters, it is important that the public and the media can access important information through the Government Information (Public Access) Act 2009. Public interest information should not be hindered by the 'charity' status of RSPCA or AWL who should not enjoy exemptions from GIPA or the Administrative Decisions Review Act 1997.

There is sufficient evidence to suggest that other models of law enforcement with crimes against non-human animals have and continue to achieve success and public support and should be given serious consideration.

Kendra Coulter, Chair of Brock's Labour Studies Department and considered to be Canada's foremost academic expert on anti-cruelty enforcement, released a much-anticipated public report entitled: *A More Humane and Safer Ontario: The Future of Animal Cruelty Investigations*. For nearly a century, anti-cruelty investigations in Ontario have been handled by charitable organisations, however the Ontario Society for the Prevention of Cruelty to Animals (OSPACA) has since announced it would cease its law enforcement work.

In June 2018, a Discussion Paper was published NSW DPI covering current animal cruelty legislation, penalties and emerging issues. NSW DPI sought public feedback via two public surveys on **1) Whether current penalties under POCTAA were appropriate and 2) Proposed amendments under POCTAA aimed to protect animals during critical and emerging incidents**. In spite of a very strong public response, it is extremely disappointing that NSW DPI have still not compiled or released a report detailing the survey results, findings or any recommendations.

In February 2019, the Sentencing Advisory Council provided an evidence report on 'Animal Cruelty Offences in Victoria'. This report included extensive data provided by the courts and prosecuting agencies and an overview of sentencing outcomes for animal cruelty offences heard in Victorian courts in the 10 years from 2008 to 2017 (inclusive).

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This report also includes an analysis of which animal cruelty offences people and corporations were sentenced for, the sentences that were imposed for those offences and who committed those offences.

This report also identifies whether animal cruelty offenders were sentenced for other offences in the same case (co-sentenced offences), whether their offending occurred in the context of family violence and whether those offenders were sentenced for other offending in the four years before and after their sentence for animal cruelty (prior and subsequent offending).

There is a strong public expectation that all organisations and especially those which are publicly funded or receive some level of public funding operate in a completely transparent manner. This applies to all authorities involved with the monitoring, enforcement and prosecution of animal welfare matters - NSW Police, NSW DPI, NSW OLG, NSW RSPCA and NSW AWL.

This is addressed only partially by annual reporting by RSPCA NSW and AWL NSW. Both organisations are also required to compile annual reports for the responsible Minister which includes the annual volume of animal cruelty complaints received and the corresponding number of investigations and prosecutions. This report also includes the volume of complaints received by the organisation about the organisation itself and the outcome of 'internal' investigations.

Internal investigations undertaken by those who may be the subject of the complaint lacks objective impartiality and cannot be considered a transparent process. Nor do these reports depict a true picture of the total volume of complaints, and therefore a measure of public satisfaction or dis-satisfaction against these organisations as other complaints are frequently lodged with other NSW government departments, the NSW state Ombudsman, Ministers, local state or federal MP's, animal rights organisations or media. A more comprehensive and accurate report is essential and should be made publicly available in the parliament and on governments website.

Public reporting of animal cruelty via telephone or online systems of animal cruelty matters to RSPCA NSW and AWL NSW can be a frustrating process. The online systems are not user friendly and whilst all such reports are supposed to be recorded against a report ID reference number, in many instances, those reporting do not receive a reference number, making follow-up difficult. Those who take the time to report animal cruelty have invested a strong level of compassion and concern and many do wish to follow up such reports. When this becomes very time consuming those reporting animal cruelty become frustrated and disheartened. In addition, there is frequent transfer of cases between agencies and this may result in a distortion of accurate statistics for the number of cruelty complaints received or investigated.

Whilst adequate consideration must be given to protection of privacy and sensitive investigations and prosecutions, given the nature of the work undertaken by NSW Police, RSPCA NSW and AWL NSW regarding animal cruelty matters, it is important that the public and the media can access important information through the Government Information (Public Access) Act 2009. Public interest information should not be hindered by the 'charity' status of RSPCA or AWL who should not enjoy exemptions from GIPA or the Administrative Decisions Review Act 1997.

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### **Prevention of Cruelty to Animals Act 1979**

The Prevention of Cruelty to Animals Act 1979 (POCTAA), was intended to provide the foundation for our animal protection laws, Codes of Practice (CoP's), Standards, existing policies and policy direction.

POCTAA is not meeting the needs of non-human animals who rely on this legislation for their protection. It is riddled with ambiguity and exemptions and offers minimum, weak and inadequate protection to only a select number of non-human animal species. This failing is also impacting the number of successful animal cruelty prosecutions and penalties.

POCTAA is not meeting contemporary public expectations about what is considered adequate and necessary protection against cruelty including provisions to prevent cruelty towards animals, and promote the welfare of animals. There is a diminished level of public confidence and this increases frustration by the public with reporting cruelty, prosecutions and sentencing outcomes in relation to the authorised agencies and the judicial system.

POCTAA is in urgent need of a comprehensive review and overhaul of its content, including 'intent', sentencing provisions, those authorised under the Act, and how the Act is administered. While this outdated legislation remains law, all corresponding CoP's and Standards, policies and policy direction continue to be inadequate, failing animals and the public interest test.

The recognition of 'sentience' includes agreement that all animals have the capacity to feel pain, fear, pleasure and each are unique individuals' with complex needs. They are ALL 'someone' not 'something'. Exemptions, notably for farm animals raised for food and by-products which permit cruel and abusive legally endorsed practices, scientifically evidenced as causing pain, suffering and cruelty, for some and not others, makes a mockery of the intent of laws to protect animals, prevent cruelty and promote welfare.

Animal cruelty is endemic in the commercial use of animals. Double standards abound, and exemptions are common in other jurisdictions and are embedded in COP's. Although we like to believe that we live in a civilised society, our practices in relation to animals seem to indicate otherwise. Much of the problem arises from social, cultural and commercial conditioning, via government and in many instances through the authorised animal welfare 'charities'.

Public expectations have shifted dramatically thanks largely to significant awareness raised by animal advocates and activists. The Australian Department of Agriculture commissioned report titled 'Australia's Shifting Mindset on Farm Animal Welfare' <http://agriculture.gov.au/SiteCollectionDocuments/animal/farm-animal-welfare.pdf> found that "95% of people view farm animal welfare to be a concern and 91% want at least some reform to address this."

Legislation designed to protect non-human animals cannot be selective – it must protect all animals in line with the scientific evidence of animal sentience and the internationally recognised Five Freedoms. This must apply equally to physical and mental well-being and cruelty prevention laws must apply equally to all species, be they native, companion, traditional farm or introduced species. Currently many of our unique native species are classified as pests and can be culled, often without the need for paperwork or accountability when economic priorities take priority. Introduced species face an even worse fate.

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But there are some people who, by the nature of their role, are expected to know what animal cruelty is and when action should be taken. These people should have a legal obligation to report cruelty when they see it.

Our animal protection laws must link directly to all other legislation where animals are central and key stakeholders. This includes current and emerging policy direction and legislation involving planning and development, environment and climate change.

At present, an intensive animal agriculture planning development application which may be deemed designated or integrated or both, will for example accommodate pigs and link to specific CoP's, inadequate as they are, however if the application is for an intensive companion animal breeding facility, the companion animals are not even recognised.

As an animal advocate, activist and an individual who has been active in the management and/or support of animal campaigns, the volume of case examples I could refer to, where the laws and the animal welfare authorities have failed animals and the public, could fill an encyclopedia.

Noted cases of significance include Wally's piggery, Lakesland hens, The Yass chicks truck accident, 1080 cases, Numerous puppy factory cases, fires in intensive animal agriculture, rodeos, petting zoos, animal experimentation and medical research, extreme cases of cruelty against native species, and many instances of inter species discrimination – greyhounds, working dogs and guard dogs not given equal protection to other dogs or where free roaming cats are declared pests.

In August the NSW Environment Protection Authority issued a \$500 fine to a farmer for failing to provide adequate notice when laying 1080 baits which resulted in the death of a neighbour's dog. 1080 has been proven to cause a slow and painful death and yet the penalties applied failed to even recognise the suffering and cruelty suffered by the deceased dog or identify any corresponding action or referral about this obvious animal cruelty. Animals known to suffer fear, anguish and cruelty during transport, in sale yards, in intensive animal production, on farms and feedlots with inadequate shelter, feed and water, in slaughter houses, in animal testing laboratories, and in circuses and rodeos continue to suffer across NSW in spite of POCTAA or related CoP's and Standards.

I have lost count of the number of animal cruelty cases I have documented and reported many of which have ended in me becoming extremely frustrated and distressed at the lack of assistance provided or actions taken.

In rural areas, it is impossible to receive immediate assistance from either RSPCA or NSW and while, on rare occasions, I have received support from sympathetic police, this is rare. Most rural police are pushed beyond limits with limited resources and many are not aware of their role under POCTAA, instead arguing this point and referring the public back to RSPCA and AWL.

I have reported truck drivers deliberately running over kangaroos while being on my hands and knees trying to comfort these dying animals and being mocked by the truck driver abused by other motorists and ignored by local council and state MP's. I have dug through shallow pits digging up pedigree dogs shot and buried because they were no longer 'useful', waiting four (4) days for a response from RSPCA NSW.

I have carried dogs out of puppy factories who had given up living. I have provided numerous tip offs to RSPCA to have them investigate once, and never follow-up. I have witnessed the most distressing suffering of farm animals, starving or without shelter in the



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depths of winter and summer. I have witnessed an endless volume of working dogs suffering in extremes of weather on the back of utilities or on chains with insufficient protection.

In one instance, I chased AWL for over two (2) years regarding a case of aggravated animal cruelty against a Hereford bull, speaking with and emailing Inspectors and the Chief Executive Officer, all to no avail. The level of suffering and cruelty I have witnessed in NSW council pounds is staggering and only in a couple of instances have RSPCA investigated and never has there been any charges laid against a council in spite of ample evidence.

The current NSW animal protection laws are failing animals and public expectations in their arrangements for the administration and enforcement of these laws intended to prevent animal cruelty and promote animal welfare.

### Financial Considerations

The following financials are extracted from the RSPCA NSW June 2019 General Purpose Tier 2 Financial Report (Reduced Disclosure Requirements) and highlight ongoing issues and trends.

ITEM	2019	2018
Cash flows and operating activities	971,562	4,767,623
Operating expenses (animal related expenses)	4,631,553	5,035,720
Notes to financial statements  16(a) RSPCA <b>DiDi Redford Memorial Trust Fund</b> This fund was <b>established to pay for surgery for cruelty cases, injured strays and unwanted animals.</b> The fund has been <b>fully written off</b> due to the closure of the fund account in 2018, This was the result of the Society's revision of fund management.		
Notes to financial statements  16(b) The <b>Winifred and Maurice Neirous Trust Fund</b> The fund was <b>established to assist in the purchase of medicines for RSPCA animals</b> from the income earned. The fund has been <b>fully written off</b> due to the closure of the fund account in 2018, This was the result of the Society's revision of fund management.		
Notes to financial statements  Net costs of fundraising appeals Net surplus obtained from fundraising	5,093,424 8,809,147	5,070,412 8,979,122
Notes to financial statements  Funding RSPCA Inspections	6,810,509	6,825,823

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Animal shelter facilities for stray, abandoned and abused animals	22,056,210	22,915,878
Veterinary clinic services	10,687,369	10,814,450
Expenditure on support services	17,702,281	17,211,518
Notes to financial statements		
Government grant	1,096,642	1,074,421
Legacies	25,306,092	26,068,643
Investment income	2,251,832	2,719,912
Fees for service (animals)	10,093,131	10,896,483
Other income (gross)	3,521,083	4,591,684
Total income from other sources	42,268,780	45,351,142

## RECOMMENDATIONS and KEY REFORM PROPOSALS

The following constructive alternative models of animal cruelty law enforcement and key reform proposals are included for the committee's informed consideration. Many of these recommendations are proactive measures to prevent animal cruelty before it occurs, or enable steps to be taken to ensure animal suffering is objectively considered in all instances where welfare risks and impacts are likely to occur and can be aligned to meaningful animal protection legislation.

- Creation of a sufficiently funded and resourced Independent Office of Animal Welfare.
- Establish appropriate MOU's with all relevant government departments and/or agencies where animal welfare/cruelty matters apply or are likely to apply.
- Creation of a dedicated and sufficiently funded and resourced Animal Cruelty Investigation unit (or similar) within NSW Police or as a separate statutory enforcement agency, including the appointment of specialist animal welfare police at all NSW Police stations and better training for all NSW Police regarding their statutory role and responsibilities under POCTAA.
- Increase the animal welfare/cruelty focus within the NSW Police Rural Crimes unit and review and ensure adequate funding and resourcing for specialist training, investigative, enforcement and prosecution tasks.
- Realignment of RSPCA's Inspectorate powers and funding, permitting it to refocus on animal care and to engage in public advocacy for animal welfare without any perception of conflict of interest.
- A complete comprehensive review and overhaul of POCTAA and all Codes of Practice to remove exemptions, introduce enforceable standards, and broaden the legislation to include all non-human animals that are exploited by humans, subsequent to:
  - 1) publication and comprehensive review of the 2018 NSW DPI Discussion Paper (Animal Welfare) public survey results, and

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2) undertaking and publishing specific evidenced research into the sentencing outcomes of NSW animal cruelty offences in NSW as was undertaken in February 2019 by the Sentencing Advisory Council and their 'Animal Cruelty Offences in Victoria' report.

- Introduction of mandatory reporting of animal cruelty.
- Review existing MOU's between government departments and different tiers of government (local, state and federal) and any other relevant office including the NSW state ombudsman to examine the sharing of information and handling of animal cruelty matters or potential animal risk, impact or cruelty matters, including complaints about the operation and performance of authorised animal welfare authorities.
- Remove the capacity of any POCTAA authorised animal welfare agency or authority board member, executive staff or employees to benefit financially from the operations of the organisation through 'in-house' or referred work without a public tender process being undertaken to ensure transparency and merit.
- Overhaul and strengthening of all NSW planning laws and the Secretary's Environmental Assessment Requirements (animal welfare inclusion) including local government LEP's and bylaws which impact the welfare of animals.
- Introduce a new Animal Welfare NSW State Environmental Planning Policy (SEPP) to guide decision making with all matters involving the welfare of animals and introduce an 'animal welfare' component in all other NSW SEPP's where the welfare of animals may be at risk of impact.
- Remove the responsibility of 'animal welfare' from NSW OLG in relation to impounded animals who continue to demonstrate their inability or desire to manage council pounds in a compliant manner or be held accountable by the public.
- Introduce new and independent process for complaint investigations where complaints involve the operation, conduct or behaviour of any POCTAA authorised animal welfare agency or authority.
- Introduce a new reporting criteria, format and frequency for POCTAA authorised animal welfare agencies or authority including a requirement for NSW Police to report to the relevant Minister.
- Establish an 'Animal Cruelty Abusers' register. Currently, there is no means of ensuring that animals are not placed with convicted animal abusers. An 'Animal Abuser Registry' developed on similar laws which exist to protect children, should require individuals or companies convicted of animal cruelty to register with the state. Such a registry should be publicly available and it should be illegal to give or sell any animal to anyone listed on the registry.
- Introduce annual government grant opportunities for all volunteer-based animal advocacy, rescue and re-homing organisations as is available in Victoria through annual grants funding.
- Through the Justice department, engage lawyers and members of the judiciary to provide a greater level of awareness and up to date resources in regards to legal

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precedents and public expectations regarding sentencing with animal cruelty cases including cases involving domestic or other human related violence which may lead to animal cruelty or in fact involve animal cruelty.

- Introduction of annual publicly accessible reporting by the responsible Minister to the NSW parliament on animal welfare matters including the performance of all animal welfare authorised agencies, prevalent issues, emerging issues and the outcomes achieved including through the courts.

***“All the beautiful sentiments in the world weigh less than a single lovely action.”***  
**James Russell Lowell**

### **SUMMARY and CONCLUSION**

The recognition of 'sentience' includes agreement that all animals have the capacity to feel pain, fear, pleasure and each are unique individuals' with complex needs. They are ALL 'someone' not 'something'. Exemptions, notably for farm animals raised for food and by-products which permit cruel and abusive legally endorsed practices, scientifically evidenced as causing pain, suffering and cruelty, for some and not others, makes a mockery of the intent of laws to protect animals, prevent cruelty and promote welfare.

Animal cruelty is endemic in the commercial use of animals. Double standards abound, including within the consumer population. Exemptions are common in other jurisdictions and these exemptions are embedded in COP's. Although we like to believe that we live in a civilised society, our practices in relation to animals seem to indicate otherwise. Much of the problem arises from social, cultural and commercial conditioning, and could end with some compassionate, objective thinking.

Public expectations have shifted dramatically thanks largely to significant awareness raised by animal advocates and activists. The Australian Department of Agriculture commissioned report titled 'Australia's Shifting Mindset on Farm Animal Welfare' <http://agriculture.gov.au/SiteCollectionDocuments/animal/farm-animal-welfare.pdf> found that "95% of people view farm animal welfare to be a concern and 91% want at least some reform to address this."

Legislation designed to protect non-human animals cannot be selective – it must protect all animals in line with the scientific evidence of animal sentience and the internationally recognised Five Freedoms. This must apply equally to physical and mental well-being and cruelty prevention laws must apply equally to all species, be they native, companion, traditional farm or introduced species. Currently many of our unique native species are classified as pests and can be culled, often without the need for paperwork or accountability when economic priorities take priority. Introduced species face an even worse fate.

Our animal protection laws must also link directly to all other legislation where animals are central and key stakeholders. This includes current and emerging policy direction and legislation involving planning and development, environment and climate change.

At present, an intensive animal agriculture planning development application which may be deemed designated or integrated or both, will for example accommodate pigs and link to

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specific CoP's, inadequate as they are, however if the application is for an intensive companion animal breeding facility, the companion animals are not even recognised.

Animals known to suffer fear, anguish and cruelty during transport, in sale yards, in intensive animal production, on farms and feedlots with inadequate shelter, feed and water, in slaughter houses, in animal testing laboratories, and in circuses and rodeos continue to suffer across NSW in spite of POCTAA or related CoP's and Standards.

The current NSW animal protection laws are failing animals and public expectations in their arrangements for the administration and enforcement of these laws intended to prevent animal cruelty and promote animal welfare.

***One day the absurdity of the almost universal human belief in the slavery of other animals will be palpable. We shall then have discovered our souls and become worthier of sharing this planet with them.***

**Martin Luther King, Jr.**