

Submission  
No 56

**INQUIRY INTO ANIMAL WELFARE POLICY IN NEW  
SOUTH WALES**

**Name:** Name suppressed

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Partially  
Confidential

I have read the DPI proposed Bill and make the following submission:

*Page 2, Part 1 Introduction, Division 1 Preliminary section 4 (c)*

*(c) providing a licensing framework to regulate and oversee the conduct of certain activities involving animals, including—*

*(i) the use of animals for research purposes consistent with the principles of replacement, reduction and refinement, and*

*(ii) the keeping and use of animals for the purposes of exhibition*

There is no earthly reason to have a licensing frame work for the purposes of keeping and exhibiting of an animal. It occurs to me this has been included as the writers of this Bill have future intentions to shut down all sports relating to keeping animals for the purposes of exhibition. There are thousands of people in NSW who regularly involve themselves in these types of sports and they should be allowed to continue to do so. Alternatively, the government could assist the organisations that currently oversea these exhibitions rather than attempt to being in a money making licensing framework that on the surface appears to have no improved welfare outcomes for animals.

*Page 4, Part 2 Interpretation, Division 2 Key concepts, section 7 (d) & (e)*

*7 Meaning of “act of cruelty”*

*(d) overloaded, overworked, overdriven, overridden or overused, or*

*(e) unreasonably or unnecessarily exposed to excessive heat or excessive cold.*

This section is vague and therefore open to interpretation. Using dogs as an example a Siberian Husky is bred to work in extreme cold pulling a loaded cart across snow & ice. In contrast a Chihuahua would not be able to cope with these conditions. It is very clear to me that establishing rules that are not breed specific leave situations open to the interpretation of any inspector. I would also point out that in Australia if you're a tradie working on a job site you do not down tools when it gets to 30 degrees, you keep working and do your job. It is ridiculous to me that such a broad sweeping regulation would be put in place for animals when there isn't one for human beings!!

*Page 5, Part 2 Interpretation, Division 2 Key concepts, section 10, (1) (b)*

*10 Meaning of “exhibiting an animal” (1) Exhibiting an animal means displaying the animal, or keeping the animal for display, for— (a) cultural, educational, entertainment or scientific purposes, or (b) another purpose prescribed by the regulations*

Part (b) is again vague and leaves this section open to politicians to make changes at any point in time without consultation with the voting general public. Part (b) is totally unacceptable.

*Page 5, Part 2 Interpretation, Division 2 Key concepts, Section 10, (3) (c)*

*(3) Exhibiting an animal does not include the following— (c) displaying an animal, or keeping an animal for display, in a way or for a purpose prescribed by the regulations.*

Part (c) is again vague and leaves this section open to politicians to make changes at any point in time without consultation with the voting general public. Part (c) is again totally unacceptable.

*Page 9, Part 3 Requirements for care of animals, Division 2, Section 20 (3)*

*Division 2 Standards 20 Requirement to comply with standards (3) In this section— prescribed standard means a standard prescribed by the regulations for the purposes of this section.*

Part (3 c) is again vague and leaves this section open to politicians to make changes at any point in time without consultation with the voting general public. Part (3c) is again totally unacceptable.

*Page 9, Part 3, Division 3 Section 22*

*Division 3 Prohibited and restricted procedures 22 Prohibited procedures (1) A person must not carry out any of the following procedures— (e) surgical artificial insemination on a dog.*

It is commonly known that Surgical Artificial Insemination is a procedure that will maximise the success of pregnancy. As Australia is an island with strict quarantine rules and huge costs associated with bringing animals in from overseas, breeders of all types of animals consider and use animals from overseas to enhance our blood lines and bring new blood and vigour into our chosen breeding animals. To outlaw SAI would be akin to signing a death warrant to all species of companion animals. Without new blood coming into the country, we would eventually be left with no

where to go or we would be inbreeding our animals. Inbreeding animals should never be allowed; thus breeders of companion animals would have no choice but to stop breeding all together. Which leaves me only to think that one of the true purposes of this Bill is to shut down the breeding of companion animals in Australia. In addition, I would add that the procedure for an SAI takes but a few minutes and is far less evasive than de-sexing a dog. So, if you want to outlaw SAI's, why aren't you including in this Bill that no animals will be de-sexed? You can't have it both ways!!

*Page 15, Part 4 Offences relating to animal cruelty, Division 4 Section 37 (1) (a)  
Division 4 Transport of dogs 37 Requirements for transporting dogs (1) A person must not— (a) leave a dog unattended in a vehicle in hot weather for more than 5 minutes*

What is the definition of a vehicle? Yet another example of vague and misleading regulations that leave it entirely up to an inspector for interpretation.

*(b) in the following circumstances— (i) the vehicle is fitted with a cooling system that keeps the interior temperature of the vehicle cool*

What is the definition of a vehicle? Yet another example of vague and misleading regulations that leave it entirely up to an inspector for interpretation. Are you stating that dog & horse floats/trailers need to be airconditioned? Because you're not saying that at all. Why aren't the writers of this bill being specific? And what is the definition of cool?? Another example of vague & misleading policy that leaves the interpretation open to an inspector. Different inspectors will have different opinions. If you were to pass this, just imagine the huge numbers of horse and dog floats in NSW would either need to be trashed with the owners needing a replacement trailer and those that could be refitted to accommodate an air-conditioning system would then be tasked with the huge job of making these changes. How will the

industry that can refit or make these floats/trailers possible cope with the influx of work? It would take YEARS for every float/trailer in NSW comply. I bet you're not giving us YEARS to be able to make these changes as no consideration has been given to this what so ever!!

*Page 29, Part 7 Enforcement and compliance, Division 3, Section 66 (1) (f)*

*66. Powers of authorised officers to enter non-residential premises (1) An authorised officer may enter premises, or a part of premises, not used for residential purposes— (f) at any reasonable time to investigate, monitor and enforce compliance with this Act or the regulations, if the authorised officer reasonably suspects an agricultural, commercial or industrial activity relating to animals is being carried out.*

In my opinion this is total over reach by the Government. What I hear this saying is that an inspector can force his way into my home and conduct an inspection without outside complaint for suspicion of a welfare issue. He/she can come in at any time for any reason what so ever, just because he/she reasonably suspects a person is selling companion animals.

*Pages 30, 31, 33, 34, 35, Part 7 Enforcement and compliance, Division 4, section 70,*

In this section there is constant reference to "THINGS" and "SEIZED THINGS" but no definition what so ever. This is nothing short of totally unacceptable over reach by Government. There must be a clear definition, it seems the writer is deliberately leaving this vague and misleading thus giving sweeping access to inspectors to do whatever they want.

*Page 36, Division 6 General, section 85 (1) (a) (b) (c), (2), (3), (4)*

*85 Recovery of fee for action taken (1) This section applies if 1 or more of the following entities incurs costs in relation to an authorised officer's exercise of a function under this Act in relation to an animal— (a) the authorised officer, (b) the Crown, if the authorised officer is— (i) a public service employee, or (ii) a police officer, or (iii) an inspector under the Greyhound Racing Act 2017, (c) an approved charitable organisation, if the authorised officer is an employee of, or otherwise engaged by, the organisation. (2) The entity may charge the responsible person for the animal a fee for the authorised officer's exercise of the function in relation to the animal. (3) The fee must be no more*

*than is reasonable to cover the costs incurred in connection with exercising the function. (4) The fee is a debt payable to the entity that may be recovered in a court of competent jurisdiction*

I take issue with a number of points here, but again I have to come back to vague & misleading regulation. Why isn't there a sliding scale of fees or fines for breaches of the regulation, it's not a case of one size fits all.

The other point I take issue with is the fact that you are suggesting a public service employee has the right to enter my home, seize my property and issue either court notices or fines. What qualifications does this public service employee have in relation to the Bill and what qualifications do they have in relation to understand the role/fines/fee? Under no circumstances should anyone be allowed to issue fines, come onto anyone's property that has not got the right qualifications.

*Page 37, Part 7 Enforcement and compliance, Division 7 section 89 (1) (a)*

*Division 7 Authorised officers 89 Appointment of authorised officers (1) The Secretary may, by written instrument, appoint the following persons as an authorised officer for this Act— (a) a public service employee, (b) a person employed or otherwise engaged by an approved charitable organisation.*

Just like page 36, why is this Bill allowing anyone to be appointed as an authorised officer that doesn't have the qualifications to conduct the role? This makes absolutely no sense at all!!

*Page 65, schedule 1 Restricted procedures "Dewclaw removal on a dog"*

*Schedule 1 Restricted procedures dewclaw removal on a dog performed in circumstances prescribed by the regulations*

Dewclaw removal on a dog is done for some breeds for the welfare of the animal. If this Bill is truly to help dogs and increase their welfare then vets should be allowed to remove dewclaws as requested by their owners. This must be removed from the Bill.

In closing I will state that I support all real and considered laws and regulations that are truly set for the welfare of companion animals. However, I cannot accept some of the things in this Bill particularly those that fall into the following categories:

- A regulation that offers no health or welfare benefits to animals but will be money raising for government
- A regulation that is vague and misleading, lacking definition leaving interpretation to inspectors
- A regulation that allows untrained and unqualified individuals far reach powers to enter someone's home to seize things or animals and issue fines
- A regulation that harms and reduces the long-term welfare and existence of companion animals
- A regulation that is overreach by the Government
- A regulation that has a "one size fits all" mentality