

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

**Organisation:** Animals' Angels

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## Animal Welfare Policy in New South Wales

25 February 2022

Animals' Angels (**AA**) is an animal welfare organisation based in Frankfurt, Germany with operations in Australia since 2004. We are there with the animals during the transport and saleyard process by regularly monitoring the livestock industry for compliance with animal welfare law.

Once animals arrive at the saleyard, we comprehensively observe the saleyard conditions. These conditions vary significantly, but most saleyard operators do not have established systems and processes to effectively identify, assess and manage farmed animal welfare. We also take a close look at shortcomings, provide first aid, document problems with photos and videos, and prepare reports or lodge complaints. We attach great importance to trusting cooperation with government authorities.

We welcome the opportunity to submit to the inquiry and have reviewed the public consultation draft of the *Animal Welfare Bill 2022 (draft Bill)* and make the following comments:

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Section	Comment
Pt 2 Div 2 Key concepts	<p><b>Sentience</b> We note that specific mention of sentience is absent in the draft Bill and that the reasoning provided in the 'Consultation Outcomes' paper is that it is provided for by reference to protecting animals against psychological suffering. We consider that there is still value in making it clear that animals are sentient beings and it is for that reason that pain and psychological harm must be included in the Bill.</p> <p><b>Fitness to sell</b> Under the Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock, animals are fit for the intended journey if they have sufficient health, vigour and condition to withstand the intended journey. Following the intended journey, they can recover their normal biological state in a reasonable time.</p> <p>An animal who is unfit to load is in our view also unfit to sell as they are experiencing pain, injury or distress (such as eye disease, leg deformity, dehydration or weakness) that is often exacerbated by hot and crowded conditions in transport and at saleyards, which we often observe. We recommend that the Bill makes it clear that an animal who is unfit to load is also unfit to sell.</p> <p>Having these key concepts incorporated into the draft Bill is consistent with the draft Bill's objectives and National Standards and Guidelines and enshrines them in legislation, which signals their importance to industry.</p>
Pt 3 Div 1 s 15 Appropriate food	Amend s 15(1)(b) from 24 hours to 6 hours. We note that this section is the fall-back position after any regulations that may apply but consider that 24 hours is too long for remedial action to be commenced. Justification for delayed action beyond 6 hours should be subject to assessment of reasonableness.
Pt 3 Div 1 s 16 Appropriate drink	Amend s 16(1)(b) from 24 hours to 6 hours. We note that this section is the fall-back position after any regulations that may apply but consider that 24 hours is too long for remedial action to be commenced. Justification for delayed action beyond 6 hours should be subject to assessment of reasonableness.
Pt 3 Div 1 s 17 Appropriate shelter	Amend s 17(1)(b) from 24 hours to 6 hours. We note that this section is the fall-back position after any regulations that may apply but consider that 24 hours is too long for remedial action to be commenced. Justification for delayed action beyond 6 hours should be subject to assessment of reasonableness.
Pt 3 Div 1 s 18 Appropriate exercise	Amend s 18(1)(b) from 24 hours to 12 hours. We note that this section is the fall-back position after any regulations that may apply but consider that 24 hours is too long for remedial action to be commenced. Justification for delayed action beyond 6 hours should be subject to assessment of reasonableness.
Pt 3 Div 3 s 22 Prohibited procedures	<ul style="list-style-type: none"> <li>Amend s 22(1)(b) from 'grind, trim or clip the teeth of an alpaca, llama or sheep' to 'grind, trim or clip the teeth of an alpaca, llama, sheep <u>or pig</u>.'</li> <li>Amend s 22(1) to include an additional subsection (f) which states, 'electro-</li> </ul>

	<p>immobilisation of an animal.’ Electro-immobilisation should only be used by veterinary practitioners or under the supervision of a veterinary practitioner. Amend s 22(2) from ‘<b>clip</b> means break off the crown of a tooth with pliers or another implement or tool other than as part of a dental procedure carried out by a veterinary practitioner’ to ‘<b>clip</b> means break off the crown of a tooth with pliers, <u>bolt cutters</u> or another implement or tool other than as part of a dental procedure carried out by a veterinary practitioner.’</p> <ul style="list-style-type: none"> <li>• Mandating pain relief when performing procedures – we note the reported high industry uptake of voluntary use of pain relief for procedures and that mandating pain relief may create issues regarding withholding periods – particularly in export markets. However we find this explanation somewhat incredulous as the proper use of chemicals and drugs on farms is an essential component of good farming practice. It is a reasonable expectation that available pain relief options should be required by the Bill. Failure to use them should be subject to a test of reasonableness in the circumstances.</li> </ul>
<b>Pt 4 Div 1 s 28</b> <b>Severely injured animals not to be sold</b>	Further to incorporating the key animal welfare concept of ‘fit to sell’ into the draft Bill, this section must apply to animals acquired, kept, purchased or sold, or offered or exposed for sale within the farmed animal industry.
<b>Pt 4 Div 1 s 29</b> <b>Injuries to animals struck by vehicle</b>	For a penal provision, s 29(a) lacks clarity for a driver of a vehicle that strikes and injures an animal as to what ‘reasonable steps’ might mean in this situation. According to Transport for NSW, ‘1 in every 41 casualty crashes on country roads involves a vehicle hitting an animal’ ( <a href="#">Animals on country roads - Drivers - Staying safe - NSW Centre for Road Safety</a> ). Given the prevalence of this issue and notwithstanding that this statistic does not take into account metropolitan roads too, s 29(b) must apply to <u>all</u> animals, including a ‘domestic animal.’
<b>Pt 4 Div 1 s 30</b> <b>Poisoning a domestic animal</b>	This section should extend to apply to a wild dog in addition to a domestic animal.
<b>Pt 4 Div 3 s 34</b> <b>General prohibition on inappropriate or unreasonable tethering of animals</b>	As mentioned elsewhere in relation to reasonableness or unreasonableness, s 34(1)(b) is unclear about what is ‘not unreasonable’ for a penal provision. Further, amend s 34(2)(g) from 24 hours to 6 hours.
<b>Pt 4 Div 4</b> <b>Transport of dogs</b>	We wholeheartedly support the specific provisions for dogs but request that this be expanded to include the transport of other small animals and birds. There ought be specific prohibition of the transport of small animals and birds in the boots of cars, inside the cabin or in vans in hot weather (28 degrees or higher).
<b>Pt 8 Div 2 s119</b>	The use of live bait (fish, cephalopods and decapod crustaceans) for fishing is cruel and should not be exempted. We note that this exemption is intended to avoid any disruption to fishing activities in NSW.
<b>Schedule 3 Dictionary</b>	A meaning for the term ‘reasonable’ should be included to give clarity around how reasonableness will be applied across the various sections of the draft Bill where reasonableness or unreasonableness is the test. For example, the <i>Animal</i>

	<i>Care and Protection Act 2001</i> (Qld) defines reasonable as ‘reasonable in the circumstances.’
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Overall, AA considers that the draft Bill is ambiguous in relation to the animal cruelty provisions, which are critical to the success of the future Act to effectively enforce legal proceedings. AA believes that to meet the primary objectives to ‘promote the welfare of animals’ and ‘prevent cruelty to animals’, people need to clearly understand what is expected from their own behaviour and actions, such as understanding what ‘reasonable’ means and what ‘reasonable steps’ might be expected of them under the future Act, particularly those provisions applying a penalty.

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25. February 2022  
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