

**Submission  
No 79**

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

**Organisation:** Wollondilly Shire Council

**Date Received:** 28 February 2022

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ABN: 93 723 245 808

Our Reference: 5520

The Hon. Adam Marshall MP  
Minister for Agriculture and Western New South Wales  
[Via online submission](#)

28 February 2022

**ANIMAL WELFARE POLICY IN NSW – SUBMISSION MADE ON BEHALF OF WOLLONDILLY SHIRE COUNCIL**

Dear Sir/Madam,

Council previously made a submission in September 2020 via a survey for the proposed NSW Animals Reform. The following aspects of the reform were noted and of particular interest to Council:

- **Proposal 1** - Repeal the existing laws, Prevention of Cruelty to Animals (POCTA) legislation, Animal Research Act and Exhibited Animals Act and replace them with a single, modern act;
- **Proposal 2** – Update the objects of the Act – the new law intends to provide for the care and protection of animals and to protect animals from unreasonable or unnecessary harm;
- **Proposal 3** – Update the definition of an animal to include members of vertebrate species (such as amphibians, birds, fish, mammals (other than humans) and reptiles), as well as decapod crustaceans (eg., crabs, lobsters) and cephalopods (eg., octopus, squid).
- **Proposal 10** – Provide authorised officers with new powers to administer sedatives and/or pain relief to animals
- **Proposal 11** – Broaden authorised officer powers of entry to allow proactive compliance
- **Proposal 12** – Provide Local Land Services and council officers with powers in critical situations

The following response was provided to questions 29 and 34:

Question	Response
Q29 - Do you have any comments on the proposal to allow certain government officials to exercise a limited set of powers to care for animals in critical situations (specifically mentions Local Land Services and Council Officers with	Agreed provided Council is called upon to <i>assist</i> other enforcement agencies during critical situations – i.e. provide assistance and not become the Authorised Regulatory Authority. This proposal to authorise Council officers to assist in critical situations and help relieve pain and suffering, <b>should not be used as a means to cost shift or increase the burden onto Local Government.</b> It

<p>powers in critical situations).</p>	<p>is noted that appropriate training would be provided in order to become authorised under this section of the new laws and this section.  <b>Further Comment:</b> Under the Draft Bill and in the absence of Draft Regulations it is not clear whether Council will become the Authority responsible for euthanasia of animals in some situations– ie not a secondary contact.</p>
<p>Q34. Do you have any comments on the proposal to amend approved charitable organisation rehoming provisions to align them with the <i>Companion Animals Act 1998</i>?</p>	<p>Aligning the timeframes with the Companion Animals Act would enable a consistent approach for all dogs and cats including for dangerous, menacing or restricted dogs. This proposed amendment is supported noting it will have no impact on Council's operations.</p>

### **Additional Submission**

Following on from the previous submission, Council has now had an opportunity to review the Draft Animal Welfare Bill 2022.

Whilst there is support for the primary objectives of the Bill and the hard work the government has done towards ensuring high standards of animal welfare in NSW, at this current point in time, the Draft Animal Welfare Bill 2022 requires some amendments. Of note:

- While the premise of the system for tracing and identifying animals and where they originated should be applauded, the system does not currently work as there is no way to assign a BIN to an animal at the point of microchipping nor is there a way to check the information provided by a 'breeder' in an advertisement to ensure accuracy.
- Until BIN numbers can be linked to animals at the point of microchipping and there is a searchable database for consumers to use, the system is flawed.
- Once the BIN system is correctly functional, it would be a powerful tool utilized by enforcement agencies to target 'breeders' who end up with large amounts of animals in rescues and pounds and who contribute to euthanasia rates.
- 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.*
- In the absence of the Regulations it is not possible to know what the 'Prescribed Standard' will mean. Generally, the Bill is overreaching by a lack of providing clear, concise and limited definitions.
- It is concerning that Regulations may be developed after the Bill has been passed without the opportunity to consult.
- There is minimal reference to Companion Animals and the Bill is quite difficult to read to the point that it would be difficult for the general public to understand what rights and obligations people would have under the new Act. This is particularly relevant given that there are no Regulations to indicate how the Act will be applied.

- Generally the definitions have been left wide open and the rationale for doing so is questioned e.g., the list of restrictions.
- Council facilitates a Companion Animals Committee, some members being affiliated with Organisations such as Dogs NSW – a registration body of purebred dogs in NSW. This Organisation promotes dogs' welfare and responsible breeding practices. Council shares the concern of Dogs NSW members that the Draft Animal Welfare Bill 2022, in its current form, may in fact:
  - *Create a niche for truly commercial companion animal breeding factories to thrive;*
  - *Provide an environment in which puppy farmers will continue to fill the market gaps and charge exorbitant amounts of money for animals bred without concern for their welfare*
  - *Have the effect of driving small-time hobbyists away from select breeding/exhibition of their dogs*

Council requests that the Parliamentary Committee when reviewing the Draft Animal Welfare Bill 2022 take these comments into consideration under the review.

Yours faithfully,