

**Submission
No 94**

INQUIRY INTO ANIMAL WELFARE POLICY IN NEW SOUTH WALES

Organisation: Humane Society International Australia

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28 February 2022

The Hon. Catherine Cusack MLC
Chair
Inquiry into animal welfare policy in New South Wales
Parliament House
Macquarie Street
SYDNEY NSW 2000

Via Inquiry website

Dear Ms Cusack

Inquiry into animal welfare policy in New South Wales

We are pleased to provide our comments on the NSW Animal Welfare Bill.

We welcome the review and the opportunity it provides to create a modern animal welfare law for NSW that is fit for purpose and reflects contemporary animal welfare science, community expectations, and good legislative practice.

NSW should be a national leader in animal welfare legislation and our comments are made with that goal in mind. We propose 13 recommendations to improve the structure and operation of the proposed legislation.

We hope our comments are of assistance to the review and we look forward to being kept informed of progress. We would be happy to be called to appear at the hearings for the enquiry. Our contact for matters relating to this submission is Georgie Dolphin:

Yours sincerely,

Erica Martin
Chief Executive Officer
Humane Society International Australia

US Office Washington DC

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NSW Animal Welfare Bill 2021 comments

Introduction

The *Animal Welfare Bill 2021* contains several positive improvements to the current *Prevention of Cruelty to Animals Act 1979* (POCTAA). It simplifies and improves core duty-based and offence provisions clarifying requirements of animal owners and consolidates three separate pieces of legislation into one, making the framework easier to navigate and administer. Other positive features include the expansion of the definition of ‘animal’ to include cephalopods and decapods without limitation, the obligation to provide animals with appropriate opportunities to express normal behaviours, the inclusion of psychological suffering in the definition of ‘harm’ to animals, and the establishment of the Animal Welfare Advisory Council under the Act.

However, the Bill misses a number of other important opportunities to bring NSW into line with standards of modern and contemporary animal welfare law. The Bill maintains the basic deficiencies of the traditional animal welfare legislative approach in carving out entire categories of animals from the protective reach of the minimum care requirements and cruelty prohibitions with little to no conditions placed on such exemptions. This creates a two-tiered system of animal welfare under which standards are determined not by consistent science-based criteria but by the use to which animals are put.

The arbitrary and unconditional nature of such carve outs contributes to the contention and uncertainty in society around the treatment of animals as gaps between community expectations and current industry practices continue to widen. The Bill should be amended to address this fundamental limitation by ensuring there is a more consistent principled basis upon which standards for animal welfare are developed. Recognising animals as sentient beings in the objects of the legislation and incorporating procedural and outcomes-based criteria for the development and adoption of animal welfare standards are essential features of modern animal welfare law that will enhance the administrative and decision-making infrastructure needed to create a more robust and consistent legislative framework.

We are also concerned about the significant range of issues that are intended to be deferred to future regulations, including the substantive provisions of the *Exhibited Animals Protection Act 1986* (the EPA) and the *Animal Research Act 1985* (the ARA), and the intended list of prescribed standards. As these matters are central to the effectiveness of the legislative framework, it is difficult to endorse the Bill in the absence of the proposed regulations. Accordingly, our comments are subject to reviewing the proposed regulations, for which we trust there will be appropriate community and stakeholder consultation.

Wholesale legislative reviews of this kind do not occur often. As the most populist state in the country with significant animal-based industries, the NSW Government should be setting the bar higher to meet the standards of animal welfare that will be expected by the NSW community over the course of the next decade and beyond. We hope our comments will be helpful in achieving this objective.

Recommendations

Recommendation 1

Include expressed recognition of the sentience of animals and their intrinsic value in the objects of the Bill, as follows:

The primary objects of this Act are –

- a) To recognise that animals are sentient beings with intrinsic value

Recommendation 2

That the Bill establish a NSW Animal Welfare Authority with responsibility for administering the legislation.

Recommendation 3

Include requirements for the making and adoption of standards under the Act, including:

- consistency with the objects and duties of the Act;
- relevant factors to be taken into account including advice of the Animal Welfare Advisory Council, relevant scientific knowledge, and available technology; and
- tabling in Parliament.

Recommendation 4

Expediate the adoption of national standards for cattle, sheep and saleyards as mandatory standards in the Regulations.

Recommendation 5

Include further guidance for the courts on how to determine when an act or omission amounts to unnecessary or unreasonable harm by outlining relevant considerations, including:

- whether the harm could reasonably have been avoided or reduced;
- whether the conduct which caused the harm was for a legitimate purpose such as a purpose benefitting the animal or to protect a person, property or another animal;
- whether the harm suffered was proportionate to the purpose of the conduct concerned; and
- whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

Recommendation 6

Amend s.37(1)(a) to include any animal, remove reference to 5 minutes, and insert 'or restrained on the tray of an open-backed vehicle' after 'in a vehicle'.

Recommendation 7

Substitute the threshold of 'distress' in Part 6 for that of 'harm', or alternatively, include the states of 'malnourishment' and 'dehydration' in the definition of 'distress'.

Recommendation 8

Include a power for authorised officers to enter premises for the purposes of preventing the concealment or destruction of evidence.

Recommendation 9

Include a process for civil proceedings to be brought under the legislation with appropriate safeguards to supplement state enforcement efforts and increase compliance with the legislation.

Recommendation 10

Review the list of exemptions with a view to:

- removing the exemption for prescribed animal husbandry practices as it is already provided for under s.20(2);
- removing the exemption for aquaculture until such time as an industry standard is developed and prescribed under the Act; and

- including a requirement that no unnecessary harm be inflicted within the exemption for religious practices.

Recommendation 11

Include animal welfare in the list of factors the court can consider in determining whether to grant a disposal order under s.129, and include a power for authorised officers to apply to the court for an order restricting or prohibiting a person from having custody of an animal in the absence of prosecution proceedings.

Recommendation 12

The advice and reports of the advisory committees under the Act should be made public to promote transparency.

Recommendation 13

Extend the protection from liability in s.160 to veterinary practitioners reporting suspected cases of animal abuse in good faith.

1. Recognising animal sentience in the objects of the Act

The proposed objects of the Bill are very limiting in simply referring to the promotion of animal welfare and the prevention of cruelty. While each of these objects are important, limiting the Bill to only these objects reflects a traditional approach to animal welfare legislation and misses the opportunity to reflect more modern animal welfare legislative practice in expressly recognising animal sentience.

While it is acknowledged that the Bill implicitly recognises animal sentience through reference to the definition of harm including distress, pain, and physical and psychological suffering, this does not have the same interpretive value as expressed recognition in the objects of the legislation.

Ultimately, the sentience of animals is the reason their welfare matters. It is the reason for why modern societies have enacted animal welfare laws. In light of its foundational role, animal sentience should be expressly recognised in the objects of the new legislation. Doing so is not only logical but has practical utility as well, as explained in several key areas below.

a. Improving legislative consistency

As noted above, one of the core deficiencies of current animal welfare legislation, including the POCTAA, concerns the arbitrary nature of the standards of care afforded to different species of animals based on the context in which they are used. The current POCTAA lacks a consistent underlining principle to guide the interpretation and application of the Act and its subordinate instruments. Standards of care are generally determined not by reference to animal welfare science and what animals need but by the most influential stakeholder groups at the time of drafting. This in turn leads to an incoherent legislative structure in which subordinate legislation (including regulations, codes, and standards and guidelines) contradicts the duties and offences outlined in the legislation that enables it. Not only is this undesirable from a legislative drafting perspective, but it is a key contributor to the uncertainty, confusion, and general dissatisfaction many people have with our animal welfare laws today.

The Bill presents an opportunity to address this deficiency. Recognising animal sentience in the objects as a cornerstone principle of the legislation is the first step to creating a more principled, consistent, and coherent legislative framework; one in which respect for the sentience of animals runs through the entire legislative regime informing the interpretation and application of the Act and the administrative decisions and standards made under it (see also, further comments on standards development and adoption below).

b. Sentencing offenders

Legislative objects provisions are utilised by judges and magistrates to inform the interpretation of the legislation, particularly in cases of ambiguity. In the absence of expressed recognition of animal sentience, the Bill provides no further guidance to judicial officers as to the reasons for why promoting animal welfare and preventing cruelty is important. Without such guidance, judicial officers are left to form their own conclusions, which can vary greatly from the purely instrumental (animal welfare matters to the extent it benefits humans) to the intrinsic (animal welfare matters because it matters to the animal). These differing interpretations inform the way animal cruelty offences are conceptualised by judges and magistrates, including their relative seriousness, which in turn can impact upon sentencing outcomes. For judges and magistrates that adopt the traditional instrumental view, animal cruelty matters are often viewed as simple misdemeanours, a form of anti-social, deviate conduct that should not be encouraged but is nevertheless at the lower end of the scale of seriousness meriting only minor penalties. The animal is seen, not as a victim of the offending conduct, but simply an element of the

offence. This view risks trivialising serious offences of animal cruelty that are of great concern to the community.

Simply increasing maximum penalties will not solve this problem as judges and magistrates still have ultimate discretion in determining what penalties are applied in a given case. If animal cruelty offences are conceptualised as minor offences, penalties reflecting available maximums will not be forthcoming, no matter how heinous the offending conduct may be.

Recognising animal sentience in the objects of the legislation signals to the judiciary the underlining reasons for why promoting animal welfare and preventing cruelty is important. This can in turn encourage judicial officers to view the offences in a different light; one in which abused animals are seen as victims of the offending conduct leading to more informed sentencing decisions that better reflect the community's views on the seriousness of animal cruelty offences.

c. Trade and international reputation

Recognising animal sentience is also important for Australia's international reputation. As more countries include recognition of animal sentience in their animal welfare laws, the absence of such recognition in Australia becomes increasingly apparent. As of this year, at least 19 jurisdictions have included such recognition, including New Zealand, Belgium, Chile, Colombia, Denmark, Lithuania, Netherlands, Oregon, Peru, Tanzania, Quebec, the ACT, Spain, France, and indeed, the entire EU via Article 13 of the *Treaty on the Functioning of the European Union* (see Appendix for a full list of jurisdictions).

The United Kingdom has recently introduced an *Animal Sentience Bill* to ensure it continues to recognise animal sentience following its departure from the EU. The Bill also establishes a committee that would report to government on the impact of various government policies on "the welfare of animals as sentient beings."¹

The first Australian jurisdiction to recognise animal sentience in law was the ACT in 2019.² The Victorian Government has also flagged its intention to recognise animal sentience in the current review of its POCTAA,³ and the WA Government has recently endorsed a recommendation to amend the objects of the *Animal Welfare Act 2002* "to expressly recognise that animals are living beings, able to perceive, feel, and have positive and negative experiences."⁴ While this does not include the word 'sentience', it is in essence, the definition of sentience.

It is positive to see other Australian states moving in this direction as the lack of expressed legislative recognition of animal sentience has affected Australia's international reputation on animal welfare. Australia was recently given a 'D' ranking in the World Animal Protection Index,⁵ the only international animal protection index of its kind in the world, which many NGOs, multi-national food companies, institutional investors, and government advisors draw on for guidance on a nation's animal welfare record. As an advanced and economically prosperous nation with significant animal-based industries, it is unfortunate that Australia's ranking is so low compared with equivalent nations around the world.

This impact will not only be reputational in nature but will increasingly have consequences for trade and market access. The Australian Government is currently negotiating a Free Trade Agreement (FTA)

¹ *Animal Welfare (Sentience) Bill* (UK), s.2, <https://bills.parliament.uk/bills/2867>

² *Animal Welfare Act 1992* (ACT), s.4A.

³ Premier of Victoria, Victorians in favour of new Animal Welfare Act, 29 April 2021, <https://www.premier.vic.gov.au/victorians-favour-new-animal-welfare-act>

⁴ Department of Primary Industries and Regional Development WA, Government response to the Report of the Independent Review of the Animal Welfare Act 2002, p.3, <https://www.agric.wa.gov.au/animalwelfare/review-animal-welfare-act-2002-government-response>

⁵ Animal Protection Index, Australia, World Animal Protection, 2020, <https://api.worldanimalprotection.org/country/australia>

with the EU and recently concluded an FTA with the UK. Each of these markets are extremely sensitive to animal welfare as evidenced by the insistence of both EU and UK officials on including prominent animal welfare provisions in the respective agreements.

The Australia-UK FTA was signed on 17 December 2021 and contains a dedicated chapter on animal welfare (Article 25.1). The opening clause of chapter states the following:

1. *The Parties recognise that animals are sentient beings. They also recognise the connection between improved welfare of farmed animals and sustainable food production systems.*

Evidently, recognising animal sentience is now part of Australia's trade policy. The EU has also foreshadowed its desire for animal sentience to be recognised in the agreement it is negotiating with the Australian Government. Expressly recognising animal sentience in the Act would provide further assurances to trading partners that NSW takes animal welfare seriously.

Recognising animal sentience is a central feature of modern animal welfare law. It will improve the functioning of the legislation and will position NSW well for meeting future community and trade expectations.

Recommendation 1

Include expressed recognition of the sentience of animals and their intrinsic value in the objects of the Bill, as follows:

The primary objects of this Act are –

- a) *To recognise that animals are sentient beings with intrinsic value*

2. Establish a NSW Animal Welfare Authority

The Bill should establish an Animal Welfare Authority to undertake key regulatory and administrative responsibilities under the Act. Effective administrative and enforcement arrangements are key components of modern animal welfare law. Animal welfare regulation is becoming more complex and specialised as demand from the community for greater assurances in all animal-based industries continues to grow. The community will increasingly expect governments to provide more robust standards, stronger compliance monitoring and enforcement services, and greater transparency and public reporting on such services.

a. The need

NSW has multiple enforcement entities, including the RSPCA, Animal Welfare League, and the Police, but it is the NSW Department of Primary Industries (the DPI) that currently has ultimate administrative responsibility for the legislation. While the DPI has strong technical capacity in livestock production, it is not an appropriate custodian for the state's animal welfare law and policy because of the inherent tensions that arise with its broader organisational agenda of promoting the profitability and productivity of the state's livestock industries.

The DPI is ultimately an industry promoting agency. It is an industry enabler and service provider. The primary performance measures utilised by the Department relate to increases in the Gross Value of Production (GVP) of the state's primary industries.⁶ To be clear, no criticism is made of this objective. There is a legitimate role for government in promoting the productivity of industry, which, if done appropriately, is in the public interest. Problems arise, however, when industry-promoting departments

⁶ NSW DPI Strategic Plan 2019-2013.

are delegated with regulatory responsibilities that conflict, or have the potential to conflict, with that industry promotion agenda. As the Australian Productivity Commission noted in the context of animal welfare regulation:

Representing the interests of the industry that a government department is tasked with addressing is not of itself a concern, it is consistent with its objective. However, issues can arise when that department is also responsible for implementing a regulation that has broader community interests that may conflict with those of the industry.⁷

While animal welfare and farm productivity may be mutually compatible on basic measures of welfare like the provision of sufficient food and water and protection from predation, there are many instances where improvements to animal welfare may come at a cost to productivity and profitability. Examples include reducing stocking densities in intensive livestock operations, replacing extreme confinement systems with larger group housing or free-range systems, administering pain relief during invasive husbandry procedures, or increasing the availability and provision of veterinary services. All of these factors improve animal welfare but can impact industry productivity and profitability. As the Productivity Commission noted, 'animal welfare and production and profitability do not always go hand-in-hand.'⁸

When a department is responsible for managing policy on animal welfare standards within livestock industries including critical issues like housing systems and stocking densities, and at the same time is responsible for meeting KPIs of increasing the GVP of those very same industries, it is faced with conflicting priorities. Of course, government departments often have to balance competing interests and responsibilities. This is not unusual but problems arise when there is a significant disparity in the level of priority placed on each competing responsibility, making it difficult, if not impossible, to arrive at a reasonable balance.

As public sector governance expert Professor Eric Biber has noted, government agencies will systematically underperform on secondary goals that conflict with the achievement of the agencies' primary goals.⁹ In particular, agencies will pursue short term economic goals that are easy to measure at the expense of more elusive social goals in the public interest.¹⁰ Growth in the GVP of NSW livestock industries is easy to measure. Improvements in animal welfare outcomes and the public interest in such, is not. Accordingly, the DPI maintains a strong focus on promoting industry growth and productivity, but the evidence shows it is underperforming on regulatory responsibilities relating to animal welfare.

Routine animal welfare compliance monitoring for commercial livestock production facilities under the POCTAA is extremely limited.¹¹ The funding provided to RSPCA NSW to perform this and other regulatory functions is the lowest in the country on a pro rata basis,¹² and the department's management of animal welfare standards development processes has been criticised for failing to take into account relevant scientific evidence and for being too heavily focused on the interests of industry at the expense of animal welfare.¹³

⁷ Productivity Commission, *Regulation of Australian Agriculture*, No.79, 2017, p.225
<https://www.pc.gov.au/inquiries/completed/agriculture#report>

⁸ Ibid, 203.

⁹ Eric Biber, 'Too Many Things to Do: How to Deal with the Dysfunctions of Multiple-Goal Agencies' (2009) 33 *Harvard Environmental Law Review* 1.

¹⁰ Ibid.

¹¹ A total of 39 routine inspections were conducted on commercial livestock facilities (including 2 on dairy farms, 1 on a poultry farm, and 36 at sale yards) for the 2018/19 FY – NSW Legislative Council, *Animal Cruelty Laws in New South Wales*, Final Report, 2020, p.37.

¹² Ibid, p.34

¹³ See, Han, E 'RSPCA threatens to quit poultry standards advisory group as integrity of process is questioned, *Sydney Morning Herald*, 14 February 2017, <https://www.smh.com.au/business/consumer-affairs/rspca-threatens-to-quit-poultry-standards-advisory-group-as-integrity-of-process-is-questioned-20170213-gubqx0.html>; Thomas

Managing conflicting interests and improving regulatory performance were key reasons behind the establishment of independent Environmental Protection Authorities in the 1970s and 80s. Separating out core environmental regulatory functions from departmental bureaucracies was found to be essential for delivering the focused, dedicated, and specialist regulatory services required of modern environmental protection laws.

Animal welfare laws are now entering a similar level of complexity and specialisation and require an equally focused, dedicated, and independent approach to their administration and implementation.

b. Role and structure

The introduction of the NSW Chief Animal Welfare Officer (CAWO) role in 2018 was a positive development in focusing the Department's approach to animal welfare. However, it does not address the institutional challenges of managing animal welfare policy and regulatory services within a bureaucratic structure that has competing priorities. The CAWO is not established as a statutory office. It is part of the Department bureaucracy reporting to senior officials who can override the advice of the CAWO on any matter. Significant regulatory and policy matters will inevitably be elevated to senior officials who are very conscious of the Department's core industry promoting goals and objectives.

The Bill presents an opportunity to address this structural limitation and position NSW for the future of animal welfare law, regulation, and assurance by establishing a dedicated central authority with responsibility for administrative and regulatory decisions under the Act. These responsibilities could include:

- overseeing the appointment and training of inspectors;
- supporting the Animal Welfare Advisory Council, Animal Research Review Panel, and Exhibited Animals Advisory Committee;
- administering the licensing regimes for exhibited animals and research establishments;
- facilitating the appointment of Livestock Welfare Panels;
- animal trade standards development and compliance monitoring;
- determining animal forfeiture applications;
- the approval of official forms for use under the Act;
- the recognition of interstate prohibition orders; and
- publicly reporting on compliance and enforcement activities

Under such an arrangement, the NSW DPI would continue to play an important role in the provision of technical advice and assistance, industry extension services, and informing the development of policy, but it would not be wholly responsible for the administration of the state's animal welfare laws and policy. Likewise, current entities such as the RSPCA, Animal Welfare League and Police would continue to play their enforcement role but instead of reporting to the DPI they would report to the Animal Welfare Authority.

The portfolio location of the Authority would be a matter for the government of the day. As agriculture portfolios will be faced with the same competing responsibilities, allocating the Authority to the primary industries portfolio would be problematic. While the enabling legislation could protect the Authority's independence to some extent, ideally it would be situated within a portfolio that did not give rise to the same competitive tensions.

J & Branley, A 'Egg farmers accused of colluding with Government department to sabotage moves to outlaw battery hens' ABC, 21 December 2017, <https://www.abc.net.au/news/2017-12-21/egg-farmers-accused-of-colluding-with-nsw-government/9229242>

Much of the funding for the Authority could be sourced via a reallocation of existing resources within the Department as the proposed responsibilities and functions of the Authority are drawing from those already proposed in the Bill. That said, animal welfare regulatory and compliance services are chronically underfunded in NSW and are in need of substantial increased investment by the NSW Government.

Establishing a NSW Animal Welfare Authority does not only make sense from a regulatory perspective but will come with additional benefits of improving public confidence in the administration and enforcement of animal welfare law. Social research commissioned by the federal Department of Agriculture noted that members of the public raised concerns over the perception of conflicting interests when “the same regulatory body responsible for the promotion for the agricultural industry was also responsible for ensuring animal welfare standards.”¹⁴ This perception will increase in future if greater investment is not made in meeting the expectations of the community. The establishment of a NSW Animal Welfare Authority would send a strong signal that the NSW Government takes animal welfare seriously.

Recommendation 2

That the Bill establish a NSW Animal Welfare Authority with responsibility for administering the legislation.

3. Definitions

a. ‘Animal’

Expanding the definition of ‘animal’ to include cephalopods and decapods without limitation is very positive. We would recommend including the definition of ‘animal’ at the front of the Bill with the other key concepts in light of the central importance of this definition for the scope of the legislative framework.

b. ‘Harm’

Use of the term ‘harm’ to describe the relevant consequence to an animal for the purposes of the offence provisions is positive as this term can encompass a broader array of negative impacts and experiences than simply ‘pain.’ The explicit inclusion of ‘psychological suffering’ in the definition is very welcome.

4. Minimum care requirements

We strongly support the introduction of the minimum care requirements. Separating these requirements out from the cruelty offence provisions enhances the clarity of the legislation for responsible persons. The inclusion of requirements to keep animals in an ‘appropriate environment’, to provide appropriate preventative treatment for disease, illness or injury, and to provide appropriate opportunities to display normal behaviours are all very positive features of the Bill.

5. Adoption of standards

Industry codes and standards comprise an integral part of the legislative framework. Industry standards govern the welfare of hundreds of millions of animals in NSW, far more than the number of animals that will benefit from the minimum standard of care provisions outlined in the Bill. This is due to the operation of s.20(2) of the Bill in exempting any act done in accordance with a prescribed standard from the application of the minimum care requirements. Accordingly, what is written in the

¹⁴ Futureye, Australia’s Shifting Mindset on Farm Animal Welfare, 2018, p.16.

prescribed standards will arguably be more important for animal welfare outcomes than what is written in the principal legislation itself.

Despite the central role played by the standards in achieving the proposed legislative objects, the Bill is silent on the process and criteria for the making and adoption of such standards. Section 21 of the Bill simply states that the regulations may apply, adopt or incorporate a standard as in force at a stated time or from time to time. This allows for the making and adoption of any animal welfare standard no matter how deficient or contrary to the objects of the legislation it may be.

Modern animal welfare law establishes decision-making criteria for the adoption of industry standards to ensure consistency and accountability in the process of development. On this point, we refer to Part 5 and s.183A of the New Zealand *Animal Welfare Act 1999* which set out in detail the process for how Codes of Welfare and Regulations are to be made under the Act. Part 5 outlines the involvement of the National Animal Welfare Advisory Committee in the preparation of Codes, public notification and consultation requirements, and factors that must be considered including the consistency with the purpose of the Act, public and stakeholder submissions, relevant scientific knowledge, and available technology. Proposed Codes are also required to be tabled in the House of Representatives. Section 183A states that regulations cannot prescribe standards that do not fully meet the duty of care obligations set out in the Act. Exceptions may be granted to avoid negative impacts on industry but only for a period of 10 years before the regulations must be brought into line with the Act's duties and obligations.

Such provisions ensure the process for making Codes and Regulations, under which the welfare of millions of animals will be determined, is consistent and accountable, and this ultimately leads to a more robust and coherent legislative framework. The Bill should establish similar decision-making criteria to ensure that NSW animal welfare standards are developed in an equally consistent and accountable manner.

While some livestock welfare standards are created at a national level in consultation with all state and territory jurisdictions, this is not a barrier to establishing decision-making and procedural criteria in NSW as national standards still need to be adopted under NSW law to be granted legal status. Decision making criteria prescribed in NSW legislation could be satisfied through the national process or by the NSW Government taking any additional steps required to satisfy the Act's requirements prior to adoption. Such additional steps may lead NSW to adopt standards that exceed those proposed in the national standards.

Finally, we recommend that the regulations expediate the adoption of all current national standards including those for sheep, cattle, and saleyards as mandatory standards. We are pleased to see that the category of voluntary guidelines established under s.34A of the POCTAA has not been carried over to the Bill. Having different categories of subordinate instruments with differing legal requirements creates confusion. A single category of prescribed standards that are all mandatory improves clarity.

Recommendation 3

Include requirements for the making and adoption of standards under the Act, including:

- consistency with the objects and duties of the Act;
- relevant factors to be taken into account including advice of the Animal Welfare Advisory Council, relevant scientific knowledge, and available technology; and
- tabling in Parliament.

Recommendation 4

Expediate the adoption of national standards for cattle, sheep and saleyards as mandatory standards in the Regulations.

6. Animal cruelty

We generally support the cruelty offences proposed in the Bill including the use of the term 'harm' rather than the more limiting term of 'pain'. We believe the structure and clarity of the offence would be improved by including the elements of the definition in s.25 rather than separating the substantive elements out into the 'key concepts' division.

We do however recommend the legislation provide further guidance to the courts on how to determine when harm caused to an animal is unnecessary or unreasonable. In this regard, we refer to s.4(3) of the UK *Animal Welfare Act 2006*, which codifies well established principles of the common law in determining this question. It outlines a range of relevant factors for the court to consider, including:

- whether the harm could reasonably have been avoided or reduced;
- whether the conduct which caused the harm was for a legitimate purpose such as a purpose benefitting the animal or to protect a person, property or another animal;
- whether the harm suffered was proportionate to the purpose of the conduct concerned; and
- whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

The inclusion of such considerations will provide guidance to courts in determining whether harm caused to an animal is unnecessary and in turn promote greater consistency in the interpretation and application of the legislation.

Recommendation 5

Include further guidance for the courts on how to determine when an act or omission amounts to unnecessary or unreasonable harm by outlining relevant considerations, including:

- whether the harm could reasonably have been avoided or reduced;
- whether the conduct which caused the harm was for a legitimate purpose such as a purpose benefitting the animal or to protect a person, property or another animal;
- whether the harm suffered was proportionate to the purpose of the conduct concerned; and
- whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

7. Leaving dogs in hot vehicles

We support the inclusion of specific offences for leaving animals in hot vehicles, however, the current offence in s.37 should be broadened out to any animal, not just dogs. We are also concerned about potential unintended consequences of including a particular time limit in the offence as it may imply that leaving an animal in a hot vehicle for under 5 minutes is permissible. A common excuse given by people leaving animals in hot cars is that they thought they would only be away for 5 minutes. We would recommend removing the specific time limit and simply making it an offence to leave an animal unattended in a vehicle in hot weather.

We also recommend inserting 'or restrained on the tray of an open-backed vehicle' after 'in a vehicle' as 'in a vehicle' may not capture dogs left on a vehicle in hot weather, and paragraph (b) is limited to *transporting* dogs on the tray of an open-backed vehicle, not leaving them on such.

Recommendation 6

Amend s.37(1)(a) to include any animal, remove reference to 5 minutes, and insert 'or restrained on the tray of an open-backed vehicle' after 'in a vehicle'.

8. Stock welfare panels

We question why the threshold for triggering the livestock seizure process under Part 6 is set at the bar of 'distress' defined as 'debility, exhaustion, exposure to the elements or significant physical injury' rather than that of 'harm' as it is for all other animals covered by the Bill. We believe the criteria for seizing livestock should be no different to the grounds for seizing other animals. If such distinction is to be maintained, we recommend that at the very least, the states of 'malnourishment' and 'dehydration' are included in the definition of 'distress'.

Recommendation 7

Substitute the threshold of 'distress' in Part 6 for that of 'harm', or alternatively, include the states of 'malnourishment' and 'dehydration' in the definition of 'distress'.

9. Powers of authorised officers

We support the entry powers for authorised officers under the Bill, especially the additional powers for checking compliance with animal welfare notices and court orders, and for requiring people at the property to assist officers in exercising their functions.

However, the Bill should also include a power for officers to enter a premises for the purposes of preventing the concealment or destruction of evidence.

Recommendation 8

Include a power for authorised officers to enter premises for the purposes of preventing the concealment or destruction of evidence.

10. Authority to commence proceedings

Authority to initiate proceedings under the Act should not be limited to authorised officers, the Minister, Secretary, those with written consent from the Minister or Secretary, prescribed entities or approved charitable organisations. The role of third-party private litigants has been recognised in other legislative settings such as Australian consumer law and environmental protection legislation as a legitimate and effective means of supplementing state enforcement efforts to increase compliance with the law.

Civil proceedings provisions should be introduced into the Bill to facilitate this important enforcement mechanism. Appropriate safeguards can be built in to the process to ensure the provisions are only used for appropriate and legitimate purposes. As an example, civil proceedings may be taken under the Victorian *Environment Protection Act 2017* only by:

- persons whose interests are affected by a contravention of the legislation; or
- a person who otherwise has the leave of the Court to bring an application, which will only be granted if the court is satisfied that:
 - o the application would be in the public interest; and

- the person had requested in writing that the EPA take enforcement or compliance action, but the EPA failed to take enforcement or compliance action within a reasonable time.

Together with the general risks associated with adverse costs orders, these provisions provide appropriate safeguards to ensure that such proceedings could only be undertaken by those with a legitimate purpose. We recommend that similar civil proceedings provisions be introduced into the Bill to enable greater enforcement of the legislation.

Recommendation 9

Include a process for civil proceedings to be brought under the legislation with appropriate safeguards to supplement state enforcement efforts and increase compliance with the legislation.

11. Exemptions

The exemptions contained in s.119 are wide ranging and require review as they have the potential to undermine the objects of the legislation. Wholesale carve-outs for certain practices without limitation is an outdated feature of animal welfare legislation that should not be carried through to the new Act. Due to the significant consequence for animal welfare, clear definitive conditions should be placed on any practices that propose to deviate from the duties and offence provisions of the Act.

The exemption for prescribed animal husbandry practices is unnecessary and should be removed given s.20(2) already provides an exemption for compliance with prescribed standards.

The exemption for undertaking aquaculture contains no qualifications and is inappropriate. The *Fisheries Management Act 1994* does not include or prescribe animal welfare standards for aquaculture. This exemption should be removed at least until such time as an industry animal welfare standard is developed and prescribed for aquaculture under the Act.

Likewise, the exemption for religious practices contains no qualification. Provided the act is in accordance with the precepts of the Jewish or other prescribed religion, it is exempt. This is incredibly broad and should at least contain the requirement that no unnecessary harm be inflicted on the animal as required for other exemption provisions.

Recommendation 10

Review the list of exemptions with a view to:

- removing the exemption for prescribed animal husbandry practices as it is already provided for under s.20(2);
- removing the exemption for aquaculture until such time as an industry standard is developed and prescribed under the Act; and
- including a requirement that no unnecessary harm be inflicted within the exemption for religious practices.

12. Court orders

We support the range of court orders available under Division 3 Part 8. However, we recommend that the factors the court may consider in determining an application under s.129 should include the welfare of the animal.

We also recommend an additional power for authorised officers to apply to a Court for an order restricting or prohibiting a person from having custody of an animal in the absence of prosecution

proceedings. Such orders may be necessary in the event that a person is unsuitable to be in charge of an animal but it is not in the public interest to prosecute them.

Recommendation 11

Include animal welfare in the list of factors the court can consider in determining whether to grant a disposal order under s.129, and include a power for authorised officers to apply to the court for an order restricting or prohibiting a person from having custody of an animal in the absence of prosecution proceedings.

13. Committees

Independent expert advice is a critical component of developing informed animal welfare policy and standards. We therefore support the establishment of the Animal Welfare Advisory Council, the Animal Research Review Panel, and the Exhibited Animals Advisory Committee under the Act. However, our support is subject to reviewing the regulations to ensure the proposed membership is appropriate and balanced. We also recommend that the advice and reports of the committees be made public to improve the transparency of the framework.

Recommendation 12

The advice and reports of the advisory committees under the Act should be made public to improve transparency.

14. Regulations

If the regulations are intended to include substantive animal welfare requirements in addition to the prescribed standards, then similar decision-making criteria to that recommended above for the development and adoption of the standards should apply to the making of regulations. In particular, the requirement that the regulations are consistent with the objects and duties of the Act will be essential to ensure legislative coherence.

15. Protection from liability

We support the protection from liability provided to 'protected persons' under s.160. However, we note that the protection is limited to liability arising in the course of 'exercising a function under the Act.' We query whether this would extend to protecting veterinary practitioners from reporting suspected cases of animal abuse. We recommend the Bill be amended to make it clear that protection from liability extends to veterinary practitioners reporting suspected cases of animal abuse in good faith.

Recommendation 13

Extend the protection from liability in s.160 to veterinary practitioners reporting suspected cases of animal abuse in good faith.

Appendix - Recognition of Animal Sentience

Jurisdiction	Legislation	Uses 'sentient'	Wording/description	Comments/source
Australia Capital Territory	Animal Welfare Act 1992 s 4A(1)(a)	Yes	<i>The main objects of this Act are to recognise that - (a) animals are sentient beings that are able to subjectively feel and perceive the world around them;</i>	https://www.legislation.act.gov.au/View/a/1992-45/current/html/1992-45.html
Brazil	Civil Code – Bill 351/2015 (approved at the Brazilian National Congress and awaits presidential approval)	No	Bill 351/2015 adds determination in the Civil Code that animals are not considered things, admitting that animals, although they are not recognised as natural persons, are not objects or things. However, there is no provision in the draft defining what the new status of animals would be.	Animal Protection Index https://api.worldanimalprotection.org/country/brazil
Austria	Civil Code of Austria Article 285a	No	<i>Animals are not things; they are protected by special laws. The provisions in force for the things apply to animals only if no contrary regulation exists</i>	Unofficial translation https://www.globalanimallaw.org/database/national/austria/
Belgium	Belgium Civil Code Article 3.39	Yes	<i>Animals are sentient and have biological needs. The provisions relating to tangible things apply to animals, in compliance with the legal and regulatory provisions that protect them and public order.</i>	https://www.ejustice.just.fgov.be/cgi/loi/change_lg.pl?language=fr&la=F&cn=2020020416&table_name=loi
Brussels	Civil Code	No	Animals will be categorized as “a living being endowed with sensitivity, interests of its own and dignity, that benefits from special protection.”	https://aldf.org/article/brussels-recognizes-animals-as-sentient-beings-distinct-from-objects/
Chile	Law 20380 on the Protection of Animals of 2009	Yes	animals should be ' <i>respected and protected as living sentient beings that are part of nature</i> '	Animal Protection Index: https://api.worldanimalprotection.org/country/chile

	Article 2			https://vlex.cl/vid/ley-n-proteccion-animales-277500587
Colombia	Civil Code, amended by Law 1774 of 2016 Article 1	Yes	Establishes that ‘ <i>animals as sentient beings are not things</i> ’ and that they will receive ‘ <i>special protection against suffering and pain</i> ’	Animal Protection Index: https://api.worldanimalprotection.org/country/colombia https://www.globalanimallaw.org/downloads/database/national/colombia/LEY-1774-DEL-6-DE-ENERO-DE-2016.pdf
Czech Republic	Civil Code, Act No 89/2012 § 494	No	<i>A living animal has a special meaning and value already as a sense-gifted living creature. A living animal is not a thing, and the provisions on things apply mutatis mutandis to a living animal only to the extent that it does not contradict its nature.</i>	Unofficial translation: https://www.globalanimallaw.org/downloads/database/national/czech-republic/Civil-Code.pdf
Denmark	Animal Welfare Act 2021 § 1	Yes	<i>The law aims to promote good animal welfare, including the protection of animals, and promote respect for animals as living and sentient beings. The law is also intended to protect animal ethics.</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/denmark https://www.globalanimallaw.org/downloads/database/national/denmark/bekendtgoelse-af-dyvevaernsloven.pdf
European Union	Treaty on the Functioning of the European Union (TFEU) (formerly the Lisbon Treaty) Article 13	Yes	<i>In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.</i>	https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_2&format=PDF
France	French Civil Code	Yes	Recognises that animals are ‘ <i>living beings gifted with sentience</i> ’	Animal Protection Index:

	Article 515-14			https://api.worldanimalprotection.org/country/france https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000030250342/
France	Law 76-629 of 1976 on the Protection of Nature Article 9	Yes	<i>Every animal being a sentient being must be placed by its owner in conditions compatible with the biological imperatives of its species.</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/france https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000684998?init=true&page=1&query=76-629&searchField=ALL&tab_selection=all
Germany	German Civil Code (BGB) Section 90 (a)	No	<i>Animals are not things. They are protected by special statutes. They are governed by the provisions that apply to things, with the necessary modifications, except insofar as otherwise provided.</i>	https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p0267
Iceland	Act No. 55/2013 on Animal Welfare Article 1	Yes	<i>The objective of this Act is to promote animal welfare, which entails ensuring that they do not suffer distress, hunger or thirst, fear or suffering, pain, injuries or disease, considering that animals are sentient beings. Another objective of the Act is to allow animals to express their natural behaviour to the fullest.</i>	https://www.government.is/lisalib/getfile.aspx?itemid=d1718344-68cf-11e8-9429-005056bc4d74
Lithuania	The Law on the Care, Keeping and use of Animals 3 October 2012 No XI-2271 Article 1	Yes	<i>This Law shall lay down the remit of state and municipal authorities in ensuring the welfare and protection of animals as sentient beings, the responsibilities of natural and legal persons and other organisations and branches thereof (hereinafter: the 'person') in the area of animal protection and welfare, the welfare and protection of homeless animals, measures to reduce the population of stray animals, requirements for the humane treatment of animals to protect animals against cruel treatment, torture and other adverse impact and to ensure human safety.</i>	http://extwprlegs1.fao.org/docs/pdf/lit28122.pdf

Aguascaliente (Mexico)	Animal Protection Act (2001 – last reformed 2019) Article 1	No	<i>The purpose of this Law is to protect animals from any act of cruelty with which they are martyred or mistreated and to guarantee their well-being, considering that all living beings are beings that feel, that they have a function within ecosystems, and that respect for them has multiple benefits to the human being.</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/mexico https://congresoags.gob.mx/agenda_legislativa/leyes/descargarPdf/243
Chihuahua (Mexico)	Animal Welfare Law (2010 – last reform 2017) Article 3	No	defines an ‘animal’ as an ‘organic being that lives, feels and moves on its own impulse.’	Animal Protection Index: https://api.worldanimalprotection.org/country/mexico https://www.congresochihuahua2.gob.mx/biblioteca/leyes/archivosLeyes/1260.pdf
Coahuila (Mexico)	Law of Protection and Treatment of Animals (2013 – last reformed 2017) Article 4 I	No	<i>Animal: Every living being, not human, that has its own mobility, that feels and reacts to pain and to the environmental stimuli</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/mexico https://congresocoahuila.gob.mx/transparencia/03/Leyes_Coahuila/coa197.pdf
Hidalgo (Mexico)	Law for the Protection and Decent Treatment of Animals (2005 – last reform 2018) Article 3 I	No	<i>Animals: Every living, non-human being that feels and reacts to pain and moves voluntarily</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/mexico http://www.congreso-hidalgo.gob.mx/biblioteca_legislativa/leyes_cintillo/Ley%20de%20Proteccion%20y%20Trato%20Digno%20para%20los%20Animales.pdf

Mexico City	The Constitution of Mexico City (updated 2017) Article 18	Yes	<i>This Constitution recognises animals as sentient beings and should therefore be treated with dignity.</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/mexico http://www.secretariadeasuntosparlamentarios.gob.mx/leyes_y_codigos.html
Michoacán de Ocampo (Mexico) Article 2	Law of Rights and Protection for Animals (2018)	Yes	<i>The State through this Law recognizes that non-human animals are sentient beings who experience different physical and emotional sensations, reason why they are recognized as object of protection of the present Law, erecting on natural or legal persons the obligation to procure their protection, respect and well-being, in accordance with the ethical principles contained in the this Law, its Regulations and other applicable provisions.</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/mexico http://congresomich.gob.mx/file/LEY-DE-DERECHOS-Y-PROTECCI%C3%93N-PARA-LOS-ANIMALES-REF-28-DE-AGOSTO-DE-2019.pdf
Veracruz (Mexico)	Animal Protection Act (2010 – last reform 2016) Article 4 I	No	defines animals as ‘being alive with the ability to move on its own, experience sensitivity and emotions and conduct behaviours aimed at their survival and those of their species.’ <i>Animal: Living being with the ability to move by its own means, experience sensitivity and emotions and perform behaviors aimed at their survival and those of their species.</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/mexico https://www.legisver.gob.mx/leyes/LeyesPDF/LPANIMALES04022020F.pdf
Moldova	Civil Code 2002 Article 287	No	<i>Animals</i> <i>(1) Animals are not considered things. They are protected by special laws.</i>	Unofficial translation https://www.globalanimallaw.org/downloads/database/national/moldova/moldova.pdf
Netherlands	Animals Act 2011 (in force since 2013)	Yes	<i>Recognition of the intrinsic value as referred to in the first paragraph is understood to mean recognition of the self-esteem of animals, being sentient beings. When setting rules by or pursuant to this Act, and taking decisions based on those rules, full account is taken of the consequences that these rules or decisions have for this intrinsic value</i>	Unofficial translation https://wetten.overheid.nl/BWBR0030250/2013-01-01

	Article 1.3		<i>of the animal, without prejudice to other legitimate interests. In any case, it is provided that the infringement of the integrity or welfare of animals is prevented beyond what is reasonably necessary and that the care that the animals reasonably require is ensured.</i>	
Netherlands	Dutch Civil Code Book 3 General Property Law, General Provisions, section 1 definitions, Article 2a1	No	'animals are not things'	http://www.dutchcivillaw.com/civilcodebook033.htm https://wetten.overheid.nl/BWBR0005291/2015-08-27#Opschrift
New Zealand	Animal Welfare Act 1999 Long title	Yes	An Act— <i>to reform the law relating to the welfare of animals and the prevention of their ill-treatment; and, in particular,—</i> to recognise that animals are sentient:	https://www.legislation.govt.nz/act/public/1999/0142/latest/DLM49664.html
Oregon	Offenses Against General Welfare and Animals ORS 167.305	Yes	<i>The Legislative Assembly finds and declares that:</i> <i>(1) Animals are sentient beings capable of experiencing pain, stress and fear;</i>	https://oregon.public.law/statutes/ors_167.305
Peru	Animal Protection and Welfare Law 30407 2016 Articles 1, 14	Yes	<i>the state establishes the necessary conditions to provide protection to domestic or wild vertebrate animal species and to recognise them as sentient animals, which deserve to enjoy good treatment by human beings and live in harmony with their environment.</i> <i>'all species of domestic and wild vertebrate animals kept in captivity' are 'sentient beings'</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/peru https://www.globalanimallaw.org/downloads/database/national/peru/30407.pdf
Poland	Animal Protection Act (1997 - last amended 2017)	No	<i>The animal as a living creature, capable of suffering, is not a thing.</i>	https://www.animallaw.info/statute/poland-cruelty-polish-animal-protection-act

	Article 1(1)			
Quebec	Animal Welfare and Safety Act Q 2015, c B-3.1 Long title	Yes	<i>As animals are sentient beings that have biological needs</i>	https://www.legisquebec.gouv.qc.ca/en/document/cs/B-3.1
Quebec	Civil Code of Quebec 1991 898.1	Yes	<i>Animals are not things. They are sentient beings and have biological needs.</i> <i>In addition to the provisions of special Acts which protect animals, the provisions of this Code and of any other Act concerning property nonetheless apply to animals.</i>	https://www.legisquebec.gouv.qc.ca/en/document/cs/CCQ-1991
Russia	Federal Law No. 498-Ф3 'On Responsible Handling of Animals and on Amending Certain Legislative Acts of the Russian Federation' adopted on 17 December 2018 Article 4	No	states that the treatment of animals should be based on the following ' <i>moral principles and principles of humanity</i> ': that animals should be treated as creatures capable of experiencing emotions and physical suffering; that the fate of the animal is a human responsibility; that the population should be educated in moral and humane attitudes toward animals, and that animal welfare is a scientifically-based combination of moral, economic and social interests of a person, society and the state.	Animal Protection Index: https://api.worldanimalprotection.org/country/russia
Spain	Civil Code (new amendments were passed in 2021) Article 333	Yes	to recognise animals are " <i>living beings endowed with sentience rather than 'things,' specifically "moveable property."</i> 1. <i>Animals are living beings endowed with sensitivity. Only the regime will be applicable of goods and of things to the extent that it is compatible with their nature and with the provisions for their protection</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/spain https://www.globalanimallaw.org/downloads/database/national/spain/animal-sentience-spanish-law.pdf

Catalonia (Spain)	Civil Code of Catalonia Art. 511-1 (3)	No	<i>The animals, which are not considered as things, are under the special protection of the laws. Only apply to them the rules of goods in accordance with their nature.</i>	Unofficial translation: https://www.globalanimallaw.org/databse/national/spain/
Catalonia (Spain)	Royal Decree 22/2003, amending Royal Decree 3/1988	Yes	Recognises animals as being physically and psychologically sentient beings.	Animal Protection Index: https://api.worldanimalprotection.org/country/spain
Andalusia (Spain)	Royal Decree 11/2003	No	recognises that animals may experience feelings such as pleasure, fear, stress, anxiety, pain or happiness.	Animal Protection Index: https://api.worldanimalprotection.org/country/spain
Serbia	Law on Animal Welfare (Official Gazette of the Republic of Serbia", No. 41/2009) Article 2	No	<i>Animal welfare, which is regulated by this law, refers to animals that can sense pain, suffering, fear and stress</i>	https://www.globalanimallaw.org/downloads/database/national/serbia/Serbia-Law-on-Animal-Welfare-2009.pdf
Slovakia	Civil Code (updated 2018)	No	Updated the definition of 'animals' to reflect that they are living beings, not things	https://aldf.org/article/brussels-recognizes-animals-as-sentient-beings-distinct-from-objects/
Sweden	Animal Welfare Act 2018 Chapter 1 Section 1 (and the governmental bill)	No	Chapter 1, Section 1 of the Act mandates that animals shall be 'respected'. <i>This Act aims to ensure good animal welfare and promote good animal welfare and respect for animals. (unofficial translation)</i> The governmental bill states that treating animals with respect means to acknowledge that animals are living sentient beings with needs	https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/djurskyddslag-20181192_sfs-2018-1192 Animal Protection Index; https://api.worldanimalprotection.org/country/sweden

			that must be met. It also explicitly states that animals have value, regardless of the use humans have for them.	
Switzerland	Swiss Civil Code Article 641(a)	No	1- <i>Animals are not objects.</i> 2- <i>Where no special provisions exist for animals, they are subject to the provisions governing objects.</i>	https://fedlex.data.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/24/233_245_233/20180101/en/pdf-a/fedlex-data-admin-ch-eli-cc-24-233_245_233-20180101-en-pdf-a.pdf
Switzerland	Animal Welfare Act 2005 Articles 1, 3	No	<i>The purpose of the Act is to protect the dignity and welfare of animals (Article 1), and dignity is the inherent worth of the animal that must be respected when dealing with it (Article 3).</i>	https://www.globalanimallaw.org/downloads/database/national/switzerland/Tierschutzgesetz-2005-EN-2011.pdf
Tanzania	Animal Welfare Act 2008 s 4(b)(i)	Yes	<i>With a view to giving effect to the fundamental principles of National Livestock Policy and Animal Welfare, every person exercising powers under, applying or interpreting this Act shall have regard to-</i> ... <i>(b) Recognising that-</i> (i) <i>an animal is a sentient being</i>	https://www.globalanimallaw.org/downloads/database/national/tanzania/tan85327.pdf
United Kingdom	Animal Welfare (Sentience) Bill 2021	Yes	<i>A Bill to make provision for an Animal Sentience Committee with functions relating to the effect of government policy on the welfare of animals as sentient beings.</i>	This Bill is currently in the House of Commons and has not reached Royal Assent https://bills.parliament.uk/bills/2867