

Submission
No 138

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

Name: Name suppressed

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Partially
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SUBMISSION BY

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In general, what I find absent from, and needing presence in, the Draft Animal Welfare Bill 2022, is consideration for the following.

1. The establishment of an independent office of animal protection to administer and enforce the Bill.
2. Provisions for the public or enforcement agents to rescue animals locked in vehicles in hot weather, as in the Animal Welfare Act 1992 (ACT), section 109A.
3. The establishment of an animal cruelty offenders register accessible to relevant parties including foster carers, commercial entities, charities, government entities, etc.

More specifically please refer to my observations in the various section and parts noted below.

SECTION 3

One of the most alarming omissions from the draft Animal Welfare Bill 2021 is the failure to acknowledge animal sentience.

This is out of step with not only societal values, but also more current laws being made in Australia and New Zealand, but other countries including the UK, Austria, Belgium, Brazil, Canada, Denmark, etc. The Bill must clearly acknowledge in its clause (section 3) that animals are sentient beings and have intrinsic value.

SECTION 20

I object to Section 20(2), which suggests that the lowest form of compliance is allowable on animal welfare. That is, allowing people to comply with 'standards' that are lower than the minimum care requirements (Part 3, Division 1), should be removed.

SECTION 22

Trimming the beaks of hens should be listed as a 'prohibited procedure'. There is proven pain caused to the animals and no pain relief prescribed. It prohibits the animal from natural behaviour and contradicts Sections 13 and 14.

SECTION 27

In Section 27(2)(a)(ii) of the Bill ('intentionally allowing the animal to escape') should be removed. Making the abandoning animals and offence is too vague. Letting a stray dog out of a person's back yard or desexing stray cats could be deemed as an offence.

SECTION 29

The most common, and still largely unreported collisions with animals are collision involving birds. I find it unacceptable excluding birds from the requirement to alleviate harm to animals struck by vehicles. I recommend removing this section.

SECTION 30

Excluding non-domestic animals from the offence of poisoning animals. The offence should be broadened to apply to all animals. Therefore, the reference to 'domestic' in section 30 should be removed.

SECTION 32

Animals used in rodeos obtain fatal injuries, including broken backs and necks, heart attacks, and aneurysms. Those who manage to make it through unscathed are given little time to rest or recuperate. They are loaded into trucks, hauled to the next event, and forced to participate over and over again. Therefore, any exemption on rodeos activities from the prohibition on animal fighting in Sections 32(2)(a) and 32(3) should be removed. It is a cruel, non-Australian entertainment.

PART 4

The proposed offences involving 'animal cruelty material'. They are too broad and could apply to people wanting to expose animal cruelty. They are also unnecessary because possessing obscene material such as crush or bestiality videos are already offences under the Crimes Act. Division 5 ('Animal cruelty material') must be removed from Part 4 of the Bill.

A stand-alone offence to ban pig-dogging should be added to Part 4, Division 2. It could be modelled on the ACT's ban on 'violent animal activities' in the Animal Welfare Act 1992 (ACT).

SECTION 66

Backyard breeding must be explicitly specified as a commercial activity in section 66 so that inspectors can investigate properly. Otherwise, this will lead to failures in dealing with backyard breeding of cats and dogs.

SECTION 119

Exemptions to cruelty offences. This would mean that conduct can only be exempted if it inflicts 'no unnecessary harm' on an animal. If there are to be exemptions, they must all be subject to a 'no unnecessary harm' requirement in section 119.

SCHEDULE 1

All painful procedures on farmed animals such as debeaking, dehorning, castrating, ear tagging, mulesing, and branding should be added to the list of 'restricted procedures' in Schedule 1 so that pain relief is mandatory.