

Submission
No 236

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

Name: Name suppressed

Date Received: 28 February 2022

Partially
Confidential

Thank you for the opportunity to make a submission to the Standing Committee on State Development regarding the draft NSW Animal Welfare Bill 2022.

As a dog lover and following an article in the Greyhound Recorder:

<https://www.thegreyhoundrecorder.com.au/news/crisis-averted-with-draft-bill-to-be-amended-39898>, I became very concerned that the Minister for Agriculture, Dugald Saunders, was being pressured by the NSW greyhound racing industry to remove "surgical artificial insemination on a dog" from the list of prohibited procedures in the final bill.

I investigated why "surgical artificial insemination on a dog" appeared as one of only five procedures considered so heinous that they were not to be undertaken by anyone under any circumstances. I found that surgical artificial insemination (surgical AI) is a brutal and unethical practice that has been banned in many European countries. In the UK, it is banned under animal welfare legislation which legally restricts mutilations to animals.

This situation is made even worse by the fact that the Greyhound Recorder seems to confuse surgical AI with frozen semen insemination or FSI. The article states: "Saunders gave the gathering his undivided assurance that Frozen Semen procedures would be removed from the banned procedures noted in the proposed bill which, in effect, will supplant the Protection of Cruelty to Animals Act." However, there is no mention of "Frozen Semen" procedures in the draft Animal Welfare Bill and no suggestion that the use of frozen semen is to be prohibited or even restricted.

There is no need for surgical AI as a means of conducting artificial semination on a dog. Trans-cervical insemination is now the preferred type of artificial insemination on dogs in many countries. As an article in Australian Veterinary Association journal concluded: "It is our considered opinion that welfare considerations dictate only per vaginum artificial insemination (preferably by TCI) in the canine." Part of the reason trans-cervical insemination is popular is that it can be used with any form of semen (fresh, fresh-chilled, and frozen). Which obviates the racing industry's suggestion that the use of frozen semen will be impacted by the prohibition on surgical AI.

I would also stress is that it is absurd to draw any comparison between the desexing of dogs to address the appalling issue of unnecessary euthanasia and the wasteful breeding by a racing industry that already breeds six times as many dogs as it can rehome. According to the RSPCA, desexed pets will also commonly avoid a lot of health problems associated with breeding, such as mammary and ovarian cancers, as well as uterine infections. There is no health benefit for a dog subjected to surgical AI.

I have contacted the Minister's office on six occasions to gain clarity on this situation but have received no response except an automated message.

It would be a travesty if all Australian dogs were to be subject to this appalling mistreatment because of a misunderstanding between the greyhound racing industry and the Minister for Agriculture.

I submit that "surgical artificial insemination on a dog" should be retained as a prohibited procedure in the Bill.

In addition, I would like to highlight other areas where I believe that Bill is failing in its responsibility to ensure the humane and ethical treatment of animals.

1. It should recognise that animals are sentient:

The proposed Bill needs to recognise that all animals are sentient creatures and that people have a moral duty to protect their welfare. I submit that the objects of the Bill should be amended to more closely reflect section 4A of the Animal Welfare Act 1992 (ACT).

The main objects of that Act are to recognise that:

(a) animals are sentient beings that are able to subjectively feel and perceive the world around them

(b) animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflect their intrinsic value; and

(c) people have a duty to care for the physical and mental welfare of animals.

2. It should prohibit euthanasia of dogs with treatable injuries:

The future legislative framework governing animal welfare in NSW must prohibit the euthanasia of dogs that have treatable injuries resulting from a race, trial or exhibition. I submit that this can be achieved by either:

(a) Amending section 22 to classify the euthanasia of a dog with a treatable injury incurred from a race, trial or exhibition as a ‘prohibited procedure’; or

(b) Amending Schedule 1 to classify the euthanasia of a dog that has suffered an injury incurred from a race, trial or exhibition as a ‘restricted procedure’ that can only be performed by a veterinary practitioner for the purpose of providing relief from a terminal disease, illness or injury.

3. It should allow third parties to bring public interest legal proceedings:

As part of the animal welfare reforms, legislation should provide for open standing so third parties are enabled to bring proceedings in the public interest. I submit that a provision should be inserted that is similar to s 9.45 of the Environmental Planning and Assessment Act 1979 (NSW) which provides that:

“Any person may bring proceedings in the Court for an order to remedy or restrain a breach of this Act, whether or not any right of that person has been or may be infringed by or as a consequence of that breach.”

4. It should protect people who rescue animals held in vehicles during hot weather from being held criminally or civilly liable:

The draft Animal Welfare Bill should be amended to lower the temperature threshold at which dogs can no longer be kept in a vehicle during hot weather. People that attempt to rescue an animal that is locked in a vehicle and at risk of suffering harm should not be held liable for any damage that they may cause. We submit that this can be achieved by:

(a) Amending section 37(6) to define hot weather as an ambient temperature of 24 degrees or more; and

(b) Inserting a provision similar to section 109A of the Animal Welfare Act 1992 (ACT) which provides that a person does not incur criminal or civil liability if the person forcibly enters the

motor vehicle, or assists another person to forcibly enter the motor vehicle to release an animal that appears to be at risk of serious injury or death.

5. It should retain live baiting as a category 1 offence:

In 2015 the ABC aired a Four Corners program that showed live-baiting was rife in the Australian greyhound racing industry, including in NSW, despite the practice being illegal. The reaction by the Australian community, horrified that such a primitive and barbaric practice was accepted by those involved in greyhound training, makes it absolutely essential that anyone involved in live baiting be subject to the heaviest penalties available under the law.