

INQUIRY INTO ANIMAL WELFARE POLICY IN NEW SOUTH WALES

Organisation: Firearm Owners United

Date Received: 3 March 2022

Firearm Owners United

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PO Box 41
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25 March 2022

The Committee Secretariat

Standing Committee on State Development – Animal Welfare Policy in NSW

via: email - state.development@parliament.nsw.gov.au

Re: Submission - NSW Draft Animal Welfare Bill (2022)

Summary

This document is provided in response to the Draft Animal Welfare Bill (2022) and the associated Animal Welfare Inquiry (2022), being conducted by the NSW Parliament.

About Firearm Owners United:

Firearm Owners United is a firearms representative group that encapsulates sporting shooters, recreational hunters and professional shooters.

It exists to represent their interests where appropriate.

As a national association representing professional vertebrate pest managers in Australia, FOU welcomes the opportunity to provide input into the NSW review of the Draft Animal Welfare Bill (2022).

The primary concern of FOU is around sections of the draft being proposed, that cover 'specific exemptions' and '..authorised officers to assist with critical situations'.



Proposal 8 – Providing certainty for lawful activities

FOU note that whilst reference is made to ‘shooting, snaring, trapping’ that this list of exemptions is not representative of the approved methods that are employed to manage vertebrate pest species. As such we would request that mention of ‘shooting, snaring, trapping, mustering, baiting, poison, fumigation, ripping and blasting¹’ be included in Section 119(1)(b)(i).

Additionally, Section 119 is subjective with the use of ‘*no unnecessary harm*’, with potential for erroneous or vexatious prosecution to occur, where the accused was acting in good faith in their undertaking activities exempted by Section 119.

Given this we would seek to have Section 119 amended to the following to include the methods of pest control that are currently omitted, whilst also introducing a subsection that seeks to ensure protection for those acting in good faith, whilst undertaking these activities.

This could potentially be achieved by the adoption of the following amendments (highlighted in red). to Section 119:

- **Section 119 – Specific Exemptions**

- *(1) A person’s act or omission in relation to an animal is not an offence under this Act or the regulations if the act or omission occurred –*
 - (b) in the course of, and for the purpose of-*
 - (i) fishing, hunting, shooting, snaring, trapping, mustering, baiting, poison, fumigation, ripping, blasting, catching or capturing the animal in a way that inflicted no unnecessary harm on the animal, or*
 - (ii) destroying the animal, or preparing the animal for destruction, for the purpose of producing food for human consumption in a way that inflicted no unnecessary harm on the animal, or*
 - (c) in the course of, and for the purpose of, destroying the animal that is a pest, within the meaning of the Biosecurity Act 2015, in a way that-*
 - (i) is reasonable having regard to the species of animal, and*
 - (ii) causes no unnecessary harm to the animal, or*
- *(3) A person is not guilty of an offence against this Act or the regulations for anything done by the person in good faith acting in the exercise of exempt activities defined by Section 119 subsection 1.*

Note: Subsections (d) onwards omitted for abbreviation.

¹ Note: Warren ripping and blasting is a technique typically employed with rabbits.

<https://pestsmart.org.au/toolkit-resource/rabbit-control-methods-humaneness-matrix/> . Blasting may refer to the use of explosives or specialist equipment that utilises LPG and Oxygen to deliver a controlled blast pressure (e.g., Rodenator product).

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Proposal 12 - Provide Local Land Services and council officers with powers in critical situations

The Draft Animal Welfare Bill (2022) proposes that the new laws:

- *enable certain appropriately trained LLS officers to humanely euthanase livestock and native animals in critical situations where it would be cruel to keep the animal alive, and to enter private land (other than a dwelling) to do so.*
- *enable certain appropriately trained council officers to humanely euthanase livestock in critical situations where it would be cruel to keep them alive. To ensure that appropriate safeguards are put in place regarding how these powers are utilised, LLS and council officers will need to undergo relevant training before being able to exercise these powers.*

We note the addition of “*appropriately trained council officers*” to be able to provide this crucial and humanitarian service in critical situations and agrees with this addition.

However, we would argue that this amendment fails to also recognise the services provided by professional vertebrate pest managers, and would seek to have amendment made to:

- enable certain appropriately trained vertebrate pest contractors to humanely euthanase livestock and native in critical situations where it would be cruel to keep them alive. To ensure that appropriate safeguards are put in place regarding how these powers are utilised, vertebrate pest contractors will need to undergo relevant training before being able to exercise these powers.²

This amendment will also require that Section 160 of the Draft Animal Welfare Bill (2022), covering ‘Protection from Liability’ be amended, with the definition of a protected person, seeing the addition of a ‘professional pest contractor’ being added to the definition.

This change would allow trained vertebrate pest contractors to provide this community service in critical situations, such as the 2020 Bushfires where our members were prohibited from providing this service even in a pro-bono capacity, leading to delays in the easing of suffering for livestock and native animals mortally injured. To not allow trained vertebrate pest contractors to provide this humane service, in critical situations such as animal transport truck accidents or other commercial situations, could conversely be viewed as an unfair restriction on fair trade, if this service is restricted to only veterinarians, council officers and LLS staff.

² Note: An example of relevant training and certification to be held, would be the nationally accredited course ‘AHCPMG304 - Use firearms to humanely destroy animals’ - <https://training.gov.au/Training/Details/AHCPMG304>

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FOU appreciates this opportunity to provide industry feedback upon these proposed changes, and the NSW Government giving consideration to the amendments we have raised.

As one of the few industry associations representing the Vertebrate Pest Managers of Australia, we look forward to being engaged in future consultations proposing changes to the legislation affecting our members.

Thank You,

Chris Shipp

Director

Firearm Owners United

VPMAA – Committee Member - NSW