

Submission
No 305

**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. I believe that the draft Bill needs to be strengthened to adequately protect the wellbeing of animals that continue to be subjected to inhumane and unethical conditions.

I have a particular concern that the welfare of racing greyhounds is not adequately addressed in the draft Bill. I make the following recommendations on the draft Bill to ensure that it fulfils its function as modern, ethical and humane NSW animal welfare legislation.

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 surgical artificial insemination (surgical AI) as a prohibited procedure:

Given comments attributed to the NSW Minister for Agriculture in a greyhound industry publication, we are concerned that surgical AI on a dog will be removed from the list of prohibited procedures in section 22 of the draft NSW Animal Welfare Bill 2022. This means that all NSW dogs would lose legal protection from this painful and unethical practice.

Evidence provided in our submission shows that the non-surgical alternative, trans-cervical AI is not only an equivalent reproductive technique, but a superior one, and that this has led to a number of countries banning surgical AI on ethical grounds.

Surgical AI should therefore be included in the list of prohibited practices.

6. 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.