

REPORT ON PROCEEDINGS BEFORE

STANDING COMMITTEE ON STATE DEVELOPMENT

ANIMAL WELFARE POLICY IN NEW SOUTH WALES

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At Preston-Stanley Room, Parliament House, Sydney on Wednesday 16 March 2022

The Committee met at 9:30.

PRESENT

The Hon. Catherine Cusack (Chair)

The Hon. Mark Banasiak

The Hon. Scott Barrett

Ms Abigail Boyd

The Hon. Emma Hurst

The Hon. Taylor Martin

The Hon. Mick Veitch (Deputy Chair)

VIA VIDEOCONFERENCE

The Hon. Mark Buttigieg

The Hon. John Graham

* Please note:

[inaudible] is used when audio words cannot be deciphered

[audio malfunction] is used when words are lost due to a technical malfunction

[disorder] is used when members or witnesses speak over one another.

The CHAIR: Welcome to the first hearing of the inquiry into animal welfare policy in New South Wales. The inquiry was referred to this Committee by the Minister for Agriculture and Western New South Wales and relates to the New South Wales Government's draft Animal Welfare Bill 2022. The inquiry is examining the State's animal welfare policy, regulatory and legislative framework, including any measures to streamline animal welfare laws, reduce and remove unnecessary regulation and ensure existing policy and regulatory arrangements remain appropriately balanced. Before I commence I would like to acknowledge the Gadigal people of the Eora nation, who are the traditional custodians of the land on which the Parliament sits. I also acknowledge the traditional owners of the lands from which all meeting participants join us today. I pay my respects to the Elders past, present and emerging, and extend that respect to all Aboriginal people watching.

Before we commence I would like to make some brief comments about the procedures. Today's hearing is being held virtually and in person and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. While parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the hearing. I therefore urge witnesses to be careful about the comments you make to the media or to others after you complete your evidence.

Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard, it is important that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could answer only if they had more time or with certain documents at hand. In those circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days of receipt of the transcript.

Ms ROCHELLE FLOOD, Campaign Manager, World Animal Protection Australia, affirmed and examined

Ms NICOLA BEYNON, Head of Campaigns, Humane Society International, affirmed and examined

Dr JED GOODFELLOW, Consultant, Humane Society International, affirmed and examined

Ms KRISTINA VESK, CEO, Cat Protection Society, sworn and examined

The CHAIR: I now welcome our first witnesses. Would anyone like to make an opening statement? We will take opening statements, then Ms Hurst will lead off the questioning. If members of the Committee have a question in relation to that topic, we have decided we will try to conduct the questioning cooperatively and then allow a very short amount of time at the end in case you feel anything important has been missed. Ms Flood.

ROCHELLE FLOOD: Thank you for the opportunity to present evidence to this inquiry. I would also like to start by acknowledging that we are meeting on the traditional land of the Gadigal people of the Eora nation, and I also pay my respects to Elders past, present and emerging. Animal welfare law in New South Wales has failed to keep pace with scientific and expert advice, as well as with community expectations regarding how animals should be treated. Our regulatory system continues to permit outdated practices that are not in line with global best practice. The public is losing faith in the ability of the State and the industry to maintain appropriate standards of animal welfare.

World Animal Protection recognises that this draft bill does offer a number of improvements, which we welcome. However, we do have further recommendations that we believe would strengthen this legislation. First, World Animal Protection encourages the Committee to include a clear recognition of animal sentience under section 3 in the objects of the bill. Other Australian and international jurisdictions have now moved to include animal sentience within similar legislation. There would be reputational and trade benefits to New South Wales from including the recognition of animal sentience under this legislation. Previously, the failure of Australian jurisdictions to include a reference to animal sentience has resulted in a low ranking within World Animal Protection's animal protection index. This reform is an opportunity to move into line with other jurisdictions and to ensure that our animal welfare laws are in line with best practice.

Second, World Animal Protection encourages the Committee to consider the creation of a dedicated portfolio for animal welfare, as well as an independent office for animal welfare. There is an inherent conflict of interest within the current system, whereby the oversight of farmed animal welfare sits with the Department of Primary Industries and the agriculture Minister. The DPI and the agriculture Minister are also responsible for ensuring the profitability of the agriculture industry. Sometimes what is best for animal welfare may not be the most profitable option, and we need to ensure there is a level of independence there to maintain public confidence in our animal welfare system.

Third, World Animal Protection would like to see greater clarity around how standards are to be adopted and how they will relate to the minimum care requirements outlined in the draft bill. On a related point, we recommend expanding the list of prohibited and restricted procedures to include additional practices that lead to poor welfare outcomes. Finally, we support the harsher penalties that are proposed under the current bill. However, we would like the Committee to consider the creation of a specialised court for animal welfare, similar to what we have with the Land and Environment Court. This is a very complicated area and, even with harsher penalties available, failure to recognise the implications of poor animal welfare can still result in low sentencing. There were a number of other recommendations that we did put forward, and we are happy to take questions. Thank you very much.

The CHAIR: Thank you so much; that is much appreciated. Ms Vesk.

KRISTINA VESK: Thank you for the invitation to be here today. Cat Protection's submission to the inquiry focused on the draft bill. As we said, in the absence of seeing draft regulations and any standards made under them, it is not possible to properly assess the animal welfare reforms as the bill mainly sets a high-level framework of minimum basic requirements. I reiterate our comments made earlier in the consultation process. In our June 2020 submission to DPI's issues paper, Cat Protection noted the reforms needed to embrace the following principles: animal sentience, the Five Domains model, a one welfare framework, ethics and enforcement. In response to the July 2021 DPI discussion paper, we recommended, among other things, that any new law would need to prioritise animal health, welfare and wellbeing. The objects should recognise animal sentience and include a focus on positive animal welfare. The law should adopt a one welfare framework that acknowledges the intersections of human, animal and environmental health, safety, welfare and wellbeing—or, alternatively, references to one health or to the World Organisation for Animal Health *Global Animal Welfare Strategy*.

The animal welfare reform process has been welcome, but the pandemic has stretched the resources of the veterinary and animal care sector enormously and I do not feel we have had adequate time for consultation. I have seen many excellent points made in submissions, including those of World Animal Protection and Humane Society International. I plead the case for another consultation draft with the attendant draft regulations, standards and guidelines. The pandemic itself illustrates why we must pursue a one health/one welfare framework for animal welfare law: The interrelationship between human, environmental and animal health and wellbeing is beyond all doubt. Animals deserve our protection; they deserve care, compassion and the chance to live their best life. This is an opportunity for New South Wales to lead the way in better animal welfare for the sake of everyone. Whether we particularly like animals or not, good animal welfare is good for us all. In the words of Pope Francis in his 2015 encyclical letter *On Care for Our Common Home*:

... our indifference or cruelty towards fellow creatures of this world sooner or later affects the treatment we mete out to other human beings. We have only one heart, and the same wretchedness which leads us to mistreat an animal will not be long in showing itself in our relationships with other people. Every act of cruelty towards any creature is 'contrary to human dignity.'

I thank the Committee for your time.

NICOLA BEYNON: Thank you, Chair, Committee members. I would also like to acknowledge that we are meeting on the lands of the Gadigal people and pay my respects to their Elders, past and present. Thank you for the invitation to give evidence today. I am head of campaigns for Humane Society International and Dr Jed Goodfellow is our consultant. He is an expert in animal welfare, law reform and was the author of our submission. To summarise our view of the bill, we agree that it does contain several positive improvements on the current POCTA law. But, overall, we think that the bill falls short of today's benchmarks for a modern animal welfare regime. If passed in its current form, it would be a missed opportunity.

To speak to the positive side of the bill first, we are pleased that the bill will consolidate three separate pieces of legislation, making it easier to navigate and administer; it simplifies and improves offence provisions, clarifying requirements for animal owners; it expands the definition of "animal" to cephalopods and decapods, which is important; it creates an obligation to provide animals with appropriate opportunities to express their normal behaviours; it includes psychological suffering within the definition of "harm" to animals; and establishes an Animal Welfare Advisory Council. These are all very welcome, positive improvements.

However, the bill misses a number of other important opportunities to bring New South Wales into line with standards of contemporary animal welfare law. It is disappointing that the bill maintains the basic deficiencies of the traditional animal welfare legislative approach in carving out entire categories of animals from its protections, without conditions, not on any scientific basis but according to the use that the animals are put to. In other words, treatment or a mutilation that would be considered outrageously cruel and an offence if you did it to your pet dog is exempt when done to a farm animal because it is in line with a standard or guideline which provides an exemption. So we recommend that the bill is amended to ensure that there is a more consistent, principled and scientific basis upon which the standards for animal welfare are developed and applied.

The bill also fails to recognise animals as sentient in its objects. To recognise sentience would be a true marker of a modern animal welfare regime evolved beyond treating animals as commodities and possessions. We would also like to see structural reform and the establishment of an independent Animal Welfare Authority to administer the legislation. Very urgently needed is an improved regime for the development and adoption of animal welfare standards, with clear procedures and outcomes-based criteria. We are also concerned about the significant range of issues that are deferred to the regulations and prescribed standards when they are absolutely essential to how the Act functions and delivers animal welfare.

If I can make some concluding arguments, wholesale legislative review of this kind does not occur very often and it would be highly regrettable if this opportunity is missed and we have to wait another generation for the reform that the community expects. As the most populous State in the country, with significant animal-based industries, we would like to see the New South Wales Government leading the way and setting the bar high. As a State also very populous by animal numbers, this bill will impact the lives of hundreds of millions of animals over the next decade. In care at any one time in New South Wales, we have 31 million meat chickens, 20 million sheep, nearly five million layer hens, 3.6 million beef cattle—and I could go on, but we all get the sense of the responsibility that is upon us with this legislation. We look forward to the bill being amended to meet the standards of animal welfare that the community expects for these animals. We hope our comments and evidence today will be helpful in achieving this objective.

The CHAIR: Thank you, very much. Thank you for those statements. The Hon. Emma Hurst?

The Hon. EMMA HURST: Thank you, Chair, and thank you all for appearing today. Dr Goodfellow, I believe that you were the author of the Humane Society International's submission. One of your recommendations is that the bill should include recommendations for the making and adoption of standards under

the Act, including consistency with the objects and duties of the Act. Can you explain why this is important and how it would work in practice?

JED GOODFELLOW: Thanks, Ms Hurst. This is really important because in Australia at the moment, as many Committee members may know, there is no prescribed or definitive framework for setting national standards and, of course, national standards relating to farmed animals or animals in other context are very important in terms of the numerical significance of those standards. Plus, when you combine that with the exemptions that are in the current bill, it effectively means that the vast majority of animals, in terms of what their welfare standards are, will be governed by those industry-based standards rather than the principles and the duties within the primary Act itself. So we think it is extremely important that the process for setting those standards is actually prescribed in the legislation, similar to what New Zealand's Animal Welfare Act does, because that increases the level of accountability and integrity of that process so that we can ensure that those standards are based on animal welfare science, the community's views are reflected in the process for developing them, and that we have a more robust, accountable process.

The Hon. EMMA HURST: You mentioned this a little bit in your answer—you are quite critical of the exemptions in the bill. How do they compare with other States around Australia and what are your big concerns with the exemptions?

JED GOODFELLOW: Most States and Territories do include exemptions and/or defences for compliance with standards and codes, and other even broader exemptions and defences where there is no existing standard that sets the parameters for that exemption. In terms of the way the exemptions are drafted, we would certainly like to see more conditions placed upon those exemptions so that we at least have a more consistent framework that does not just carve out entire categories of animals. We have provided a couple of recommendations in relation to that. I think, as a basic principle, we really should not be providing exemptions where there is not some kind of definitive, prescriptive standard that provides certainty around the scope of those exemptions, because we do not want to get into the territory where we are inadvertently permitting acts of quite egregious cruelty because it fits into one of the exemptions. So we need to be very clear about what the parameters for those exemptions are, and that is where the bill can certainly be strengthened.

The CHAIR: Would you mind giving an example of that?

JED GOODFELLOW: Yes. If we look at some of the exemptions that are currently in the bill, we can see that there is reference, of course, to the qualification of causing animals "no unnecessary harm", whether it be in relation to performing a routine husbandry practice or other practices such as religious slaughter—actually, sorry, not for religious slaughter. Religious slaughter has no qualifications whatsoever, which is quite a significant oversight. At the very least, there should be the "no unnecessary harm" qualification placed on the exemption for religious slaughter. But that "unnecessary harm" qualification is, as we know, very much open to interpretation, so it does not provide a lot of guidance as to the scope of those exemptions.

So, yes, as a basic principle, wherever we are looking at exemptions from the minimum standards of care under the Act, there really should be a standard, a code, that is recognised within the legislation to provide definitive detail around what acts are actually exempt and what will benefit from those exemptions. Then, in addition to that, we really want to see the process for developing and adopting those standards actually prescribed in the legislation, because at the moment it is just an ad hoc process. We see with the example of the poultry standards, we have just entered the seventh year of that review process and there is still no end in sight for that review process. It has been a very, very difficult, long, lengthy process. It does not provide certainty for industry. It does not provide certainty for animal welfare stakeholders or the general community. So prescribing a process within the legislation will really assist those processes in the future.

The CHAIR: Would prescribing it in the regulations be acceptable?

JED GOODFELLOW: It would be certainly better than not having them in the regulations. But because of how important and how central it is to the operation of the legislation, we think that those conditions should be placed in the primary Act itself. Again, we refer to New Zealand's Animal Welfare Act as a great example for how that should occur.

Ms ABIGAIL BOYD: So it is the process of setting those standards as well as what ends up in those standards.

JED GOODFELLOW: Yes.

Ms ABIGAIL BOYD: At the moment there are a bunch of different codes and standards under the legislation that are in various states of update, and the consultation processes do not seem to be well defined.

JED GOODFELLOW: Very clunky.

Ms ABIGAIL BOYD: So you are directing us towards the New Zealand legislation as being the model that we could adopt if we were to do that a bit better.

JED GOODFELLOW: Yes, that is right. You are correct; we are not just talking about the process. The process is extremely important in terms of what considerations should be taken into account in developing the standards, but it would be great to see objective thresholds and criteria for the outcome of those standards as well. Consistency with the principles and the duties outlined in the primary animal welfare Act, the Act that adopts the standards, would be a key feature of those conditions.

Ms ABIGAIL BOYD: Can I take us a step back to the principles of the legislation and what we would base it on? In the consultation paper and in the responses, it was very clear that there was what I saw as a large number of submissions in favour of animal sentience being recognised within New South Wales legislation as the baseline. I will ask all of you this: What does it mean if we fail to recognise animal sentience as being a fundamental principle of this legislation? Do you want to start, Ms Flood?

ROCHELLE FLOOD: Sure. From our perspective, failure to recognise animal sentience up-front has implications for the operation of a large part of the legislation. For example, with the sentencing and the proposed harsher penalties under sentencing, recognising sentience provides a bit more guidance to courts around why it is significant and why animal welfare infringements and crimes have an impact—because they are sentient creatures. Similarly, with the practice in farm animal welfare in particular, recognising sentience would help to ensure that procedures were not permitted that would cause undue harm to sentient creatures. It would strengthen the guidance around what procedures should be permitted and hopefully would give more guidance on which ones should not be given exemptions. We are still seeing quite sweeping exemptions here at the moment.

Ms ABIGAIL BOYD: Sometimes when we are talking about embedding animal sentience within legislation, people get very concerned that that means that then everything will be off the table in the use of animals in society. People say that hunting will not be permitted, or whatever, and we could go down that track as to what we think should and should not be permitted. Could Ms Flood or any of you explain how that is not the case—that when you embed sentience there are still permitted activities, but how embedding sentience is important before we do that exemption process?

ROCHELLE FLOOD: I can offer one response to that, and I think we can look to other examples of jurisdictions that have included sentience within their legislation. The ACT has now enshrined reference to animal sentience; so too has New Zealand; and the European Union's laws also recognise sentience. We can see from those examples that it has not opened the floodgates, so to speak, in terms of prohibiting every use of animals. All of those jurisdictions still have farming and they still have all of those practices that you would expect. However, it has led to improved welfare standards and that fundamental recognition of the importance of animals and the need to treat them humanely.

The Hon. MICK VEITCH: Just on that, it is not just the jurisdictions themselves, is it? The recent UK free trade agreement has a whole chapter set aside around animal sentience. Would that not be right?

ROCHELLE FLOOD: Yes, it did. That free trade agreement has a dedicated animal welfare chapter. It is the first of its kind, and it has now enshrined animal sentience. If New South Wales, as one of the key primary producing States, were to also enshrine animal sentience within our legislation, it would be beneficial for future trade negotiations and our perception globally.

The Hon. MICK VEITCH: If the EU is heading down this path, do you think a future FTA with the EU would also include a chapter around animal sentience?

ROCHELLE FLOOD: Yes, I think that would be quite likely, given we have seen that example now from the UK. Yes.

JED GOODFELLOW: Just to add to that, the operative implications of recognising sentience really depend upon the way the legislation actually recognises sentience. If it is a simple recognition of animal sentience in the objects of the bill, that is not going to lead to any direct operational impact upon the minimum standards of care or the cruelty provisions. It is simply a recognition of, as Rochelle said, the reason for why animal welfare matters. It is a strong symbolic statement, and it could provide further guidance to interpreters and enforcers of the legislation as well in terms of—particularly in cases of ambiguity—how they determine what the appropriate application of the law should be. You are very right around animal sentience now being part of Australia's trade policy. Absolutely, the EU will be demanding from Australia similar, if not higher, provisions for access to their markets.

The Hon. EMMA HURST: Similar to sentience, something that we have received a lot in the submissions, particularly in the industry submissions, is to remove the idea of psychological suffering in the bill.

The claims are that it is nonscientific and impossible to measure. I wanted to get your opinions on that, and on whether psychological suffering should stay in the bill and why.

JED GOODFELLOW: There is voluminous scientific evidence to show that animals are capable of experiencing psychological suffering. I did review some of those submissions and I have got to say they are quite disappointing. Many of the industry groups that are proposing to remove psychological suffering from the definition of harm are benefiting from the exemptions, in any event, so they are protected in that sense. To suggest that there is not strong science on the fact that animals can suffer and to suggest that we should not be making the causation of unnecessary psychological suffering to animals an offence is something I do not think the Australian community or the New South Wales community would agree with.

The Hon. EMMA HURST: Dr Goodfellow, could I ask you to submit after this hearing, for the benefit of the Committee, some of those research papers that show that animals do have psychological suffering? I think it would be quite useful for us to see those.

The Hon. MARK BANASIAK: Does any of that research make a distinction between psychological suffering and a natural reaction of an animal? A wild animal may be at a heightened sense of awareness, and they might be running away or they are scared. It is a natural reaction; it is a flight mechanism rather than a psychological suffering. In other jurisdictions, how is that psychological suffering measured and assessed? Who is best placed to do that? A lot of the concern around the psychological suffering from the submissions has been the subjectivity of that and how it would be assessed. I question whether the RSPCA has the technical knowledge to actually do that—whether anyone does.

JED GOODFELLOW: There are certainly experts that can provide very objective scientific measures of what is referred to as an animal's affective state—the psychological state of the animal, the mental state. This is very much well settled in the science. If the issue is around the measures used to assess animals' psychological state then, yes, there is certainly a lot of guidance on that. Whether or not that would be incorporated in the legislation—I think it would be difficult to actually insert the measures of psychological suffering in the law. It is more of a matter that the courts would decide based upon the expert evidence that is provided to the court. In terms of enforcement, that would also depend upon the enforcement guidance around particular industries, if that is the area of concern. In a certain intensive livestock facility, there would be guidance to enforcement officers around what is acceptable and what is not acceptable. But I again come back to the fact that there are prescriptive standards and exemptions anyway that are providing that sort of certainty for the industry. I think it is unfortunate that industries that are already benefiting from those exemptions would then seek to withdraw those protections for all of the other species of animals that have the capacity to experience psychological suffering where that is not going to impact their industry at all. We can certainly provide references to the scientific literature.

KRISTINA VESK: May I add something to that? I think this is one of the reasons that I know that we spoke of in our submission, and others have as well, about the five domains model. I happened to bring some copies of an article which might be helpful in explaining it. It does go to your point about how you do these assessments. I agree, you cannot just put that in the legislation—"It's this, it's that." It is an evolving science. But the science is definitely in that confirms animal sentience and that confirms psychological suffering. What that model does—and I am not qualified to fully explain it; it is really detailed science—is looks at environments, things like food, and how these affect an animal's mental state. So when you are drilling down to the levels of standards and guidelines for certain functions or facilities, there can be specifications in there that are scientifically shown to benefit or disbenefit an animal. Things like access to food and water are very obvious, but in the case of cats there is being able to hide somewhere and so on. That is quite a recent article and I think you might find it really helpful.

The Hon. SCOTT BARRETT: Can I just touch on a couple of things we have been over before? In relation to the standards, Dr Goodfellow, can I just check that what you are proposing is that in the bill there is a process of how those standards are developed and approved?

JED GOODFELLOW: Yes.

The Hon. SCOTT BARRETT: Will that then take away the need to have things listed in the prohibited actions because it strengthens up around those standards?

JED GOODFELLOW: We would certainly still support having the list of prohibited procedures and other prohibited activities within the bill itself, because that just provides certainty for everyone around where those prohibitions lie. We would be seeking that there is both a process and a criteria for setting and developing those standards as well the list of prohibited procedures incorporated into the primary Act itself.

NICOLA BEYNON: The standards and guidelines are often not comprehensive and, given that they are often federally developed, you can have quite a significant time lag with updates to them. So there are definitely advantages to having a prescribed list in addition to the standards.

The Hon. SCOTT BARRETT: Would including that process in the bill though not increase the integrity of those standards?

NICOLA BEYNON: It would improve the process for the standards—for standard setting and development, yes—which is definitely needed.

The Hon. SCOTT BARRETT: Just back on the issue of sentience, it was sort of being implied that bringing it in is not going to cause a threat to or change the practices happening in some of these industries. Is it symbolic then rather than having any broader outcomes?

ROCHELLE FLOOD: No, I would not say that it is simply symbolic. It does help with interpreting the other provisions of the legislation, and it provides guidance to courts as well as to people who have animals within their care. So it does have an impact. There are certain procedures that we were quite upfront about in our submission, such as mulesing done without pain relief, that we do not believe are appropriate to be performed on sentient creatures. So there will be some implications, quite clearly, from recognising sentience. That is why we suggested including those additional restrictions under the prohibited procedures section. So it is not just symbolic; it needs interpretation.

Ms ABIGAIL BOYD: To round that discussion out, then, when we are looking at sentience it is really about—I am going to put this to you and then you tell me if I am completely wrong. My understanding is that by recognising sentience you are recognising not just an obligation not to be actively cruel to animals but also a responsibility to provide for animals to have a decent enough life, I guess. I think that distinction is often what we talk about when we talk about the community's attitudes to animal welfare versus our current policy on animal welfare. Our current policy is very much about not doing outwardly cruel things, whereas I think community expectation has moved towards a more proactive "take responsibility for animals in your care". If we embedded sentience into the legislation, do you think it would then have a permeating effect on the rest of government policy in setting out that government actually has a positive responsibility to look after animals in this State?

JED GOODFELLOW: Yes, I think that is a great summary of some of the benefits of recognising animal sentience. Fundamentally, it is about recognising why animal welfare matters—why we are all here and why the first ever animal protection laws were passed in the world. It was because of a recognition that animals are sentient, they have the capacity to suffer and, therefore, their interests matter in a moral and ethical sense. So it is really just putting that upfront in the objects of the bill to ensure that anyone who is interpreting the legislation has that understanding that that is why animal welfare matters.

It also matters for other instrumental reasons, such as improving community confidence and improving general civilisation and the way we interact with one another. It can have a deleterious effect on society as a whole if we are not treating animals humanely. So they are all very positive, important reasons for treating animals well. But it is also fundamentally important that we are treating them well because it matters to the animals themselves because they are sentient, and that is the reason why recognising sentience is important.

The Hon. MICK VEITCH: It is a fascinating conversation around sentience, but I think the bill does a bit more so we need to talk about other aspects. A number of the submissions—in fact, I think nearly all of the submissions from all stakeholders—are critical of the fact that there are no draft regulations being presented at the same time as the draft legislation and that, essentially, a paradigm shift in the animal welfare legislative arrangements in New South Wales should actually require that draft regulations be presented for the consideration of the MPs at the same time. Do you concur with that view that it is essential that the draft regulations be presented at the same time as the draft legislation, and why? If not, why not? I will start with Ms Flood, if I could?

ROCHELLE FLOOD: Yes, we do believe they should be presented together. A large portion of the animal welfare requirements and guidelines are included within those regulations and so without those two presented together we do not have a complete picture. When we are looking at, I guess, some more fundamental changes in terms of the way in which we perceive animal welfare, it is important that those regulations are brought forward at the same time and we have the opportunity to consider those together so that we have a cohesive piece of legislation and regulation around animal welfare.

The Hon. MARK BANASIAK: Can I just pick up on one of those things? I invite everyone in their answers to add to it. Obviously you have the legislation, you have the regulation and then, with animal welfare law, you also have these codes of practices. So would it not also be beneficial to see how those codes of practice may be influenced by what is being proposed in draft legislation and regulation as well?

ROCHELLE FLOOD: Yes. In terms of that, our submission did make reference to the need to include better guidelines on how the codes are updated and how they are brought forward. That is sort of the administrative side of things, and how they are updated is important. Because at the moment we have seen quite significant delays with many of the updates to those codes, so we would like to see strengthening within the legislation around that.

The Hon. EMMA HURST: Just to follow up—because it is very similar—the other concern that we heard a lot around the regulations is that we have three Acts that we are collapsing into one and a lot of the parts that were initially legislation have now moved into regulation, which do not have the same level of parliamentary oversight and do not require party room approval to change. There is concern, both from animal protection and from industry, around the uncertainty for those to move to regulations. Do you have concerns with large portions of that legislation turning into regulations?

KRISTINA VESK: Where are we up to? Can I go to the question and then your add-ons, and cascade it?

The Hon. MARK BANASIAK: I think they are all add-ons.

KRISTINA VESK: I think it is very difficult to look at this without even seeing what might be the scope of regulations. I do not think this is a futile exercise; I think this is useful. There are some really interesting comments throughout submissions, but I just feel like this is a draft, draft, draft and still needs work in terms of tightening up drafting, in terms of reflecting some of the things that are missing and being more coherent. I do not feel qualified to comment on the issue of bringing the three Acts together. I think it may be doable, but it is not an area that I would have expertise in. In a way, it is like saying the overarching bill is going to be so high level that, really, everything will be in regs. I do not know if that is the best outcome or not.

On the standards and guidelines and codes of practice, I think we certainly need some. If we imagine the Act has got the high-level things and then we have got the regs, which are more species or industry specific, and then within that we have codes of practice, standards and guidelines, do we need to see them before? We need to know what they would cover. I do not know that we need that level of detail in order for the Parliament to look at the Act and regs, but I think we need to see the whole framework and see how it fits together. At the moment I feel like I am just looking at a few independent clauses about things, and I have not got any real picture of what this is going to look like in practice.

NICOLA BEYNON: I was just going to concur with the points that have been made. With animal welfare legislation, this is establishing a framework, and it is very much the case that the devil is in the detail. I think that all stakeholders are going to want to see that detail and there should be public scrutiny and, from your perspective, parliamentary scrutiny of some of that detail, particularly when there is provision of exemptions and, as Dr Goodfellow was explaining, there is no constraint on those exemptions provided in the legislation. There is no criteria that says you can have these exemptions as long as these certain criteria are met. Even in the absence of that, with things being delegated to regs, it is very concerning.

JED GOODFELLOW: I have nothing further to add.

The Hon. EMMA HURST: I have some very specific cat questions for Ms Vesk. The RSPCA has suggested in its submission that the minimum holding time for stray cats by charitable organisations be reduced to eight days for identified cats and three days for unidentified cats. I just wanted to get your response to the number of days and whether that will work in practice. How does a shelter actually determine if an animal is stray versus lost or unmicrochipped? Is that quite a difficult thing to do if we limit it to three days?

KRISTINA VESK: Yes is the answer to the last part. I only saw the RSPCA's submission yesterday, and I was not really sure. I know they make reference to the Companion Animals Act in their submission, so it was not an area that I had turned my mind to. But to answer your questions, it is very difficult to establish with a cat, particularly if they are not microchipped. Even when they are, they are often not registered. I think the point they were making was that they wanted to have the capacity to rehome the animals sooner rather than destroy them. But those seem very tight time frames to me, and it depends on what information you have.

Sometimes someone has been feeding the cat in their street and they have already made lots of avenues of inquiry to establish whether anyone owns them or not. When your options are that limited, it is not, I don't think at all, the worst thing in the world to seek to rehome the cat quickly because it means the cat is spending less time in the shelter. But if none of those inquiries have been made—we know that a cat or dog can hitch a ride in someone's car and end up suburbs away; at a vet clinic that they are taken to, no-one knows them; phone numbers change, emails change. We do need to do a lot more work on getting people to keep their details up to date with registration.

The Hon. SCOTT BARRETT: But it is a requirement to have your cat logged, chipped and registered.

KRISTINA VESK: It is.

The Hon. SCOTT BARRETT: It is part of the ownership, so an unchipped cat is an unowned cat.

KRISTINA VESK: Legally. In practice, maybe not. Yes, it is a very, very difficult area.

The Hon. MARK BANASIAK: That probably comes down to personal responsibility in terms of pet ownership, does it not?

KRISTINA VESK: Yes.

The Hon. MARK BANASIAK: Is that something that we want to legislate?

The Hon. EMMA HURST: I think that comes under the Companion Animals Act, so we are getting a little bit off topic. I also want to quickly get your thoughts on section 30 of the bill, which is an offence of poisoning a domestic animal. Do you think the provision goes far enough to protect animals, particularly cats, from intentional or accidental poisoning? I get a lot of calls to my office that a cat or a dog has died after consuming 1080 poison, mostly where someone has not necessarily intended to kill them but they have just been a bit reckless as to where they have placed that poison and have not told the neighbours that they have put it out. Do you think that they should be liable under the Act if they have accidentally and recklessly put out 1080 and it has poisoned a domestic animal?

KRISTINA VESK: I would like to see 1080 banned. I cannot remember whether we said it or not, but I know it was raised with me about birds and other animals as well. The placing of poison is a really scary thing for animals, for children, for people who might walk through it or whatever. I think it has to be done with so much caution and advertising to let people know it is happening, if it is to be done at all. It is a dangerous practice, so I am not comfortable with it.

The Hon. EMMA HURST: I might move on to the minimum care requirements. The legislation focuses on minimum care requirements throughout the bill, focusing on the bare minimum people should be doing for animals. Dr Goodfellow, do you think that that is the best approach?

JED GOODFELLOW: That was one aspect of the bill that we thought was drafted well in terms of the list of minimum care requirements there. Other State and Territory animal welfare laws around the country will frame it as the duty of care, and that may be a better way to frame the duties. But as long as the duties are there and they are providing for good animal welfare outcomes, I think that is the most important thing. But that was one aspect of the bill we thought was done well.

The Hon. MARK BANASIAK: I might just go to a point you made, Ms Flood, in your opening statement about wanting to see a separate court for animal offences. As legislators, when we are making amendments, we are looking at what is the problem we are trying to fix or address and is our solution the best way of fixing it. Your point about having low sentences could be attributed not just to animal welfare offences but also offences in general that end up in court. It is quite often put to us that magistrates get it wrong in terms of sentencing. Is a separate court the best solution, or is it more about better education to magistrates and judges about the importance of animal welfare and the importance of sentencing appropriately?

ROCHELLE FLOOD: I think education is a good backup option. However, given the very technical nature of animal welfare issues, having a separate and dedicated court would be beneficial. We have got an example currently with the Land and Environment Court, where you have dedicated judges and commissioners who come from particular backgrounds who have a skill set that is relevant for that area of law. We could again look to that with animal welfare, with people who have veterinary backgrounds or people who understand the implications for the animals of failure to care for them correctly.

The Hon. MARK BANASIAK: Can I just quickly, with indulgence, go to the concept of an independent statutory authority rather than having the charities. I do not think the Cat Protection Society mentioned it, but the others certainly have. Reading the tea leaves a bit, it does not look like the Government is probably going to go that way. In the absence of that, what was raised in the discussion paper was that you broaden the number of organisations beyond RSPCA and Animal Welfare League to do that work. Is that something that your organisations would be considering putting their hand up for if that independent statutory body does not get up?

JED GOODFELLOW: I assume that—

NICOLA BEYNON: No.

JED GOODFELLOW: —Humane Society International would not be seeking to have an enforcement role under the legislation. I would just add that we did include a recommendation in our submission that standing

to bring prosecutions under the Act—well, not prosecutions, but civil proceedings under the Act be extended, similar to what happens in the environmental protection regime and also consumer law as well, where there can be certain criteria to allow private litigants to provide an additional source of oversight through applying the legislation, but in a civil context. But, yes, not in an enforcement sense.

The Hon. EMMA HURST: Can I just clarify, I noticed that the question was "an independent office of animal protection instead of the charities' enforcement". Is that what the groups are actually submitting?

JED GOODFELLOW: No.

NICOLA BEYNON: No.

JED GOODFELLOW: We would like to see an Animal Welfare Authority established in order to administer the legislation. The enforcement of the legislation could still be conducted by the bodies that are in existence right now, but instead of answering to the Department of Primary Industries they would be reporting to the Animal Welfare Authority as a centralised agency. We think that would really fit well with the consolidation of the three different pieces of legislation as well. Animal welfare regulation is becoming a lot more complex these days, a lot more sophisticated. A lot of expertise and specialisation is required, and having a central expert authority set up to administer many of those regulations would be a great benefit to the—

Ms ABIGAIL BOYD: On that then, there were a lot of submissions that looked at the idea of an independent office of animal welfare and it is a concept that has been talked about for decades. There are different ways of structuring that. In your view, do you see it as being primarily about overseeing the effectiveness of the laws or would you see it as having a role in advocating also? So a recent example with the floods, would it be advocating for how we plan better for animal welfare during a disaster? Would you see it as having a broader role than just overseeing the effectiveness of the legislation?

JED GOODFELLOW: There are really two different kinds of models, one being an authority that would be recognised and established by the legislation that would perform those administrative and regulatory roles and administer the legislation generally. The other option is some kind of animal welfare commission or office that would provide policy advice to government and may have some kind of advocacy role for animal welfare within the jurisdiction. The way we can see it working is to have a national animal welfare commission, as the Productivity Commission recommended in 2016, that would provide that leadership and coordination for the States setting national standards. But at a State level we would have independent animal welfare authorities that would provide that administrative function, and that would be logical in terms of that demarcation between those different roles.

Ms ABIGAIL BOYD: Ms Flood, did you want to speak about that as well?

ROCHELLE FLOOD: Yes, if I can, just in response to your question around the handling of animals in disasters. As we have seen recently with the Northern Rivers floods, we think there is a role for a peak body, such as an independent office of animal welfare, to help not only with the managing and overseeing of responses—while we have not had a formal inquiry yet, the evacuation of animals in the Northern Rivers did seem to be very ad hoc. There did not seem to be much planning in place. We think an independent office could certainly help advocate for animals in disasters and help ensure that they have adequate plans in place, not only to respond when there is a disaster but to also look at more broad-ranging reforms around the positioning of where intensive farming should be, for example. We are getting to a point where we may need to be looking at whether we have intensive farming in those floodplain zones. We are having those conversations now about townships and an independent office of animal welfare could be responsible for looking at any of those sort of reform opportunities.

Ms ABIGAIL BOYD: Thank you.

The Hon. MICK VEITCH: Moving on to another area, some—not all—of the submissions raised concerns, and in fact I think some of our offices are now receiving email and telephone approaches from constituents who are concerned, that this legislative framework introduces a licensing arrangement for animal research and exhibited animals. I opened the Tumut Show last Saturday and it was raised with me there in the chook pavilion that the concern is that we are now going to require licensing for animal exhibits at agricultural shows. As I understand it, that is not the intent of that arrangement. Is that your understanding? Because if it is not the case I want to put that bushfire out straightaway.

KRISTINA VESK: I did not think that was the intention. I noticed that with one of the Cat Fanciers' submissions as well, but I did not think it covered things that it did not used to cover. They were not covered before and I did not see them being covered now.

The CHAIR: Is there a definition of "exhibited"?

JED GOODFELLOW: I am sure there is. I do not know it off the top of my head.

The Hon. MICK VEITCH: I think Scott has got the bill. I thought it would be covered.

The CHAIR: I thought it would apply to circuses rather than—

The Hon. MICK VEITCH: Yes.

The Hon. SCOTT BARRETT: I think that is the intent, yes.

Ms ABIGAIL BOYD: It seems intended to cover things like zoos.

The Hon. SCOTT BARRETT: Ms Flood, the World Animal Protection's Animal Protection Index, is that an index that your organisation developed?

ROCHELLE FLOOD: Yes. The Animal Protection Index has been around now for quite a number of years and it looks at ranking countries globally around their animal welfare laws. So it looks at a number of things, including recognition of sentience and the guidelines on how animals should be treated. I am happy to provide more information to you on that. If that would be beneficial, I can provide some background.

The Hon. SCOTT BARRETT: But it is an index developed by World Animal Protection?

ROCHELLE FLOOD: Yes, that is correct.

The Hon. SCOTT BARRETT: You talk about the "D" for Australia. How does that rank against the US?

ROCHELLE FLOOD: Against the US, I would have to take that on notice and crosscheck our information. I can come back to you on our comparison to the US.

The Hon. SCOTT BARRETT: And Canada and China, please?

ROCHELLE FLOOD: Canada and China as well? Yes, I will come back to you.

The CHAIR: Thank you very much. We have only got a couple of minutes and I am really keen that each of the witnesses has an opportunity if they feel that we have missed something or there is something important that you want to—I am not asking for a summary, I am just asking for something you think has been missed. Please use this opportunity to bring it up. I might start with Ms Flood.

ROCHELLE FLOOD: Thank you for the opportunity. There is nothing in particular that has been missed.

The CHAIR: Thank you. Ms Vesk?

KRISTINA VESK: Thank you. It is so enormous, but it has been wonderful to have some discussion and I know you are going to be having a lot more over the next few days, so, thank you.

The CHAIR: Thank you.

NICOLA BEYNON: Just quickly, on the point of sentience, we talked about New Zealand and the EU, and the ACT have recognised sentience, but I did want to draw the Committee's attention to the fact that also Chile, Colombia, Peru, Tanzania, Quebec are examples of other jurisdictions that have recognised sentience. The UK, given that they have left the EU, also has a bill to recognise animal sentience going through its Parliament at the moment. And the EU free trade agreement, I think we can be fairly certain that they will include that recognition of sentience because it is mandated in the EU that that has to be done. So I just wanted to convey that it is where the benchmark for modern animal welfare is set, is having that recognition.

JED GOODFELLOW: Yes, we have an appendix at the end of our submission that lists all of the different countries and jurisdictions that have recognised sentience. At current count, there is 19 of them around the world and there is more of them on the way. I have nothing further. Thank you.

The CHAIR: Mr Goodfellow, may I just ask you to clarify one thing? You referred to a productivity report—a special report?

JED GOODFELLOW: Yes.

The CHAIR: Could you provide us with those details?

JED GOODFELLOW: Yes, absolutely.

The Hon. EMMA HURST: I just have a question for Dr Goodfellow if we have got time? One of the submissions that we received wanted a new law to make it mandatory that anyone with evidence of animal cruelty

report and supply that evidence within a 48-hour time frame. I wanted to get your thoughts on that proposal and whether it would have a silencing effect on people reporting cruelty?

JED GOODFELLOW: This was debated extensively at the national level. There was a bill proposed a number of years ago with that requirement and it raised a number of concerns for a lot of different organisations and sectors, really based around the onerous requirements there of what it would capture and also, yes, the idea that it could potentially prevent people from reporting cruelty if they were not aware of the 48-hour reporting time line and then found that they had missed that and, therefore, would they be guilty of an offence if they had not reported it within two days. So we think certainly it is an onerous and really practicably unworkable proposal.

The Hon. EMMA HURST: Thank you.

The CHAIR: Mr Mark Buttigieg, do you have anything further?

The Hon. MARK BUTTIGIEG: I am all good, Chair. Thank you very much for asking.

The CHAIR: I thank all of our witnesses for attending this hearing. A couple of questions have been taken on notice. The secretariat will contact you in relation to the questions that have been taken on notice. Thank you.

(The witnesses withdrew.)

(Short adjournment)

Ms FIONA CHISHOLM, New South Wales State Director, Coalition for the Protection of Greyhounds, affirmed and examined

Ms GLENYS OOGJES, CEO, Animals Australia, before the Committee via videoconference, affirmed and examined

Ms SHATHA HAMADE, Legal Counsel, Animals Australia, before the Committee via videoconference, sworn and examined

The CHAIR: I now welcome our next witnesses. I invite the witnesses to each make a short opening statement, and please keep it to no more than a couple of minutes. We have 45 minutes for the session, and the members will attempt to cooperatively and collaboratively ask you questions. Right at the end I will give each of you an opportunity if you feel something important has been missed. I am hoping to make time available at the end for that, not to make a summary but simply if you think there was something the inquiry did not get to. Ms Chisholm, I will start with you.

FIONA CHISHOLM: We were advised we had three minutes, so this address is that length.

The CHAIR: Thank you.

FIONA CHISHOLM: The CPG, the Coalition for the Protection of Greyhounds, is a dedicated group of volunteers across Australia and overseas who work together to inform the public about the cruelties of greyhound racing. What I would like to highlight today about the Animal Welfare Bill, especially for the Labor members of this Committee, is the New South Wales Government's ill-considered decision to remove a banned procedure from the bill due to pressure from the greyhound racing industry. This procedure is the surgical artificial insemination of dogs. I will refer to this procedure as SAI for brevity.

SAI involves cutting through skin and muscle to reach the uterus and injecting frozen or fresh semen there. Then the female must carry the pups to term having just had gut surgery. Because of this, SAI has been banned in Norway for 30 years and in the UK, Sweden and Denmark for many years. As the RSPCA says on its website, "Surgical AI is highly invasive ... and causes significant pain to the female dog." There are now two widely used alternatives to SAI; those are transvaginal and transcervical AI. Monash vet clinic is the biggest reproductive vet clinic in Victoria, and it says on its website:

Transcervical Insemination is a superior method of insemination to surgical insemination. With TCI there is no need for the bitch to undergo an anaesthetic, there is no surgery. With TCI the bitch stands on the table and we use an endoscope and specially designed catheter to deposit the semen into the uterus of the bitch.

The independent Australian vet association Sentient states:

There is no evidence base to support the greyhound industry's view that surgical AI is superior ... to continue using surgical AI on greyhounds is unethical because the surgery involved is not necessary for the health and welfare of the dogs concerned ...

By caving in to the old-fashioned approach of the greyhound industry, the Minister has left thousands of other dogs in New South Wales puppy mills vulnerable to the cruelty of SAI. He has also made a unilateral decision before this Committee even concluded its review process. The issue for Labor members of this Committee is whether they think this is acceptable or not. And finally, given one of the main objects of the draft bill is to prevent cruelty to animals, there is no way that the ban on SAI should be removed. Thank you.

The CHAIR: Thank you. I am not sure who from Animals Australia wishes to make a statement.

SHATHA HAMADE: Ms Oogjes will be speaking on our behalf.

GLENYS OOGJES: Thank you, Chair. Speaking on behalf of both of us, we thank you for the opportunity to appear today. It is a really important issue. At its heart it deals, of course, with the everyday lives and protection of the animals in our human care. Sadly, though, the draft Animal Welfare Bill that is before us and before you will not do that. The bill hints at reform with advances such as the coverage of cephalopods and decapods and in recognising explicitly now that psychological suffering is also harm, even indicating the obligation to provide animals with appropriate opportunities to express their normal behaviours and to provide for their behavioural needs.

Whilst these things are welcome, it should be conceded that these concepts are not new. Indeed, the freedom to express normal behaviour for animals was one of the so-called Five Freedoms stated in the UK Brambell report almost 60 years ago. The worst thing in the inordinate delay in legal recognition of this freedom is that the bill before you, and indeed the current Prevention of Cruelty to Animals Act, then immediately rules out even that basic freedom for whole classes of animals in our care—in particular, behavioural freedoms for farmed animals.

The Act and the new bill accept the roles of codes, standards and guidelines as virtual exemptions from the cruelty provisions of the law. These documents are what I call "the gap". They allow millions of farmed animals in New South Wales to be subjected to harmful and cruel procedures with impunity, some of which should have been phased out decades ago. Things such as painful mulesing, dehorning of cattle, crowded and barren poultry sheds, and intensive confinement such as farrowing plates for pigs and battery cage hens are just examples. Similarly, section 13 (2) in the new bill states in its minimal care section that an animal is to be provided with appropriate opportunities to exercise. But wait: If the animal happens to be a stock animal, this does not apply—stock animals including, as you probably know, cattle, sheep, goats and poultry, the vast majority of the farmed animals who reside in New South Wales.

We must also ensure you are aware of the flawed review processes for codes and standards and guidelines. It is a biased and incredibly slow process. An example: The poultry standards have already been in the current review process for seven years, and I have been involved in that process and still am. But it seems that even when that document emerges and is adopted by Ministers, it may allow the caging in barren or wire cages of battery hens until at least 2036. By the way, this is 24 years after they were actually banned, after a phase-out period, in Europe—a scientifically backed ban.

The current New South Wales Act and bill are cut from the same cloth, in our view, despite the passage of the past four decades. Throughout that time, the evolution of community concern for animals and a wealth of animal welfare science has occurred. The bill even shirks the opportunity to introduce the inclusive word "sentient" to describe the very animals it seeks to protect. This failure too has caused us to lose confidence and to fear that this proposed New South Wales bill and its future influence and enforcement will fall far short of its stated objects—objects that are to promote the welfare of animals and to prevent cruelty. The bill in its current form will continue to allow housing and handling conditions that the people of New South Wales would want to avert their eyes from were they to see and hear the suffering of those animals. We all share the responsibility of caring for the vulnerable and now you, the Committee members and the New South Wales Parliament, have within your grasp a once-in-a-generation opportunity to dismantle age-old policies that lead to unthinking, routine treatment of animals that cause suffering—both physical and mental suffering. We urge you to reject this bill and instead resolve to protect all animals with modern and equitable law. Thank you.

The Hon. EMMA HURST: I might start with greyhounds and then I think we can move on to the more broader issues discussed by Animals Australia. Thank you for coming today. Yesterday, the Minister suggested to me publicly in budget estimates that the ban on SAI was not necessary because the procedure is regulated by the Greyhound Welfare and Integrity Commission. Could I get your response to that?

FIONA CHISHOLM: Yes. First up, the procedure is not banned under the Greyhound Racing Act, so that is a complete misdirection. Currently, GWIC's guide to breeders states that the TCI method is as effective as surgical AI, if not more so—and it is very clear, from all the vet science published research, that TCI is. Sticking with SAI is really old fashioned, behind the times, and just pushes Australia further down the global rankings on animal welfare, behind countries like Mexico—which is hard to believe.

The Hon. TAYLOR MARTIN: Can I just pick up on this point? So why is it that it takes place then? Why does it still happen if there are far superior, non-surgical methods? Why is it an issue?

FIONA CHISHOLM: Inertia.

The Hon. TAYLOR MARTIN: People are just used to it? It has been happening for decades, so they just do it routinely?

FIONA CHISHOLM: Yes. You can look at the research online, it is available there for anyone to see—extensive research—about the fact that TCI is just as effective. There is only one reason that you would do SAI and that is why the veterinary groups have, in some cases, suggested it be a restricted procedure rather than a banned procedure, and that would be only in the situation where a vet advised or decided that medical surgical AI was necessary because of some problem a dog had. But that would be a rare exception. The problem is, policing is restricted. It is very difficult. Sentient, the independent vet association, made the good point that you would need to be able to monitor that situation so that vets who were doing a restricted procedure too often were picked up.

The Hon. TAYLOR MARTIN: Okay. Thank you.

The Hon. SCOTT BARRETT: The TCI you talk about, when was it developed?

FIONA CHISHOLM: It has been around for years.

The Hon. SCOTT BARRETT: And these sorts of procedures, I guess, are continually improving and things are becoming outdated?

FIONA CHISHOLM: Absolutely.

The Hon. SCOTT BARRETT: Does that not point to the fact that these things then should sit in regulations rather than the Act itself, meaning that as new things evolve they can be picked up in the regulations without having to rework the legislation itself?

FIONA CHISHOLM: I think that is a question for the lawyers. But the bottom line is, the experts that put together this bill for you ranked SAI as bad as a banned procedure—as hot face branding of animals and tail nicking of horses. Do you know what that involves?

The Hon. SCOTT BARRETT: Yes.

FIONA CHISHOLM: Okay. So the experts who put the bill together, who are also being ignored, as well as the RSPCA and all of the vet science experts, they ranked it up there on that level with hot face branding of animals. That is how cruel it is. We are so behind the times.

The CHAIR: Other witnesses have suggested that we actually need to include in the bill a list of prohibited activities, which might give greater clarity in that sense. Is that—

FIONA CHISHOLM: Well, it is—SAI was proposed as a prohibited activity, but yesterday it was confirmed and your Minister for Agriculture has written to Greyhound NSW saying he will remove it, he will remove the ban. This will take us back to a situation that—we might as well be back in the sixties and seventies. When are our legislators going to wake up about the fact that the Australian population wants better animal welfare protection? You are losing votes because of it. All of the research on public opinion shows that the vast majority of the Australian public is not with you on animal welfare. They want better protection.

The Hon. EMMA HURST: Can I ask a couple of specific questions from submissions that were received from the industry?

FIONA CHISHOLM: Sure.

The Hon. EMMA HURST: They have said that the industry should be exempt from other provisions that are also proposed in this bill. For example, they want to be exempt from the provision around live baiting and the ban of live baiting. They argue that they do not need the ban in section 33 on live baiting because the current regulations are sufficient. Do you have a response to that?

FIONA CHISHOLM: Yes. My actual response would be unrepeatable in public. But, look, how much taxpayers' money was spent on the McHugh inquiry? The millions in money that it took for the then government to fix up the mess that Greyhound Racing NSW had created in this State—that cost us, as taxpayers, megabucks. That came out of public pocket. And now they are saying that they should be able to keep doing it again, after all the evidence was presented on *Four Corners*?

The Hon. SCOTT BARRETT: Even from what you just said, that is not what they are saying. They are not saying that they should be allowed to do it. Is that—

The Hon. EMMA HURST: The question is, specifically, that they want to be exempt from the live baiting provision in this bill.

The Hon. SCOTT BARRETT: That it goes into the regulation?

The Hon. EMMA HURST: No. They are saying that—

The Hon. SCOTT BARRETT: Sorry, I am just going back to what you said.

FIONA CHISHOLM: Well, whatever way it is exempt, it is obscene.

The Hon. SCOTT BARRETT: I just do not think the greyhound racing industry is saying that they should be allowed to—

The Hon. EMMA HURST: No, they are saying that the current regulations in the Greyhound Racing Act and code are enough and they want to be excluded from the Animal Welfare Bill provisions.

The Hon. SCOTT BARRETT: Yes, so they are not saying they should be allowed to use live baiting.

The Hon. MARK BANASIAK: I think what they are—

The Hon. EMMA HURST: Well, they are loosening it. They are saying they do not want to be in the Animal Welfare Bill—

FIONA CHISHOLM: They are just trying to loosen it up.

The Hon. EMMA HURST: —and that they would rather just be in the racing code and not have any restrictions or provisions in the Animal Welfare Bill.

Ms ABIGAIL BOYD: So not subject to the same parliamentary scrutiny, et cetera. Can I ask about some of the other recommendations that you have made in your submission, Ms Chisholm?

FIONA CHISHOLM: Sure.

Ms ABIGAIL BOYD: One of the ones that we heard a lot about during our select inquiry into animal cruelty laws was in relation to the idea of allowing third parties to bring public interest legal proceedings. Can you talk us around why you feel so strongly that that is one of the key reforms we should have in here?

FIONA CHISHOLM: Yes. It is really, really important that that freedom exists, much as it would in any other realm of affairs in a democracy, so that when official organisations and authorities are constrained either by virtue of the funding they depend on or other political reasons, third parties can then step forward and do that. This trend would follow trends that we have seen in the Northern Hemisphere, where that provision exists and has given a lot more freedom for cases to be brought.

Ms ABIGAIL BOYD: Do you believe that there are, at the moment, offences that are going unprosecuted because of a lack of resources or perhaps because of a lack of prioritisation from those entities that are entitled under the law at the moment to prosecute?

FIONA CHISHOLM: Yes. I think one of the best examples of this is the new self-regulator, GWIC, which does the best possible job it can with the resources available. Groups like ours would always like to see them do more, but they are a regulator and they get bashed from all sides. That is the nature of working in a regulator. But the key thing is, this Government failed to empower GWIC to track New South Wales greyhounds when they are shipped across the border. Now the problem with this is exactly analogous to the situation that existed way back in the days when there was no national securities legislation. White-collar crooks can just go across the border, start up again and start misbehaving and ripping off members of the public. You are well aware this is analogous with puppy farms as well. As soon as Victoria brought in the more serious legislation, they racked off over and set up in New South Wales. We have estimated and published and substantiated—and GWIC subsequently substantiated—that there are about 2,000 and more greyhounds that are unaccounted for. Basically, when they move across the State border they are not tracked anymore; GWIC is not allowed to. You have to ask why. Why aren't they allowed to track those greyhounds? If, as the industry says, they love their dogs and they are concerned about them and what happens to them, why don't they track them when they go across the border?

The Hon. MICK VEITCH: I want to very quickly follow up, if I can, Abigail. The bringing of third-party prosecutions, Ms Chisholm, is there a jurisdiction that does this well that we could look at, the framework upon which they do that?

FIONA CHISHOLM: I think you would look at the Northern Hemisphere, definitely.

The Hon. MICK VEITCH: The next question is: Why does that work well? What provisions do they have that make it work well?

FIONA CHISHOLM: The mere fact I think at this stage that third parties can bring those actions is important because it means that, say an organisation like the RSPCA—that needs to depend on funding from government—it has to be politic about what it does and when. It is very difficult for them to bring every action they would like to. Also the draconian rules around listening and surveillance legislation; if third parties were empowered to bring actions and those draconian restrictions, especially New South Wales, did not apply so that they were empowered to bring those actions, then animal welfare would be able to be protected much better than it is. I would cite as an example of that the restriction on the prosecution of those who were clearly guilty for mistreatment of greyhounds and other animals due to live baiting. I think we are all aware that that went all the way to the Supreme Court, but because of the draconian nature of the rules around surveillance it impeded the ability to take that forward to where it should have been taken. If third parties were empowered to pursue this the way they are in the Northern Hemisphere, they would also be empowered to take actions that free them from some of those draconian restrictions.

The Hon. EMMA HURST: I have a few questions for Ms Hamade and Ms Oogjes. It has been argued in a few of the submissions from some industry groups that the DPI should be solely responsible for enforcing animal cruelty laws in relation to farm animals. I wanted to get your thoughts around that as a model and, if you do not agree with it, what model you think we should be using.

GLENYS OOGJES: Thank you. Ms Hamade might have something to add, but what I would say at the outset is that we do not believe that model has or will work for us. Clearly at the present time that is the case. The Department of Primary Industries—and it is similar in each of the States, of course—its primary purpose, if

you like, is to increase productivity, profitability and to enhance animal agriculture and farmer returns. Often that is in conflict with animal welfare. When I say that, clearly changes and reform of the way we treat animals may in some cases mean the need for increased infrastructure and higher costs of the production. If you are going to provide better welfare conditions for animals, it may cost more. That is something the community, of course, is supportive of, but to the farmers it is not and therefore the agriculture Ministers—current, past and State colleagues of the agriculture Ministers—have over and over again shown that they are not going to be progressive in adopting scientifically-based animal welfare reform. That goes to enforcement as well, of course, because there is a bias there.

We do not believe that the DPI should be the ones administering the Animal Welfare Act in New South Wales. What we suggest differently is that there be an animal welfare commission or something similar to that. It was suggested and recommended by the Productivity Commission some years ago that there be an independent approach to both the setting of standards but also then oversight of the enforcement or compliance elements of any Act that is put into place. We would suggest that it be under a Minister and in a department that is independent of Agriculture. I am not sure, Shatha, if you would like to add anything to that but, certainly, we see a completely independent approach to animal welfare as so important if we are going to actually provide animals with the protection that they are owed and that we are obligated to provide.

SHATHA HAMADE: Thank you, Glenys. I have nothing further to add.

Ms ABIGAIL BOYD: Could I ask on a slightly different topic, I am just aware that as an Australia-wide organisation you have information on all of the different States and Territories in Australia. I do hear a lot that New South Wales is particularly outdated in its animal welfare laws. Can you tell us how true that is and which jurisdictions we really should be trying to model?

GLENYS OOGJES: I would say that, with the exception of the Australian Capital Territory—that has just recognised sentience and banned a number of particularly intensive farming practices such as battery caging and sow stalls for pigs, for example—in essence each of the current State animal welfare Acts, and they are similar Acts, do not provide protection for many classes of animals. And it is not just farm animals—also what is allowed to be done, for example, to introduced species and to fish that are exempted often. There are real, large categories of animals that are exempted from the real protection of the cruelty provisions in each of the Acts. Having said that, some States are moving to improve their Acts. Victoria, as you probably know, is under review at the moment and the current Government there has suggested that they are going to explicitly recognise and insert "sentience" as an element of their Act, so there are changes coming in some States.

In my opening statement I talked about particularly the exemption for codes and now-called standards and guidelines that themselves are so backwards, so steeped in 1950s and 1960s practices, that it is a real problem. I guess my answer is: Apart from the Australian Capital Territory, I cannot suggest one to you, but what I would say is that looking at our neighbours in New Zealand, it gives you a very good indication of what is required in a basic Act and then the review processes that are in place and are currently developing in order to improve practices.

Ms ABIGAIL BOYD: In the structure of our legislation, where we have the main Act and then the regulations and then sitting under the regulations we have increasingly non-reviewable instruments—codes, conduct, et cetera—that can sit like that for decades without ever being reviewed, is that a similar structure applied in other jurisdictions, or do other jurisdictions do better at ensuring that there is not as much discretion in the detail and the Parliament has more of an oversight?

GLENYS OOGJES: Shatha, you might be able to help here, but particularly New Zealand, for example, the way they go about reviewing the standards that are then adopted virtually through regulations is a much better, cleaner process—eventually going to the Parliament, of course, but based on scientific evidence. Certainly you could then look overseas. You would be looking at the UK and to Europe for a better system.

The Hon. EMMA HURST: You have campaigned for many, many years about certain animal husbandry procedures that are allowed in New South Wales—things like mulesing, branding, castration, dehorning and tail docking—often without pain relief. You have campaigned quite heavily to have these outlawed. Why do you think these procedures should be outlawed? How would a change in these laws work in practice?

GLENYS OOGJES: They need to be outlawed because they cause great harm and suffering to the animals involved. As you say, in most cases, even though in more recent years there has been pain relief and pain relief that is not expensive nor difficult to administer that has been developed, yet pain relief is not a requirement under the law. Certainly I think that if we are going to look after animals we have to use the best practices available. That is not the case at the present time. There is no legal recourse if they do not use those better practices. I do think that has been an outcome of the flawed review of codes and standards and guidelines. Again, that comes

back to the very fact that, while those codes and standards are said to represent scientific evidence, community views and industry practicalities, it is only that last one that is taken into account. When I say "practicalities", it really just means that they are not ready to move.

Often there are alternatives, such as pain relief, of course, but also—let us focus on mulesing just as one example. There are farmers that have already been able to move away from mulesing. A genetic change such as selective breeding for a smooth breach is possible with just a few years—sometimes up to five years—of breeding focus, yet it is not being incentivised. It has not happened. We still have these terrible situations where literally millions of lambs are mulesed without any pain relief and have to deal with the pain of that wound for weeks, if not up to a month. It is quite disgusting.

The Hon. EMMA HURST: Obviously there is an enormous amount of exemptions in this Act for what are considered normal husbandry practices. Do you feel that these exemptions for farmed animals in the bill are appropriate for a modern animal welfare bill? I would just like to get a general statement from you about those exemptions and what changes you would recommend.

GLENYS OOGJES: The exemptions are not appropriate. I suggest that they debase the bill and they debase the objects of that bill—that is, to prevent cruelty and to protect animal welfare.

SHATHA HAMADE: Can I just add to Glenys' comment? It is really disappointing and really frustrating that in 2022 we are sitting in a parliamentary hearing, debating and discussing questions around whether or not we should be using pain relief on animals as a result of removing their teeth, their tails, their horns et cetera, and castrating them. In 2022 we are still asking the question and looking to science around whether or not we should be administering pain relief. This is why the community is fed up. I can only echo the powerful sentiment of Ms Chisholm earlier: The community is fed up. We are fed up with having these conversations. We have been going around in circles for decades about codes of practice that were set in the eighties and nineties to codify farming practices to secure producer interests so that they can escape cruelty provisions under the animal welfare Act, the legislation in this State, in this country, that was put in place by the Parliament to protect animals.

The fact that we carved them out in the eighties and nineties to continue industrial farming practices is one thing. But for us to be sitting here in 2022 and still asking the same questions we were asking ourselves 10 years ago, 20 years ago—we are really fed up and tired. We were really hoping that this legislation was going to be progressive and was going to listen to the community sentiment. You need only look at the purchasing behaviours of the community around better farming practices. It is increasing. People are making kinder, more compassionate choices. They are not waiting for the science to catch up to the legislation. They are acting on compassion and kindness and what they know to be truth.

I am really sorry, but this is a tired conversation. The pain relief is there. What was necessary and justifiable harm in the eighties, in the nineties and in the early thousands is no longer necessary and justifiable. It is 2022. The pain relief is there. The community has spoken. You have received thousands of submissions. We can split hairs around this, but it is time. It is time for us to progress. It is time for us to do better. We can sit here and we can carve up this bill around prosecutions and sentencing and sentence et cetera. But I think you know from the thousands of submissions that you have received and the purchasing behaviours of consumers and the community and, in fact, the global community that we need to do better. And we can do better.

FIONA CHISHOLM: Hear, hear!

The Hon. EMMA HURST: Ms Hamade, can you give us some of those top major changes that you were hoping to see in the bill that are clearly missing?

SHATHA HAMADE: We are not saying that factory farming must cease overnight. What we are saying is that there is nothing progressive about our laws, our codes and our standards. New Zealand has got progressive clauses in their codes and standards that are enforceable—not discretionary, not voluntary—where they say, within 10 years, within five years, within seven years, certain industrial practices which do not accord with community sentiment must be phased out. They are doing better. They are progressive, and they are looking to the future. We seem to be stuck in the past. We seem to be bowing to a fear around recognising the sentience of animals. What is wrong with us? Of course they are sentient. The pain relief is there. The better farming practices are there. I am sorry again. The community is fed up, and we are fed up with these processes. We really know the truth around this. We can do better. It is available. I think we really need to dig deep and go there.

The Hon. EMMA HURST: Ms Oogjes, you talked a little bit before as well about the inclusion of cephalopods and decapod crustaceans in this bill and including them as animals. We have received submissions from industry that are debating whether or not these animals should be included and recognised as animals. Can I get your reaction to this and also if there is any scientific basis that you are aware of to argue that these animals are in fact not animals?

GLENYS OOGJES: Of course they are animals. The question is whether or not they can experience pain and suffering. That includes, of course, distress. The science is there. I cannot quote it to you right now. But, of course, when that was being put together—and in other countries, of course, as well—the science indicated that they would react to painful stimuli, for example, and that they have social connections and such things, such that it is very clear that, if you are doing something to them that restricts or harms them or injures them, they are going to feel the effects of that. That is why they have been included in the Act, quite rightly.

The Hon. EMMA HURST: I have quite a specific question. I used to work for an animal protection organisation and something that we always got called about was animals that were tethered 24/7 and the difficulties for enforcement agencies to actually act on that. This legislation does suggest some very mild changes to tethering laws but, having a look at it again, whether the changes are enough to help get that enforcement. I wondered if you have experienced the same complaints and what we need to do around that space of tethering animals.

GLENYS OOGJES: As you know, it is a very risky thing—and the reason is twofold—to tether an animal because they become entangled and have difficulty getting to food and water, for example, particularly water. But apart from that risk is the lack of exercise, if you like. As I just indicated before, stock animals—of course, the tethering of goats, for example—do not even need to have further exercise as such under the exemption that is suggested there. In regard to complaints, we have, on occasions, complaints but they primarily would be directed to, and most complaints would go to, the RSPCA in order to try to relieve the suffering of animals that people have observed. The sad part is of course that outside people are not necessarily going to observe these situations because tethering may well occur in the midst of a property where there are no other eyes on the animals. Tethering should be banned.

The Hon. EMMA HURST: Puppy farming has also been neglected in the bill. Obviously there has been a lot of discussion around puppy farming. You are in Victoria where I believe puppy farming has effectively been outlawed. Do you think that is an oversight in this bill and that puppy farming should have been identified as well?

GLENYS OOGJES: Yes, certainly. We are pleased that it has been now explicitly indicated that psychological suffering is also harm to an animal, so that may assist to some extent if you get down to the situation of a complaint and therefore a prosecution. But, yes, we really are concerned. We absolutely oppose puppy farming because of the effect on animals that are kept in an industrial way. That is, rather than being born and raised in a household, which is where you would expect them to eventually go, they start in an impoverished environment. We absolutely oppose puppy farming.

We do though think that dog breeding and cat breeding should be something that is regulated so that a better environment for the animals is provided. We certainly would think that the current legislation is a start but it actually does not go far enough. It allows, for example, up to 50 breeding bitches to be kept in a particular puppy farm as such. There is no way that those animals—those dogs and their pups—can be properly enriched through the important period of their lives when they are on the farm. We do think it is an oversight and it has to be addressed in some way.

The Hon. MICK VEITCH: Thanks, Ms Oogjes. I have one question before we wrap up and it is to both panel participants. Most of the submissions are critical of the fact that the draft regulations are not being considered at the same time as the draft legislation. Do you think that should be the case, that the draft regulations should be presented at the same time for consideration in the Parliament as the bill? I know Mr Banasiak asked earlier if that should also include the potential codes of practice as well so that legislators actually have the full picture. Ms Chisholm, if I could start with you and then we will go to Ms Oogjes.

FIONA CHISHOLM: I think that in the development of any legislation, having worked in a regulatory body for five years, the fuller picture that your legal eagles can have when such material is being developed, the better. Having oversight of regulations in addition to the actual black letter Act allows you to look for where there might be conflict, for example, or where there might be problems that arise and you get an echo that is problematic. It is just common sense where that is possible.

The Hon. MICK VEITCH: Thank you. Ms Oogjes?

GLENYS OOGJES: We agree that you really do need to have an indication of what the regulations are likely to do and some indication that they are not going to undermine the Act itself, but in saying that, I will go back to the bill as it is at the moment and the criticism that we have suggested. At the moment, it does indicate that the codes—standards and guidelines as most of them are now called—and regulations are going to undermine the objects of this Act. That is, the prevention of cruelty and the protection of animals will not occur, given what we have already seen in the bill. While, yes—thank you, of course—your question is important, I think that it is not the key issue that is of concern at the present time.

The CHAIR: I thank all of the witnesses. If you feel that we have missed something or something important has not been said, I am giving you the opportunity to make that statement. Ms Hamade, can I begin with you?

SHATHA HAMADE: There is nothing further from me. I think I made my point quite clearly, thank you.

The CHAIR: You did, it was powerful evidence and I thank you for it. Ms Oogjes?

GLENYS OOGJES: Similarly, I would only be repeating what we have already been talking about, the carving out of huge classes of animals and causing suffering to them.

The CHAIR: Thank you. Ms Chisholm?

FIONA CHISHOLM: The question from this side of the table, which I really appreciated because it was a genuine question about why the situation is as it is, I just wanted to let you know that inertia does not just apply to the people in the industry; it also applies to the veterinary profession. Again, the RSPCA has had so much material about all of this on the public record for some time, and it said:

Unwillingness of some veterinarians to acquire the skills or equipment to undertake trans-cervical artificial insemination is an insufficient justification for permitting the unnecessary procedure where expert opinion within the profession confirm it as outdated.

It is not just the industry; it is also some parts of the vet profession. Mind you, I should say, not a large part; most of them are good scientists and will tell you very readily that SAI is old hat.

The CHAIR: I thank each of the witnesses for attending and for your evidence today. The secretariat will contact you in relation to any questions that have been taken on notice. I am not sure that there were any. I thank you for your evidence and written submissions; it is greatly appreciated.

(The witnesses withdrew.)

Mr CRAIG GOLDING, Director, Shooters Union NSW, sworn and examined

Mr NED MAKIM, Vice President, The Australian Pig Doggers and Hunters Association, before the Committee via videoconference, affirmed and examined

The CHAIR: I welcome our new witnesses. Do either of you have an opening statement?

CRAIG GOLDING: Yes, I do.

The CHAIR: Okay, please proceed.

CRAIG GOLDING: Firstly, on behalf of the Shooters Union NSW, I would like to thank the Committee for the invitation to appear today. Shooters Union NSW was extremely concerned with the proposals detailed in this bill and its veiled implications to the State's recreational hunters and recreational anglers. We believe this bill is less about overall animal welfare issues than it is about regulating and curtailing the growth of New South Wales recreational hunting and fishing. It is a grave concern to the Shooters Union NSW that no hunting or fishing stakeholder groups were asked for initial consultation on this bill, despite contributing an estimated combined value in New South Wales of some \$3.5 billion. While the Shooters Union noted that specific exemptions have been made for legal activities such as recreational hunting, shooting and fishing, we do not believe these exemptions are specific enough to appease our members or the wider hunting and fishing community.

The use of terms "unreasonable" and "unnecessary" remain far too subjective and, in our opinion, are open to abuse of interpretation by investigating officers of the RSPCA, particularly considering their opposition to recreational hunting and their restrictive views on recreational fishing. The RSPCA has been an outspoken advocate for the abolition of recreational hunting and cannot be expected to give an objective opinion on issues where legal recreational hunting practices come into question. To that end, I have got the RSPCA information paper and I would like it accepted into the Committee.

The Hon. SCOTT BARRETT: Is that RSPCA NSW or RSPCA Australia?

CRAIG GOLDING: It is RSPCA NSW. Further concerns for this bill surround the fact that no mention has been made of the ongoing use of 1080 poison. 1080 poison is a slow killer; when ingested by an animal it suffers a prolonged and horrific death, with herbivores taking the longest time to die—up to 45 minutes—while carnivores can take up to 21 hours to die. How can we begin to discuss animal welfare with such diabolical control methods as 1080 being used as it is? How soft and cuddly does a feral animal have to be before it is afforded the same humane treatment as our domestic animals?

Australia and New Zealand are the only two countries where 1080 poison remains in use, yet, despite representations from various organisations, including the Shooters Union NSW and the Game Management Council, there seems to be no appetite for this Government or the Animal Justice Party to address the use of 1080 poison in Australia. Thank you.

The CHAIR: Thank you very much. Mr Makim, do you have a statement?

NED MAKIM: Yes, I do. It is just a brief one. I also thank the Committee for the opportunity to comment here and I hope it heralds a greater involvement in the future in discussions on animal welfare and hunting in general terms. The Australian Pig Doggers and Hunters Association, for those who might not know, is the peak representative body representing legal, ethical hunters of pigs nationwide. A lot of our members use dogs to locate and hold pigs. We were incorporated in 2005. In New South Wales we work with the Department of Primary Industries' Game Unit in assisting with the administration of public land hunting. Our base view is that hunting in general, and particularly hunting using well-trained and well-managed dogs, is a legitimate cultural activity. It also provides significant environmental, agricultural and economic benefits to the community.

We have a number of ideas on how to progress this matter. We fully recognise that the community has a legitimate interest in animal welfare; so do we. We think the two positions can be compatible, and what we are seeking to do is to find the common ground to go forward from this point. I say again that we see hunting with dogs as a legitimate cultural activity as well as a contributor to the economy, pest control et cetera. Thank you again for the opportunity.

The Hon. SCOTT BARRETT: Can I just refer back to this paper because I did ask whether it was RSPCA NSW or Australia? It was stated it was RSPCA NSW, but it is actually, by my reading, RSPCA Australia.

CRAIG GOLDING: My apologies. The same policy applies to New South Wales, but I will be happy to send that through at a later date, if that is okay.

The Hon. SCOTT BARRETT: Thank you.

CRAIG GOLDING: It was just an oversight. I apologise.

The Hon. SCOTT BARRETT: It is just an important distinction between the two.

CRAIG GOLDING: Yes, I agree 100 per cent.

The Hon. MARK BANASIAK: Thank you both for attending. It is good to see you both again. Mr Golding, one particular clause that is in the existing legislation and is proposed to stay in the legislation, is the issue of banning game parks. Do you believe it is a bit of a nonsense given that farmers can charge fees for people to go onto their property and manage pests already, in the sense that you pay for a nightly camp fee and you get to cull animals for them, and that is done in a humane way? Is this persistence of banning game parks essentially a nonsense?

CRAIG GOLDING: I think it is, for a couple of reasons. There is that reason as well where recreational hunters have for decades been able to spend time at a farm for a nominated fee to control feral animals such as pigs and goats. That is ongoing. But then, by the same token, how does that differ from a game park and what is a game park? What is the definition of a game park? Game parks are quite common in Victoria and South Australia and the reality is they differ little from a normal farming enterprise where you are raising sheep, goats, pigs or cattle for the human domestic market. We think there is a problem with the definition of game parks, yes.

The Hon. MARK BANASIAK: Can I go to your point about your concern in terms of you essentially being snubbed from the initial consultation? You talked about the huge financial—

CRAIG GOLDING: It is \$3.5 billion.

The Hon. MARK BANASIAK: —contribution, yes, that hunters make to the economy. I think it is second or third in primary industries, from memory. Is that snub also a concern due to the fact that in this initial consultation there were discussions being had and things being decided essentially on your behalf relating to fishing and hunting?

CRAIG GOLDING: That is correct. Who has the right to determine who can fish and hunt where without having consultation with those groups?

The Hon. MARK BANASIAK: And not only where but obviously how and the methods used.

CRAIG GOLDING: That is right.

The Hon. MARK BANASIAK: To go to this paper—you appreciate there is a New South Wales version which is essentially the same—does it concern you that one of the principal charitable organisations that is doing the enforcement, and potentially will do the enforcement, has shown an active bias and continues to show an active bias against hunting? Do you believe that they can actually be trusted to be objective?

CRAIG GOLDING: No, I do not.

The Hon. MARK BANASIAK: Or do they even have the expertise to, under this new legislation, decide what is necessary or unnecessary in terms of hunting?

CRAIG GOLDING: I do not think they can be trusted to be objective because their view on recreational hunting is to have it banned. But then how are they going to determine what is unreasonable or what is unethical? I heard the last lady mention codes of conduct and codes of ethics. Modern conservation hunters and anglers are all bound by codes of ethics and codes of conduct. That is what makes up our licence applications; you need to agree to abide by these rules. How can they not be taken into account when we are looking at animal welfare?

The Hon. MARK BANASIAK: Mr Makim, do you have anything to add on that point?

NED MAKIM: Yes. The issue for us with the RSPCA—and I differentiate here between the administration of the RSPCA and the workers in the field. We have had good relations with the enforcement officers and people like that. It does seem to me to be anomalous that the enforcement body, albeit separated on paper from the charitable body, can hold a position that a legal activity should be banned and that is an activity over which they have enforcement powers. It is not an issue of bias; there is the danger of the perception of bias, which I think that has the tendency to undermine the credibility of the process. It is something that we would certainly like to see taken into account.

The Hon. MARK BANASIAK: Mr Golding, in terms of your submission, you talk about part 2 interpretation, division 2, points 7, 8 and 11. This is about the unreasonable, unnecessary harm clauses that you acknowledge exist in current POCTAA rules. I note that in the regional discussion paper, defences were applied for fishing and hunting, but after numerous submissions raising concerns about the fact that it was only a defence,

that was then changed to an exemption, but still tied to this subjective nature of unnecessary harm. Do you see it being tied to that unnecessary or unreasonable as being the core issue?

CRAIG GOLDING: I have an issue with what is unreasonable and what is unnecessary, and who is determining that. I also think the exemptions do not go far enough. They need to be specific. We are talking about legal activities here. We are talking about cultural activities. These exemptions need to be specific to include legal pig hunting with dogs, legal bow hunting, legal rifle hunting and legal catch-and-release fishing, which, in years to come, will be an issue. It just needs to be broadened. It needs to be more specific in what those exemptions are.

Ms ABIGAIL BOYD: Good morning. I want to pick up on the comments in relation to 1080 poison. It is great to see that you are in line with The Greens policy and the AJP policy in banning 1080. This is something that we are trying to work towards. My colleague introduced a bill quite recently. Are you of the view that 1080 should be banned because of animal welfare concerns or because you worry that the use of 1080 will, I guess, remove one of the excuses for hunting?

CRAIG GOLDING: No, I do not. I do not think the removal of 1080 is a quick fix. I acknowledge that farmers, for instance, have a use for 1080. We are talking about the humane treatment of animals yet here we are using a poison that is banned in every other country apart from Australia and New Zealand. It can take up to 44 hours for a carnivore to die. How is that humane? Ms Hurst, I am aware of your bill. We have had correspondence on 1080 previously. I have been critical because I think 1080 is brushed aside because of the tendency to pick the low-hanging fruit—you know, have a go at that—and 1080 is a big issue. The answer to your question is I think there should be methods, other than 1080, employed more than what 1080 is.

Ms ABIGAIL BOYD: With respect, if you are saying that you think that 1080 should be banned for animal welfare reasons—

CRAIG GOLDING: Yes.

Ms ABIGAIL BOYD: —but you literally hunt and kill animals for fun—

CRAIG GOLDING: Correct. Okay.

Ms ABIGAIL BOYD: —how are we supposed to read that as being anything other than seeing it as endangering—

CRAIG GOLDING: Without trying to get into the philosophical argument of it, we are talking about a cultural pursuit that man has partaken in for over two million years, that is, hunting. A carnivore such as a wild dog or a dingo dying within 44 hours of ingesting 1080 poison is far different to me going out this weekend and harvesting a deer with one shot that is going to die within a split second—and that is the truth—and for that deer to go home and become part my family's food for the next three months. I get your point, and it can sound to be hypocritical from a hunter saying that we want 1080 banned because we want to hunt more, but there have to be other ways that can work in conjunction with hunting, other than the use of 1080. We are not saying that hunting is a silver bullet—sorry for the pun—but there needs to be other measures put in place that are far more humane than the use of 1080 poison. Does that answer your question?

Ms ABIGAIL BOYD: Maybe we have an uneasy alliance on that.

The Hon. EMMA HURST: I think you have asked some good questions about 1080 and I think we do sit in a similar way. I think there are other poisons as well, like pindone poison, which cause very prolonged suffering. In your submission you argue that there should be an exemption for situations where a hunter has accidentally missed a clean shot and has been unable to kill the animal quickly.

CRAIG GOLDING: Yes.

The Hon. EMMA HURST: How often does that situation occur?

CRAIG GOLDING: In my case, not every often. The thing we need to realise—let's talk rifle hunting. Those people who possess a firearms licence these days have to be members of a hunting club. They have got to do a certain number of rifle range shoots each year. They have got to maintain their proficiency.

The Hon. EMMA HURST: If it is not very often that that happens—

CRAIG GOLDING: It is not very often.

The Hon. EMMA HURST: —why would we need an exemption?

CRAIG GOLDING: The exemption is to recognise that the legal pursuit of hunting is properly exempted, not just as a defence.

The Hon. EMMA HURST: But sometimes it could cause prolonged suffering for an animal, and that should, in and of itself, be an exemption.

CRAIG GOLDING: For security, as the hunter—we are bound by that code of conduct and that code of ethics to ensure that does not happen. That is training. That is followed up now—

The Hon. EMMA HURST: If it does not happen, why would we need an exemption? If we have that in place to say, "We are doing everything we can"—

CRAIG GOLDING: To protect the legal pursuit of hunting, that is why—to make it quite clear in the bill that the legal pursuit of hunting is completed exempted.

The Hon. MARK BANASIAK: Can I clarify something on that point? I agree it does not happen very often. Maybe "exemption" might be the wrong word, but having a clause in there that says that as long as you take the necessary steps that are listed in the code of conduct—and I note for the Committee's reference that there is a DPI code of conduct that all clubs have to abide by. As long as they adhere to that code of conduct that says you do everything practically possible to follow up and dispatch that animal, you are then not looped into this clause of "unreasonable or unnecessary". Is that what you are trying to get at?

CRAIG GOLDING: Yes, we would accept that.

The Hon. EMMA HURST: Doesn't that exemption in and of itself recognise that sometimes hunting causes prolonged pain and suffering to an animal, that there are occasions where that will occur?

CRAIG GOLDING: I think that has been misrepresented.

The Hon. EMMA HURST: How?

The CHAIR: In terms of giving evidence, I think we have answers on that. I am just worried that we are venturing into argument.

The Hon. EMMA HURST: I will move on.

The Hon. SCOTT BARRETT: Can I go back to 1080? Taking on face value that this objection to 1080 baiting is purely an animal welfare thing, what other stances has the Sporting Shooters taken for animal welfare?

CRAIG GOLDING: Sporting Shooters or Shooters Union?

The Hon. SCOTT BARRETT: Sorry, Shooters Union.

CRAIG GOLDING: The Shooters Union nationally works with farmers in all States to assist whatever issues they might be faced with, with feral animals. But one of the big things we try to get going is that a lot more trapping is done, and the use of—in particular with wild dogs—professional shooters, which is more humane, especially with [disorder].

The Hon. SCOTT BARRETT: They are different control methods?

CRAIG GOLDING: Control methods, yes.

The Hon. SCOTT BARRETT: What other campaigns have you run supporting animal welfare objectives, other than the 1080—

CRAIG GOLDING: Not Shooters Union, no. It has been done through the New South Wales Game Council.

The Hon. EMMA HURST: Some groups have suggested that there should be an inbuilt statutory review of this legislation to review how the bill is actually going. I want to get your thoughts on this and, if you agree that there should be a review once the legislation comes into place, how long you think it should be before we review it.

CRAIG GOLDING: Your are probably asking something outside my expertise. I mean, 20 years? I do not know, Ms Hurst—five years, 10 years. What is wrong with the existing POCTAA?

Ms ABIGAIL BOYD: So much.

The Hon. EMMA HURST: Where do you want to start?

The Hon. MICK VEITCH: It is quite old and it does not meet contemporary—trust us.

The Hon. MARK BANASIAK: I want to go to Ned, specifically; I do not want him feeling left out in digital land. Ned, can I pick up on your submission where you talk about the transportation of dogs? I think you raise a good point around this, I guess, contradiction in the Act about the transportation of pig dogs on the back

of the ute and having them secured versus not having them secured when you are actively hunting. You suggested there is probably a case to include them in subsection (3). Just so we are clear for the Committee, you would be suggesting that this clause about having them tied—that you also should be included in that subsection (3) exemption in terms of maybe saying "used to control or protect stock animals and pest animals" in the case of pig dogs. Is that what you are suggesting?

NED MAKIM: The short answer is yes. I absolutely support the secure tethering of dogs for the obvious reasons of their protection and so on on the back of a vehicle whilst moving at pace, and so on. On private land it does not apply, so if people are hunting and the dogs are on the back of the vehicle—it saves wear and tear on the dogs, of course—what they are doing on the back of the vehicle is scenting and so on, so they do have them loose so that they can react quickly to a scent. The variation, of course, would apply, in our view, to legal public land hunting in New South Wales in State Forests. All roads in a State forest are classed as public roads. So the two paths—the bush track that is up the back of Nundle State Forest is classed the same as the Pacific Highway in terms of the requirement to have a dog tethered. This restricts their ability to work. There are workarounds for it, but what we would like to see is that there is some sort of exemption for either certain classes of roads within a State forest but the dogs can work freely and move as they see fit. That might be classes of roads or it might be speed. We do not want to risk dogs being driven free on the back of a vehicle on the tray of a ute or something like that—to take Nundle as an example—along Nundle Forest Way. It is a main road; it is a through road to the coast. But once off those roads and onto the bush tracks that go through the forestry, we would like to see consideration for some sort of change there—as I said, either on classes of road or the speed at which the vehicles travel.

The Hon. SCOTT BARRETT: Can I follow up on that?

The Hon. MARK BANASIAK: Not to take the Chair's job, but Ms Boyd is going to ask a follow-up question as well.

Ms ABIGAIL BOYD: I have a very quick question. In some ways that seems to make sense if you are within a certain off-road area, but would you be proposing a speed limit on that?

The Hon. MARK BANASIAK: I think it is in his submission.

NED MAKIM: Yes. We are very happy with the speed. We do not know what that might be but it might be 10 kilometres per hour or 20 kilometres per hour. Someone with greater expertise than me on those sorts of things would need to be involved. But the issue, of course, is the dogs either tumbling off a vehicle or even jumping deliberately and landing awkwardly, and you can get twisted fractures of legs and things like that. We do not want that. We love the dogs, and obviously that is why that law exists. The risk of that increases exponentially with speed. Bearing in mind that that is the actual speed that people are doing when they are using a vehicle with dogs on the back. They are travelling slowly so that the dogs can react to scent and leave the vehicle.

The Hon. SCOTT BARRETT: That was pretty much my question, the reduction of risk on those roads versus doing 110 along the highway.

The Hon. MICK VEITCH: Have you finished with that one?

The Hon. MARK BANASIAK: Yes. I was going to go to the stock welfare panel in his submission.

The Hon. MICK VEITCH: I have got one in the submission a bit earlier.

The Hon. MARK BANASIAK: Yes. Go and then I will jump back.

The Hon. MICK VEITCH: Mr Makim, in your submission you talk about the licensing arrangements for hunting. Currently the only licence required to hunt pigs with dogs applies to the use of dogs on the public land declared for hunting. There is no licence for the use of dogs on private land. In your submission you are advocating for the introduction of a licence for all pig hunting with dogs in New South Wales, regardless of whether they are on private or public land. Is that correct?

NED MAKIM: Again, the short answer is yes, and there are reasons for that.

The Hon. MICK VEITCH: But then you go on to talk about the regulation and say:

We believe this has the potential to significantly increase the focus on animal welfare and provide a clearer path to education and enforcement.

That is via the regulation. One of the issues is that we do not have any draft regulations before us. You are proposing that that would be something to be considered as a part of the regulation as opposed to the primary legislation. Would that be correct?

NED MAKIM: Yes. Again, that is slightly above my pay grade. I am not a lawyer by any stretch.

The Hon. MICK VEITCH: Neither am I. I am just a busted up old shearer.

The Hon. MARK BANASIAK: You keep saying that.

NED MAKIM: I do not know the correct structure, but I would imagine that there is room in the draft information for these regulations. The reason that we see that licence as a potential benefit is because the regulations can have it as a requirement. Getting that licence can be governed by completing appropriate education on welfare. That can be on specific issues on what constitutes good and bad animal welfare outcomes and it could be on the concept of social licence, like what does the community expect that to look like? As a broad rule, we think that education is the way forward for the animal welfare debate in our world. We think that education could be part of the regulations, and we think that licensing them would indicate that a person has undergone that relevant education and is a way of proving their capacity to undertake this cultural activity.

The Hon. EMMA HURST: Can I ask a clarifying question? It is Emma Hurst from the Animal Justice Party. Pig dogging is currently happening on private land without licensing, or would this licensing expand where pig dogging could occur?

NED MAKIM: No, it is already happening on private land.

The Hon. EMMA HURST: It is already happening but there is no licensing scheme?

NED MAKIM: Correct.

The Hon. MARK BANASIAK: Mr Makim, I will go to the comment in your submission about the stock welfare panels and how you would like to see them expanded to include a hunted animal game welfare panel. How would you see that working differently from the Game and Pest Management Advisory Board, noting that hunters were represented on the Animal Welfare Advisory Council only as an observer. One of the criticisms that hunters had of that process was that there was a meeting before the meeting where everything was decided and the hunter representative walked in and had no say. I am wondering how you would see that expansion—

The CHAIR: Can I clarify, are you referring to a meeting of this Committee?

The Hon. MARK BANASIAK: No, a meeting of the Animal Welfare Advisory Council.

The CHAIR: Sorry, I have got you. It is just that there is a reference in this submission, but I appreciate it.

The Hon. MARK BANASIAK: How would you see that working? Would you want it separate to stock animals or would you want it bundled up? Even on notice, if you want to provide a bit of guidance.

NED MAKIM: I could provide more details on notice, but we see it as a separate entity and structured along the same lines as the animal welfare board. You would want credible people who have an interest in whatever side of the debate, but you need people who are actively involved in these things and looking for practical solutions. One of the issues for us is that we are often ignored in this debate; we are spoken at rather than to. We hear people who do not like our lifestyle, and we are seldom asked for an opinion or to contribute. We have a good relationship with the DPI game unit, but we are looking to have people actively involved before we get to a confrontational situation. We think that all these things can be resolved with education on all sides. Everyone has a different point of view on this, but we think that the more involvement the process has with the hunting community, the fewer issues there will be.

The Hon. MARK BANASIAK: I will pick up on that, and I notice Ms Boyd next to me is angling for a question.

Ms ABIGAIL BOYD: You are a question hog.

The Hon. MARK BANASIAK: To both of you on that point, do you think having a game board in place would have maybe solved a lot of the problems of your perception of poor consultation or not being considered in that initial phase? If this was already set up and you were being included in the conversation, do you think it would have potentially solved a lot of these issues that you are now talking about?

NED MAKIM: Yes, certainly.

CRAIG GOLDING: Yes.

NED MAKIM: I think we need a separate conduit to get our point of view in and to be taken seriously.

Ms ABIGAIL BOYD: I think in both of your submissions, although there are a couple of tweaks around things like dogs in trays and things, the main concerns that you appear to have are that this is a thin-edge-of-the-wedge kind of legislation—

CRAIG GOLDING: Yes.

Ms ABIGAIL BOYD: —and not that the legislation would change what it is that you currently do. Is that correct, and is there anything that you think this legislation would change, on its face, in relation to what you are currently allowed to do under the law?

CRAIG GOLDING: Going back to my initial comment, I just think that the whole—when I first read the proposed welfare regulations, the first thing I thought of was that this was a veiled attack on pig hunting with dogs and, to a lesser extent, bow hunting. I go back to when I read the Bradshaw report into rural crime back in 2016, which again had implications towards recreational pig hunting with dogs and bow hunting. We seem to see a re-emergence of these things over time. It is unlikely that an investigating officer, such as an RSPCA guy, is going to pull up the shearer going from one block to another block on an open road. He is going to be targeting the young guy, long weekend, with police going out to Bourke or Broken Hill. I think it is the thin end of the wedge. I think pig hunting with dogs gets a very bad rap. I just think it is the thin end of the wedge for further regulation on the sports, particularly of pig hunting with dogs and for bow hunting.

Ms ABIGAIL BOYD: Perhaps, Mr Makim, before you answer the first question I could add this one in for you specifically in relation to pig dogging. You very helpfully included your code of conduct in relation to the management of not just the dogs but also the way in which the pigs are killed or hunted. You describe yourself as being the peak body representing ethical pig hunters. In your view, what would be an unethical pig hunter and what is it that would fall outside of this code of conduct that you would discipline your members for?

NED MAKIM: I am trying to remember what the first part of the question was.

Ms ABIGAIL BOYD: Sorry, the first question was basically, "Will this change anything that you do in terms of the existing legislation?" But then I was looking at what it is that you do and looking at the code of conduct—

The CHAIR: I suggest that you just stick with the first question and then we will do the second.

Ms ABIGAIL BOYD: All right. I am being greedy. I am being a question hog.

The CHAIR: No, you are welcome to ask twice, but let us just separate them so it will help the witness.

Ms ABIGAIL BOYD: Thank you, Chair. Please go ahead, Mr Makim.

NED MAKIM: Our difficulty with the suggested legislation is we think it is clumsy. We are looking for greater clarity so that we can provide better animal welfare outcomes. We have an ongoing debate with our members and there are people outside our membership with whom we communicate as well. We talk to them about animal welfare and about social licence and these sort of things on an ongoing basis. The difficulty we have is that it has not got any worse but it remains utterly subjective, from our point of view. It can be a magistrate on a day or an officer on a day deciding that something is outside reasonable animal welfare.

Ms ABIGAIL BOYD: There is a fear, I guess, that your whole practice of pig dogging would come under greater scrutiny if there were new laws. Is that your concern? Again, there is nothing in the actual legislation to change things—

NED MAKIM: No, not at all. What we are saying is that we are happy with scrutiny. Legal, ethical hunters are happy to be scrutinised but they would like to know the basis of that scrutiny. We would like that clarified. That is the basis of my submission, our submission. I wrote the submission.

Ms ABIGAIL BOYD: Thank you. Can we then come back to that second part of the question? Basically you are self-regulating under this code of conduct. What does an unethical pig dogger look like?

NED MAKIM: If I was to say what would be unethical activity, we are in the business of killing the pig, so not killing them as quickly as is possible. You want death to occur as close to instantly as possible. Another is using more dogs than might be necessary, for the dogs' safety and for the pig. It might be the care and welfare of dogs. Are they hot on the back of the vehicle? Do we need a cover for them? We need insulating material on the floor of the ute, that sort of thing. How are they housed? The pointy end of this is what happens to the pig. We make no bones about it: We are there to kill the pig. Pigs are not released. It is illegal and it is also problematic from an environmental and disease management point of view. They are killed. The primary focus of this is how that pig is killed and how quickly it is done.

Ms ABIGAIL BOYD: My final question then is I understand that focus on the ethical hunting side and the idea that you are killing the pig quickly. But when I look at the code of conduct in relation to the requirements for how the dogs are treated, if this was the greyhound industry, for instance, and we are looking at dogs being blooded and trained to smell out the pigs, when we look at the requirements here, the housing requirements, it is

very much about not actively being cruel to the dogs, but there is nothing in here that provides for a responsibility to provide a dog with a good life. That would not be accepted in the greyhound industry now. Are you worried that with the new legislation that sort of thing is going to be looked at?

NED MAKIM: Off the top of my head, I do not have any concern about that at all. It is inherent in our handling of the dogs that we believe we are giving them a good life. How it is described here by my non-pig-hunting partner is that the dogs live a "big" life. They share activities. They are mobile. They are fit. They are well cared for. Most of the stuff that we do with dogs replicates hunting: throwing a ball, throwing a stick, teaching them to jump over things like this and that. We do those for their biological enrichment and their psychological enrichment. We take it as read that the object is to give the dogs as good a life as possible. If that needs to be put in there just to say that it is there, we can do that. We are not [inaudible]—

Ms ABIGAIL BOYD: Yes, I would recommend you update your code of conduct.

CRAIG GOLDING: Just on that as well, that also relates to those hunters that use pointing and retrieving dogs as well. I have a German shorthaired pointer. It is nuts, it is part of the family, it has a good life. How does it get determined that it is not having a good life? Under this current regulation, who determines that?

Ms ABIGAIL BOYD: It is more about what you do when somebody who is not like yourself does not provide a good life for the dog. What—

The CHAIR: Can I just clarify, Ms Boyd, you are asking about something that is not in the draft bill, is that correct?

Ms ABIGAIL BOYD: No, I am talking about the impact of the draft bill. We do not know what the regulations and the standards are going to be. It can filter down.

The CHAIR: We will move on to Mr Veitch and then I will wrap it up.

The Hon. MICK VEITCH: Very quickly, my question is for Mr Golding. In its submission Mr Makim's organisation talks about the specific reference in the draft bill to the structure of the stock welfare panels. Mr Banasiak touched on this as well. Mr Makim's organisation is supportive of the expansion of that concept to include a hunted animal or game welfare panel. Is your organisation of the same view, and why?

CRAIG GOLDING: I would support that 100 per cent, yes.

The Hon. MICK VEITCH: Why?

CRAIG GOLDING: To have a voice. As Ned pointed out, education is the key here. Shooters Union NSW and my own hunting club, the Wingecarribee Hunters and Anglers Club, spend a lot of time and a lot of effort on educating our members. That could be a simple thing of range practice days right through to the proper butchering techniques of a game animal so it is not wasted and left in a paddock to rot, which is a big thing. That is what a lot of the LLS work does. They leave stuff in the paddock and it rots, and it creates other issues down the line with foxes—

The Hon. MICK VEITCH: Wild dogs.

CRAIG GOLDING: Honestly, Mr Veitch, wild dogs are going to be the burden on this country or this State in the next decades. They are a horrendous problem.

The Hon. MARK BANASIAK: If they are not already.

CRAIG GOLDING: Look, they are now, but they are going to be worse. What we are finding—I am digressing, I am sorry, Madam Chair—is we are seeing a crossbreed happening. The practice of aerial culling, which I have not—1080 poison, you are leaving a carcass in the bush that provides ideal breeding grounds for these things. When those carcasses disappear from the bush, where do they go? Where do the animals go? Where do the wild dogs go? Straight to the farms, and they predate on the calves, the sheep and the cattle. We need to address that aspect at some point as well. We cannot continue to shoot stuff from the air and not take the downside of that responsibility. I have gone off the point, sorry.

The Hon. SCOTT BARRETT: Can I stay on the stock welfare panels for a second? My understanding of the stock welfare panels is that they are an early intervention for someone managing stock to prevent that from getting to an animal welfare issue. I imagine the animal welfare issues happening around hunting are fairly instant. I am not sure whether the stock welfare panels are—I think I understand what you are wanting, but I do not think it is similar to a stock welfare panel, unless I am misinterpreting what a stock welfare panel does.

The Hon. MARK BANASIAK: I do not want to guide the witnesses too much, but maybe it is not necessarily about that early intervention; it is more about a place to be heard and—

The Hon. SCOTT BARRETT: I would like to see more about what—I know Mr Makim suggested he could provide more on what that might look like.

The Hon. MARK BANASIAK: Maybe we will leave it at that on notice.

The CHAIR: I would just like each of you gentlemen to have an opportunity, if you felt there was something you would like to say before the conclusion. Mr Golding?

CRAIG GOLDING: I think I am fine. I think I have covered everything I wanted to. Thank you very much.

The CHAIR: Mr Makim?

NED MAKIM: One thing that I failed to do—and pardon me for my lack of understanding of how things operate; this is my first parliamentary committee. I wanted to also table a document. I have it here. You should also have copies of it—the *NSW Animal Welfare Reform – Discussion Paper*. There is more information in it. There is some other supporting information that might be useful in your consideration. On the stock welfare panel for hunting concept, we see that—while there might be a particular practice that could cause issues—as an ongoing education tool that can also be used to say, "When we are doing this, these are the problems that might arise and these are the ways that you can counter them." That could include the way dogs are handled and trained et cetera. I am happy, on notice, to provide you with a draft of what that might look like.

The CHAIR: Please be assured that we are all sitting here now with that paper in front of us. Thank you for making that available to us. I thank both of you gentlemen for coming and giving evidence today. For any questions that you have taken on notice, the secretariat staff will follow up with you. We will now break for lunch.

(The witnesses withdrew.)

(Luncheon adjournment)

Mr JAMES JACKSON, President, NSW Farmers, affirmed and examined

Ms ANNABEL JOHNSON, Head of Policy, NSW Farmers, affirmed and examined

Ms MARGO ANDRAE, Chief Executive Officer, Australian Pork Limited, sworn and examined

The CHAIR: I warmly welcome our next witnesses to this inquiry. I will ask both organisations if they would like to make a short opening statement, and at the end of questioning I will make sure that you have an opportunity if you have anything that you feel we have missed or needed to be said. NSW Farmers?

JAMES JACKSON: Good afternoon. My name is James Jackson, and I am president of the NSW Farmers. NSW Farmers is Australia's largest State farming organisation, representing the interests of its farmer members. We are Australia's only State-based farming organisation that represents farmers across all agricultural commodities. Agriculture is the heartbeat of regional communities and serves as the economic engine, if you like, for New South Wales, producing \$17 billion worth of produce every year. Our grassroots structure means that our members are the final arbiters of policy and, indeed, we have a robust democracy that demands that our members are the ultimate arbiters.

We represent sheep wool, cattle, goats, dairy, pigs and poultry, amongst others. We believe that it is critically important that farmers are provided the opportunity to engage and provide comment on this important bill. The health and care of animals is critical to farmers. As the primary caregivers to animals in their production systems, farmers play a central role in protecting and improving animal welfare outcomes. This is our core business. We actually invest, voluntarily, levies up to about \$100 million in research into health issues. We are economically married to good welfare outcomes. You are speaking to the pre-eminent welfare advocacy group in New South Wales.

NSW Farmers believes there is a foundational issue with the approach to definitions within the draft bill. Our members support the inclusion of a definition of animal welfare within the draft bill. It is absolutely critical that we actually have a definition. You cannot regulate something that you do not define. It is absolutely critical that this bill actually investigates and interrogates a definition of animal welfare to make sure that we know what it does mean and to know what it does not mean. NSW Farmers support that concept and a definition based on a holistic view of health backed by science, a science-based approach. There is a huge amount of emerging science around measuring animal welfare outcomes and measuring how an animal is responding. The definition must be based around animals; it must not be based around an anthropomorphic sort of interpretation of what that animal should feel like, because we do know how animals respond.

We also hold concerns over the scope of the regulation-making powers within the bill. NSW Farmers believes that all acts of cruelty and animal welfare offences should be specified in the bill with no additional regulatory powers to prescribe additional acts of animal welfare offences in the regulation. It must be in the bill, and this is one of the critical areas of this bill that we are very critical of. Further, we raise concerns with the uncertainty and lack of clarity throughout this draft bill. NSW Farmers and its members welcome the opportunity to comment on this inquiry and look forward to your questions. It is an important issue.

MARGO ANDRAE: Thank you for the opportunity to be here today on behalf of over 4,000 Australian pork producers and our sector's 36,000 employees and their families deriving their livelihoods from our \$5.3 billion industry. APL is unique in terms of livestock industry representation. We are a producer-owned organisation. We promote sustainable growth across the Australian pork industry's entire supply chain by overseeing integrated marketing, research and innovation, and policy initiatives for the whole industry. Our progressive model means we sit at both the R&D and representation tables and can truly be one voice for industry.

As a leader in animal care, the Australian pork industry is committed to continuous improvement in pig welfare. Our industry strongly believes that a robust scientific approach to welfare is the basis for a sustainable industry in terms of community expectations, commercial realities and ensuring the best outcomes for the pigs within our care. Our industry invests significant funds each year to research new technologies and practices to improve pig welfare and provide valuable education and training to stockpeople throughout Australia. This research aims to inform industry practices and the standards and regulations that underpin them. APL supports the review of the current Prevention of Cruelty to Animals Act 1979 and drafting of the Animal Welfare Bill 2022 to ensure New South Wales legislation reflects the latest science and community expectations. However, it firmly believes that this review must not create unintended negative animal welfare impacts or unnecessary regulatory burden for all animal-based industries.

Currently the national minimum science-based animal welfare requirements for pigs are defined in the *Model Code of Practice for the Welfare of Animals: Pigs*—or the model code. Our industry proudly ensures adherence to the model code through the pig industry's voluntary quality assurance program, APIQ, which also

supports many of our producers exceeding minimum standards on a daily basis. The model code has been slated for a refresh and replacement by the Australian Animal Welfare Standards and Guidelines for pigs—or the Pigs S&G. APL is encouraged that the New South Wales Department of Primary Industries and the New South Wales Government also recognise the importance of nationally consistent regulated minimum standards that are recognised within all jurisdictions' welfare legislation.

Given the importance of the standards and guidelines, it is imperative that the process used to develop current and future standards and guidelines is reviewed and refined. This sorely needed review should not only ensure that the multiple frameworks currently in use are aligned into a single approach that provides a fair, equitable and consistent process for setting welfare standards but also garner the trust of industry, government and community alike. Legislated welfare standards and guidelines must also be supported by compliance and enforcement functions, which are adequately resourced and delivered by appropriately skilled personnel with an understanding of the industry. I am pleased to answer any questions that anyone might have.

The Hon. MICK VEITCH: Thank you for your submissions and your attendance this afternoon. Mr Jackson, in your opening statement you were pretty scathing and pretty adamant around the regulation-making capacity contained within the bill. You are essentially saying that there are a lot of things that should be in the bill and not in regulations. I have posed this question to a number of panels today, so you are not the first to hear this. Do you think it would be better for the draft regulations to be presented at the same time as the draft bill for consideration of legislators? Would that allay your fears around the regulation-making capacity of the bill?

JAMES JACKSON: No, actually, it would not because it is absolutely critical that the Parliament—it is sort of a vote of confidence, actually, in the parliamentary process. It is a vote of confidence that any new construct, if you like, has the oversight of both Houses of this Parliament and it is not something that can be imposed on industry through a regulatory instrument. I think that is the principal reason that it has to be actually included in the bill. I would encourage you to look at that because I think having a range of regulation in fact potentially compromises investment and confidence in the industry. That it is something that could be imposed on industry that completely and utterly makes huge investments redundant with a swipe of a pen of a regulator. I am very concerned about that. We have seen that in the poultry industry where there is \$2 billion or \$3 billion worth of stranded assets, if you like, that have not seen the end of their life, and I think there is risk. There is risk in investment in agriculture, there is risk for the animals, and I do not think that is a good idea.

The Hon. MICK VEITCH: Thank you. Ms Andrae?

MARGO ANDRAE: I would probably just confirm what James is saying. I think the bottom line is that when you are putting all these regulations and the legislation in place, you have to really understand the consequences of it and what it means for the farmers, what it means for the economies, what we are trying to do and what it is actually going to change, and make sure it does not have those negative impacts. It has to be really well thought through. There has to be engagement with industries. I will speak on behalf of other industries as well: I think, dare I say it, it feels like they are being smashed with red tape—a lot of red tape. I think it is about making sure that any changes really are for the benefit of the outcome that you are desiring.

We already practise those minimum standards. We are already putting animals at the highest level of care, and we are very, very privileged to provide high-quality protein in this country and to feed Australians. We do that as a privilege, and I mean that quite wholeheartedly. We are privileged to provide safe protein. A lot of countries do not have that luxury. I have travelled overseas and I have seen when parents cannot feed their kids that protein because they do not know if it is safe and they do not know if it is going to make their kids sick.

We are so lucky here in Australia. We have the highest level of animal welfare and we have the highest biosecurity. We are incredibly privileged. We do our best for those animals because those animals doing well actually does give us the ability to do good business and to feed Australians. I think that is what I come back to, that you really need to be careful of the unintended consequences of what you are driving. We have already lost so many manufacturing industries in Australia. COVID has taught us that if we want to lose our ability to supply fresh food to Australians, overregulation and over legislation is going to do that. I come back to: As long as we are working with the people who are impacted by these changes and making sure that they are fit for purpose for the intention that they are being used.

The Hon. SCOTT BARRETT: I apologise for missing your presentation, Mr Jackson. Coming back to the regulations, if we put more of these—what are slated to be—regulations into the bill, does that not risk them getting caught up for another 40 years before we can shift them again? This has not been and will not be an easy process, but having them in the regulations would, I guess, make us more agile to adjust with industry standards, new technologies and new developments.

JAMES JACKSON: The problem is, as I described before, I mean, if you react—and this is a fraught area of regulation, if you like. We have seen essentially a *Four Corners* episode on live export, a GetUp poll and then we have seen the industry close down overnight. That was based on noise and based on things that essentially were not evidence based. We sorted it out and we did get through that process. But the potential for reactive types of responses to "the sky is falling" animal welfare, or largely animal rights issues, is significant. So that is why we are very circumspect about having too much of this embedded in regulation, which can be done at the stroke of a pen. We do not actually have those rigors, if you like, of something that is included in a bill. We do not have the rigors, the cost-benefit analysis and we do not have the regulatory impact statement. We essentially circumvent proper scrutiny. I would argue for you to be extremely careful.

Ms ABIGAIL BOYD: Good afternoon. We heard earlier today from a panel that New South Wales animal welfare laws are, perhaps not as animal friendly as some of the other animal welfare laws across Australia or internationally. The earlier panel put forward New Zealand, for example, as being a jurisdiction that has pretty good animal welfare legislation, from their perspective. Clearly, that was introduced because they have a concept of animal sentience and people are not going without food. What is your impression of what those impacts have been on the New Zealand farmers, and why are we concerned in New South Wales to tighten the regulations here?

JAMES JACKSON: I do not actually accept the premise of your question that we should somehow be taking our lead off New Zealand animal welfare outcomes—

Ms ABIGAIL BOYD: That is not what I said, though. If we were to look at farmer friendly versus animal welfare friendly, you were talking about—I can see that you would not see that as being in conflict. But you talked before about being concerned about this sort of overreaction or somehow animal rights ideas getting into the legislation. If we were to plot all of the different animal welfare regulations from different jurisdictions on a line, I suspect you would find more along the animal rights line of thinking, as opposed to those who are not. The people that we spoke to before were telling us that, in their view, the more animal welfare or animal friendly jurisdictions are those such as New Zealand. I am saying to you: If New Zealand can have that sort of legislation and still have a thriving farming industry, what are we concerned about in New South Wales?

JAMES JACKSON: Do not undersell what you have got in New South Wales. You have got some really sensational animal welfare laws in New South Wales. I am looking at, essentially, the regulation of foot rot in sheep in New South Wales. They do not have that in any other State in Australia. They do not have the same level of, essentially, intervention in foot rot management. Foot rot is a disease where these sheep's feet fall off with virulent foot rot. They are in distress for a number of months. It is a terrible animal welfare impost. New South Wales has a plan. New South Wales in 1990 had 12 million sheep with virulent foot rot, and now we have got something like half a million sheep with virulent foot rot. So do not underestimate what you have got and the outcomes that you are getting in New South Wales. Some of them are absolutely top drawer. People come from all around the planet to look at how we manage foot rot in sheep—

Ms ABIGAIL BOYD: Mr Jackson, with respect, that is not my question. My question was not about how you view the current New South Wales welfare standards. This is an inquiry about a specific bill that has been put forward. I heard from you in your opening statement and in your comments that you were concerned about a drift towards embedding more animal rights—I do not know the word—vibes into these laws. Given that there is far more progressive legislation in other jurisdictions and their farming industries are still thriving, why are you so concerned about our legislation being updated to more accurately reflect community standards?

JAMES JACKSON: I think I articulated that before. I am concerned about an industry being closed down overnight with a stitch up. The *Four Corners* stitch up on live export was a classic. It was a classic.

Ms ABIGAIL BOYD: Did that happen in New Zealand?

The CHAIR: Please let the witness finish his answer.

JAMES JACKSON: The potential problem with conflating animal rights with animal welfare is not useful for the animals. I am arguing that it is not useful for the animals, and that is why you have to have a definition. Have a look at the OIE definition. The OIE is the UN body that has international carriage of the animal welfare definitions. NSW Farmers' definition for animal welfare is based on the OIE one. It is slightly different; we have nuanced it slightly differently. It makes sure that it is agnostic to animal rights and that it is actually focused on welfare. It is actually quite critical to understand what welfare is.

Ms ABIGAIL BOYD: I am going to ask one more time just to try to see if I can get what I am looking for here. As an association, you must have contacts with people your equivalent in other jurisdictions. When their legislation was updated to a level that is still far above the animal rights or progressive animal welfare legislation than what is being proposed in this bill, did their industries suffer? Is it still a thriving industry over there? Is it the case, perhaps, that you are a bit worried about something that is not going to eventuate?

The CHAIR: Can you give an example of, maybe, a State?

ANNABEL JOHNSON: Can I make a comment here? I think the concern is with pushing too much into regulation and what is required of farmers or anyone that has to care for animals. Changing that too quickly without due process is not beneficial for any animal owner. It does not endure to trust in what they need to occur. As this is about regulatory and setting the minimum standards, we need clarity. For anyone that is needing to care for an animal, they would need clarity about what is going to be required. We have concerns that moving the regulatory power around especially definitions of animal acts of cruelty and animal welfare offences, we think that they can be clearly defined in the Act and should not be within the regulatory-making framework.

Just because they are in the Act does not mean they cannot be changed. We think that going through both Houses of Parliament ensures that any new science that might come forward will have a chance to go through both Houses and have due consideration by elected members, with due input through the community. So that is where our concern is; it is around the lack of clarity about what is going to be required and concern that too much could change too quickly both ways. I think it is a concern with the community across the board that if you are not going to have clarity about what is required, then it is difficult to build trust.

The CHAIR: Can I ask you what other things you think are going to change if this draft bill were to proceed? What would change?

ANNABEL JOHNSON: It is very difficult to say, but some of our key husbandry practices that are not viewed in the whole of the animal's lifetime, and this is where we come back to our definition of "welfare", that we need to view these husbandry practices that are undertaken in the lifetime of the animal, not as a point in time.

The CHAIR: Can I just clarify, are you fearful that could emerge as an outcome or do you see that actually in the bill now? There are provisions in the bill now that will change these practices.

ANNABEL JOHNSON: We are not concerned about the restriction on prohibited practices that are currently in the bill. I note that there were concerns raised by other stakeholders about some of those practices. They are not a concern for us.

The CHAIR: A number of witnesses today appeared to be anxious about what is driving this bill and feeling like the bill is maybe motivated to get them, if I can put it like that—the shooters and the hunting people—and I am kind of getting this impression as well. I suppose as a Committee reviewing the bill, and accepting that anxiety and concern, I am just wondering if there is anything in the bill or is it what you think might happen because of the bill?

ANNABEL JOHNSON: I think it is a lack of clarity that is provided in the bill. I think the best analogy I can give is it is a skeleton that we are looking at at the moment or a frame of a house. Whereas we all want to see the whole house to understand what might be required of us. We have not got that at the moment. I draw your attention to the minimum care requirements that make a statement around "appropriate". We would like to know what that means. That is not clear for people at the moment. It is different terminology from POCTAA, so does that mean that what the courts have decided previously, does that transfer across? I think, coming back to Mr Veitch's point about the regulations not being there, it is essentially going back to my house analogy: we are only seeing the kitchen and the bathroom. We are going, "Where are the bedrooms? Where is it all? How does it all fit together?" So that is part of where I think some of the concerns are coming from.

The CHAIR: The actual endeavour of consolidating the legislation into this, do you think it is a worthy thing to do? I was quite interested that the pork industry seemed to be saying the process is fine but then unpacking that into what the concerns were. In principle, how do you feel about that?

ANNABEL JOHNSON: In principle—

The CHAIR: Having a new bill that seeks to consolidate.

ANNABEL JOHNSON: We have always seen the modernisation of POCTAA as an important step, as I think everyone engaged in the process has. We have obviously been coming at it just from a production animal perspective. I was interested to read some of the other submissions raising concerns about how "premises" is defined, how a few of these definitions are defined, and I think we are only starting to see those now as we are seeing a holistic bill. To come back to your question, as a principle, we can see the benefit in modernising and trying to streamline, and this is where we can provide our input into making sure it is going to work for the production sector, and that is where issues that are not issues for us are becoming issues for the research and the exhibited animals and the companion animals sectors.

MARGO ANDRAE: May I just add to Ms Boyd's question? Ms Boyd, you specifically asked around New Zealand production. New Zealand is much smaller, but their production is growing smaller; they are getting

more and more reliant on importation, particularly around pigs. Here in Australia, it might surprise you to know, 80 per cent of smallgoods from pork is already imported. So I think answering just your specific question—

Ms ABIGAIL BOYD: It does answer my question.

MARGO ANDRAE: —it has potential to have an impact on the industries, and again I probably come back to that point: Do we want a homegrown Australian food security solution? In New Zealand they are losing that.

Ms ABIGAIL BOYD: Thank you. That is the kind of evidence I was after.

The CHAIR: I just want to ask one more question. In international trade, partners like the EU are increasingly mandating this and mandating that in animal welfare standards around production. Do you have any comments about how Australia should be responding to that? I note that that will be affecting every farmer in the country, not just in New South Wales. Do we have a good system in place to ensure that our industry is assisted by those new standards that are coming in?

JAMES JACKSON: I can have a crack at this one. It is interesting: The WTA, the GAT arrangements that dictate how a third party or a trading partner can actually impact or ask for certain conditions with respect to a product going into their country, they can demand that that product going into their country has a certain provenance. There are all sorts of irrational, non-scientific things that the Europeans ask for, like glyphosate use, like HGPS, all sorts of things that really are not based on science; they are based on consumer preference. Consumers are always right. We are an exporting country. We put product into supply chains that satisfy those demands. The principal thing is that we have got a system, and certainly in the red meat industry we have got a system that has a bespoke supply chain for supplying European product. It is demanding certain things for that product going into the country; it is basically around HGPS but it could, with the EU Free Trade Agreement, have other demands, if you like, on getting access into the EU market. But we have bespoke supply chains that supply product that comply with that particular demand.

Essentially saying that because the EU have demanded this that you should defer regulatory powers to Brussels is inappropriate, because we have got regulations in this country and we have got production systems in this country that are actually superior to the European systems, I have to say. The idea that Europe is some sort of exemplar of animal welfare outcomes is to be seriously challenged, and I certainly can give you case studies after case studies where they are rubbish at doing animal welfare. So it is important to defer to the marketplace and it is important to understand that we have got processes that supply product specifically for those markets and we can do that.

The CHAIR: So there is an accreditation process, as I understand it.

JAMES JACKSON: There is.

The CHAIR: And the Federal Government has a body of some sort that—

JAMES JACKSON: The ISO 1009 accreditation program that is independently audited to ensure that HGPS do not enter that supply chain. So essentially we comply with those things.

The CHAIR: I guess my point is that that is a legislated standard. There are other compliance regimes in place, nothing to do with legislation, that are governing how animals are being managed on farms.

JAMES JACKSON: That is right. Various people have various views on what are good animal welfare outcomes. In the wool industry, for instance, a lot of people around the planet have reservations about mulesing which is an operation that helps to prevent animals getting horrific fly-strike, for instance. You guys held an inquiry into mulesing.

The CHAIR: We know all about mulesing, yes.

JAMES JACKSON: I think you would know all about mulesing which is terrific, actually, that that education occurred. There are a lot of our markets that have reservations about mulesing. We actually signed a statutory declaration if we mules, and I do mules. I signed a statutory declaration and so the people buying my wool understand that I mules. If they do not want to buy that wool they do not bid on it. That is a bespoke arrangement that is independently audited to make sure I tell the truth that I do mules. I do not know why I would lie about that. Essentially that is the transparent proposition, if you like, through the marketplace that actually engenders confidence in our markets and ensures that we are keeping that compact with our consumers. We are very aware that animal welfare issues resonate with a lot of our marketplaces. We can do this by actually just telling the truth on some of these declarations and we do it very well in Australia's best practice. Other people are looking at how we are doing that.

The Hon. EMMA HURST: Do you have any concerns that animal welfare organisations in the United Kingdom, for example, are campaigning to their Parliament to block all farming imports from Australia. Is the NSW Farmers Federation and Australian Pork Limited worried about those campaigns and the fact that if we stay where we are, or if we do not make some changes that are more globally accepted, that that could potentially block Australia out of the world?

JAMES JACKSON: Essentially non-tariff trade barriers are certainly a significant issue for us and we spend a lot of time defending that WTO. We have got industry structures that do that. We are aware of people trying to use things like mulesing. It is interesting whether we should complain about importing product from Europe that is housed for six months of the year. You know, if you are talking about welfare outcomes, a lot of their extensive output for sheep and beef are housed for a certain number of months of the year. We think you can do that properly. A lot of people have concerns about housing. The intensification of industries has been demonised. It is actually very good. I do not have a problem with Europeans doing it but the problem is there are a number of people who have got concerns about it.

The Hon. EMMA HURST: I am sure in Australia there can be decisions made with regard to the importation based on certain standards but I am asking more if peak organisations have concerns about those campaigns that have been run overseas? What long-term impacts will it have if we just continue to stand still in our legislation?

JAMES JACKSON: We are not standing still.

MARGO ANDRAE: In the pork industry we take what is happening globally very seriously. As many of you would know we voluntarily phased out sow stores and we continue to watch what is happening. We continue to monitor our own community expectations back in Australia. Dare I say, we are 90 per cent focused on Australia in our production and our 10 per cent export. We do have to meet incredibly high standards to export our pork but we have to meet incredibly high standards to function in Australia. I think as much as we talk about animal welfare we have to also be talking about biosecurity. We have to be talking about looking after our workforce. We have to be talking about sustainability, looking after the planet and we are people, pigs, planet, prosperity. You cannot have one without the other. It is about making sure we are looking after all of them.

To answer your question, I am actually going slightly put it back and say, it is really time for Australia to celebrate the amazing things we do here around our animal welfare and meeting those minimum standards. Our pig certification system is voluntary and covers almost 90 per cent of our industry in production—and that is voluntary. People pay for those audits and when we start to introduce foods that are confusing it is really hard to audit those things if there is no quantifiable measure for them. I come back to the basics of a really strong letter that you can actually hold people to account. In terms of what is happening overseas, those countries—I know this from the beef industry; I know it from the pork industry—do not have to meet the same standards we meet in terms of looking after people, looking after the planet, looking after their animals and we really need to celebrate that Australia is disease-free.

If you look overseas there is disease right through a lot of the other industries overseas. So it is not just one element here. We really should celebrate that we do amazing things across all areas and they are all inter-connected. You cannot do one without the other. I am a little bit with James, our cattle industry is held to very high standards, yet in parts of Europe and in the US they celebrate and have a party to let cattle out of shed after being locked in there for nine months, whereas all of our cattle roam free and are well looked after. We are meeting all of these standards—whether it is HGP, or whatever it is, we are meeting those standards.

But individual producers choose those markets to go to. They choose to meet those standards. I think in supporting those industries and supporting the food security that they are providing, it is about actually supporting them to do business. We will not have food security if we do not start supporting them because people are going to get confused and will be unable to meet those guidelines and will be penalised for doing the right thing for their animals because of the confusion that some of these terms and conditions may create.

The Hon. MARK BANASIAK: I think we have covered the philosophical arguments back and forth. I want to go to some specifics. Ms Andrae, your submission refers to the powers of authorised officers entering non-residential premises and the concerns around biosecurity. I think it is very topical at the moment with Japanese encephalitis. The pig industry cops this a lot with swine fever. Would your concerns be alleviated if there was some sort of link back to the Biosecurity Act that made sure and made clear that those authorised officers had to abide by those security measures and there would be consequences if they did not? They would also be tied into the enforcement of this Act that, if they breach it by essentially breaching the Biosecurity Act, they are also liable for animal cruelty offences. Would that create some sort of—

MARGO ANDRAE: We would celebrate if these legislations and regulations were stopped being developed in isolation of everything else that producers need to adhere to. Because you are right, African swine fever will wipe out our industry. We have currently got JEV which is an early alert system. The only reason the health department knew it was here was because of our pigs. I think to answer your question, yes, we would support a holistic approach to implementing changes to legislation and regulation.

The Hon. MARK BANASIAK: Mr Jackson, I think you wanted to add something?

JAMES JACKSON: Absolutely. The nexus between biosecurity and animal welfare is inescapable. The work that came from this Parliament to drive that onshore biosecurity levy, to make sure that we actually look at what is in containers—the impact on animal welfare of what is in a container that is not cleaned out properly is potentially catastrophic. Making sure that we get that alignment between Federal, State and local authorities on biosecurity is an absolutely critical piece of work. Yes, biosecurity, animal welfare, their related biosecurity, animal production and economic prosperity are related. Animal welfare is not to be considered in isolation. The idea of having an independent office of animal welfare away from the DPI is crazy. It is crazy because what that does is actually remove animal welfare from all the levers that can actually drive animal welfare outcomes. It is all crazy and you should not even consider it that animal welfare is some sort of separate construct. It is related to all these other activities that we do. As farmers we understand this. We understand that if we get footrot or OJD onto our place, it has a significant impact on those animals. It has a significant impact on our bottom line, and that is why we spend a lot of time and money preventing it.

Ms ABIGAIL BOYD: It is not a question but I wanted to get some clarification of something on notice. Ms Andrae, before you said very helpfully the evidence that you provided in relation to New Zealand. I could not find any evidence of that in the national statistics. On notice, if you could please provide me with that information, that would be excellent.

The Hon. SCOTT BARRETT: I would have liked to hear more about the pork industry and some of the stuff that it has done, but unfortunately we are out of time on this one.

The CHAIR: We will allow you some time.

The Hon. SCOTT BARRETT: More importantly, I would like to clarify something from the earlier session, where a couple of groups have pushed for a banning of 1080. Mr Jackson, can you quickly outline some of the implications of an immediate ban of 1080 poison?

JAMES JACKSON: It would be completely ill-advised to ban 1080. To the casual or untrained observer, the death does look confronting because essentially 1080—fluoroacetate—knocks out glycogen metabolism. It knocks out the top of the brain first and you still get base responses from the cerebellum, and essentially you can get some paddling and some whining. To the untrained eye it looks like the animal is in pain; it is not. There are two peer-reviewed papers on this. I have lobbied this Parliament previously on this issue. There is a total of two peer-reviewed papers. It is, of course, very difficult to understand the humaneness, if you like, of the death with 1080, but it is absolutely a critical piece of kit that we have got for controlling all sorts of things.

Interestingly, 1080 is a natural product in Australia. Animals like quolls actually have an inherent resistance to it, where non-native animals like dogs and cats do not have that resistance to it. It is actually quite a good selective poison. The rate that we use in dog baits, for instance, does not kill quolls because their metabolisms have evolved to essentially be resistant to that sort of dose rate. It is interesting that New Zealand is the biggest users of fluoroacetate on the planet. It has to use it to control possums, which are an Australian native which has gone feral in New Zealand. It has to use really high rates in New Zealand to control those possums, so it has got a bit of a problem with the possums there.

I would urge caution on banning 1080. It is a very valuable tool. There are problems with it. Essentially you can only use a mimetic, if you like, something that causes them to throw up the bait. There is no systemic antidote for it, like there is for sodium nitrite. But, on the other hand, it is actually highly specific. So for the LD50, the toxic dose rate is such that you can actually put the amount in a bait. They do this at LLS. Your guys at LLS do it really well. They put it in the bait and it is sublethal for humans, except maybe for very young people. For humans and dogs—so I would be very careful. We have got mechanisms in this country to manage 1080. Do not throw it out.

The Hon. SCOTT BARRETT: What are your qualifications to talk about it at that level?

JAMES JACKSON: I am a veterinary surgeon. I am across this one.

The CHAIR: I will allow both of you the opportunity, but could you be brief?

MARGO ANDRAE: I will be really brief, but can I add to the 1080?

The CHAIR: Yes.

MARGO ANDRAE: We manage the feral pig program in Australia, so we run the Federal program. Feral pigs in this country do over \$100 million of damage a year to farms, environmental assets and cultural assets. At the moment 1080 is one of the best ways of baiting and dealing with those feral pigs. Whilst we continue to trial and find new things, which we will continue to do, 1080 is one of the best things that we have available to farmers. Feral pigs are a nuisance.

ANNABEL JOHNSON: I wanted to draw that link in with the environment, because it is very important. It not only impacts on agricultural production, but ineffective pest animal management has a highly detrimental impact on our environmental resources as well.

The CHAIR: I might do a wrap-up. Can I ask each of you if there is anything that you feel we have missed or if there is anything that you need to correct or say?

MARGO ANDRAE: I think that we have covered it all in terms of this, but can I use this opportunity to say thank you to New South Wales? We are currently dealing with the Japanese encephalitis virus, and the response of the New South Wales DPI—the chief veterinary officer, Sarah Britton, and her team—has been phenomenal. I think that you guys should all be very proud of the team you have, because this is a zoonotic disease that we were not aware of and their response has been fantastic. So this is a shout-out to the Government's teams to say job well done and the industry is very grateful.

The CHAIR: That is great to hear. Thank you for that.

JAMES JACKSON: Yes, absolutely. The investment that we spend on the NAMP program, the arbovirus monitoring program, I think has paid us back in spades. It gives you a demonstration as to industry's investment in animal welfare outcomes. Japanese encephalitis is a case study in the nexus between biosecurity and animal welfare. Just be aware that it is bigger than a list of dos or don'ts; it is creating a system, if you like, that creates world-best outcomes. Do not be embarrassed about what happens in Australia with animal welfare; it is great.

ANNABEL JOHNSON: I wanted to make a comment back on the animal welfare definition. As you said, there are a lot of different opinions in this space. I think part of that is that we have not actually defined what we mean when we speak of animal welfare. Unless we are going to define that core concept, which is what we are trying to achieve here, it is going to be very difficult to come up with an effective regulatory framework. How can we regulate if we have not defined what we are trying to achieve?

The CHAIR: I think a couple of matters were taken on notice. The secretariat will liaise with you about following those up.

ANNABEL JOHNSON: Chair, what is the time line on getting responses back?

The CHAIR: It is 21 days.

(The witnesses withdrew.)

Ms KRISTY HARPER, Membership and Advocacy Manager, NSW Greyhound Breeders, Owners and Trainers Association, affirmed and examined

Mr STEPHEN NOYCE, General Manager, NSW Greyhound Breeders, Owners and Trainers Association, sworn and examined

Mr ROBERT MACAULAY, External Legal Counsel, Greyhound Racing NSW, sworn and examined

The CHAIR: Thank you for joining us. I look forward to your evidence. I will ask each organisation if it would like to make a brief statement to open, and then we will move to questions. I think that you have seen how they are being asked—in an informal way. At the conclusion, there will be a minute for each of you if you feel we need to include something that we have missed. Mr Macaulay, do you have an opening statement?

ROBERT MACAULAY: Sure. Madam Chair, I appear today to represent Greyhound Racing NSW, which is the statutory authority that regulates commercial greyhound racing in New South Wales. It does not in and of itself have an integrity role to play—that is done by the Greyhound Welfare and Integrity Commission—but of course inherent in all of our activities is a welfare and integrity focus. Animal welfare is absolutely core to what Greyhound Racing NSW's core business is, so there is literally a constant review of ensuring that best practice is always achieved. You may very well know that a very high bar has been set for greyhound welfare in New South Wales, with a code of practice that is probably the most significant and highest standard of animal welfare of any description in the world, let alone greyhounds. To that extent, much of what is proposed in the current bill is either merely duplicative or somewhat below the standards that are already met or exceeded by greyhound racing.

There is one particular aspect of the bill that goes way beyond being merely duplicative—sorry, I should point out that when I talk about being duplicative, I am talking specifically about bans, for instance, on live baiting and things like that, and the transport of animals. The current suite of industry codes of practice, the current Greyhound Racing Act and the greyhound racing regulations all provide a basis that either meets or exceeds the standards proposed by this bill with one exception: the proposed complete ban on surgical AI which is contained within the draft bill. That proposed ban would have a gross negative effect both on the welfare of greyhounds in New South Wales and breeding of dogs more generally in New South Wales. Greyhound Racing NSW is implacably opposed to it because it would in fact reduce the welfare of greyhounds in New South Wales.

The CHAIR: Thank you, Mr Macaulay. Ms Harper or Mr Noyce, do you wish to make an opening statement?

STEPHEN NOYCE: Kristy lets me open the batting and then I am always happy to pass the ball on. It is our great privilege to represent all of the greyhound breeders, owners and trainers in New South Wales. We feel very lucky to do that, on the one hand, but we take that privilege quite seriously. We always take the opportunity when we get this chance—everyone in this room gives of their time, so it is our responsibility to make sure we provide a professional submission that meets the questions that are asked. We always want to be balanced and we always want to try to be solution based.

One concern we had with this process is we thought the initial consultation, for which we provided some feedback, had nothing to do with artificial insemination, for one, and there were a number of other issues that were not covered in the consultation. As I say, we take our role in consultation seriously and professionally and I think there was a big gap there, which I think is something we need to consider moving forward. There is a picture in our submission—I guess our brief is "cradle to couch". That is our responsibility. There is the joy of the new birth, of the racing, and right through to the end. Simply in that way Kristy and I and our colleagues from Greyhound Racing NSW worked hard with the Government to create a code of practice that was launched in June 2020. The then Minister for Better Regulation and Innovation, the Hon. Kevin Anderson, MP, who is now the racing Minister in this State, stated:

As a result of the code, NSW will now be leading Australia, if not the world, in providing standards for the protection of greyhounds that reflect public expectations ...

These include the largest spatial requirements for greyhound housing in the nation. In addition to setting out high standards for socialisation, exercise and enrichment, it is also the first code to contain standards that apply to retired greyhounds who remain in the care of industry participants.

We have already set this really high bench and then there are other people now looking at some duplication. The Treasurer at the time when COVID first hit our State, who is now the Premier, said at the time that we will only survive this pandemic through creating more efficiencies. Now we are talking about us setting the highest standards in Australia and all of a sudden there is this proposed duplication of roles. Again, as Rob said, the angst that the breeders, owners and trainers felt—with the support of Greyhound Racing NSW and GWIC, the recently

appointed DPI Minister, Minister Saunders, agreed to meet us up in Dubbo, so we all went up. Kristy was saying earlier that the participants were all really surprised but really impressed that the three organisations, which can have our own little challenges, got together.

It was an interesting meeting. Everyone took their guns, their tanks and their armour and the Minister got up and said, "Welcome. I think this meeting will be a little bit different. My plan is that we will take the artificial insemination out of the bill." It is funny that in a room like this it took everyone about 10 or 15 seconds for it to sink in and everyone applauded. From our point of view, certainly we support the Minister's strong stance. I am certainly hoping that has been removed from the bill. Our concern then is really about the duplication, and certainly my colleague is much better placed than I am to talk about that. Thank you for the opportunity. We really do appreciate it.

The Hon. MARK BANASIAK: Can I pick up on a couple of those points? Mr Macaulay, I know you mentioned how this ban on the insemination does not just necessarily impact greyhounds but all breeds of dogs. I think that is important to note. Some of the rhetoric or concerns around this sudden pulling this ban out of the bill has been to appease the greyhound racing industry. Can you talk about the negative impacts on animal welfare of not allowing this to be an option, given that having a good gene pool for dog breeding is important? We cannot have a shallow gene pool.

ROBERT MACAULAY: Thank you, Mr Banasiak. I am a lawyer—I do not profess to be a veterinary surgeon—but when this bill was presented and we were asked to provide feedback, I did personally take it upon myself and the organisation to go and look at what happens in the industry with artificial insemination. Those wanderings took me to two of the leading providers of artificial insemination for canines in New South Wales. One is the Orana clinic at Dubbo, which I went and had an inspection of and interviewed all sorts of staff there. Another is a veterinary surgeon who is the leading provider—indeed, a world-leading provider—of artificial insemination in canines. He is based here in New South Wales.

What is clear is that artificial insemination in both of those practices is done for very good reasons on all breeds of dogs, not just greyhounds. Greyhounds represented a significant part of both of those practices, but I saw when I was there that they do all sorts of working dogs. All members would be aware that all sorts of working animals, whether they are racing animals, stock-working animals or stock-protecting dogs nowadays are all extremely valuable. Everyone has got a bit of an education recently with this *Muster Dog* program on the ABC, where we all suddenly realised that dogs are worth \$10,000, \$20,000 or \$35,000 and therefore those dogs are very protected, mollicoddled, to breed.

The welfare component of this surgical AI means that a dog can whelp once and get as many as she might have got naturally with two or three whelpings, and it is done carefully, in a regulatory manner and with genetic precision, so that you can breed away from what might have been weaknesses in certain dogs. For instance, greyhounds sometimes have a weak hock or other breeds have a bad hip. Proper breeding programs can be put in place and followed distinctly to ensure the delivery of better genetics for all dogs.

I do think it is very important that we are not neglecting—sorry, I might just pick up on something that Mr Noyce said, which was that the greyhound industry was not consulted about this at all. This particular ban appeared in a second draft of the bill post public consultation, so until now and our submissions there has never really been any public feedback. There was one single industry player in New South Wales who was consulted belatedly about this and that organisation was the Greyhound Welfare and Integrity Commission. You have received their submission, which speaks for itself. But it is very important, Mr Banasiak, in relation to both greyhounds and all other breeds.

The Hon. MARK BANASIAK: In terms of the duplication, which you have both picked up on, would it be an easy fix just saying, "For the benefit of any matters relating to greyhounds, please refer to the"—

STEPHEN NOYCE: The code of practice.

The Hon. MARK BANASIAK: —the code of practice or the legislation around GWIC, so that you are not having that duplication and that potential confusion of which legislation am I looking at now.

ROBERT MACAULAY: I think that is a very valid point. Greyhound, what we call, participants in New South Wales—they might be breeders, owners, trainers, handlers, housers—greyhound participants are subject to a very significant slew of rules and regulations, various codes of practices, the rules of racing, the Act and the bill, as well as all of the current animal welfare legislation and regulation in New South Wales, POCTAA et cetera. To add another level of statutory complication to that, another whole slew of rules for people to know and another whole slew of people who can come—and I do not say this disrespectfully—breaking down the door, I mean, to come in without a warrant at any time of the day or night is not only duplicative but is onerous for the good citizens of New South Wales who are in the dog industry or specifically the greyhound industry.

This bill starts out with a number of proposed regulations about such things as feeding, watering, housing. All of those things are exceeded by the Greyhound Code of Practice and, in our respectful submission, greyhound participants ought not be, and frankly dog owners in general, should not be subjected to duplication of rules, particularly, I might say, when the rules that are proposed by this bill are in fact of a lower standard than those already on foot.

The CHAIR: Can I just clarify, Mr Macaulay, we had understood it was one form of AI that was being banned but you seem to be intimating it is all of it.

ROBERT MACAULAY: No, sorry, surgical AI specifically is what is proposed to be banned.

The CHAIR: The Committee is just trying to understand the fact that there appear to be more humane methods available, and I suppose that is going to be the particular issue that we are interested in understanding.

ROBERT MACAULAY: Yes. I might say the other main method is transcervical AI, and Greyhound Racing NSW is not aware that there is any scientific or veterinary literature which supports the late inclusion of a ban on surgical AI in dogs that was included in this bill. We have specifically asked for it and none has been provided.

The CHAIR: I understand. Just in terms of the procedure itself, how much of artificial insemination would be done by that method?

ROBERT MACAULAY: By the latter method, the proposed ban method, the surgical AI method?

The CHAIR: Yes.

ROBERT MACAULAY: About 80 per cent of greyhound breeding in New South Wales is done by surgical AI. I might indicate, Madam Chair, that it is done in—there are only about a dozen clinics in New South Wales that do it. It is a very expensive process to set up a specialist surgery for surgical AI in canines. The two that I am familiar with are really world-leading practices and they are as good as any modern hospital ER room I have ever walked into. When we talk about surgical AI, we are talking in fact an incision in the skin that is about 10 millimetres long—I understand never longer than 12 millimetres long—undertaken under general anaesthetic, so there is no pain felt by the dog. I have been and witnessed it myself. There could be no genuine argument, from what I have observed, that the dog is under any pain or duress or exhibits any problem whatsoever.

The procedure takes about seven minutes. It is then closed with one or two stitches. But what it saves—well, what it gives, firstly, is what Mr Banasiak has referred to about the improvements to the gene pool and very specific breeding for traits. But what it also supplies or saves in Australia is massive savings in the transport of dogs around the place for breeding purposes. We have the tyranny of distance in this country in that we are not only big internally but we are a very long way from other sources of genetic material, and so what surgical AI uses is frozen semen. It is frozen in batched straws that contain about 100 million motile semen. It means that you can have a dog sitting in Perth or indeed in Dublin and, without transporting the dog and without subjecting it to quarantine or anything else, we can utilise the best available semen anywhere in the world to breed a better dog. That must, on any reasonable assessment, give a better welfare outcome when you are not carting either dogs or bitches all over the countryside to breed.

The CHAIR: Please be assured, I do not think anyone is considering banning AI.

STEPHEN NOYCE: Thank you.

The Hon. EMMA HURST: I have some follow-up questions in regards to the concerns around duplication of the legislation. I have two questions. One is if it is simply duplication that meets or is less than, what is the angst about that duplication in and of itself? Second, I am looking at some of the concerns that have come through in the submissions, for example, around live baiting and removing that from POCTAA. In the Greyhound Racing Act it actually refers back to POCTAA in regards to punishment for live baiting. So if it was not in the new version of POCTAA, then that punishment would be removed and the only other part in the Act is that you would get your registration cancelled. The same with the rules. Under the Greyhound Racing Rules, again, it would lead to a disqualification and then, again, it refers to the Act—and it would have been removed from that. So that would actually significantly reduce the outcomes for somebody who was found to be live baiting on their property to just disqualification or having their registration cancelled. These are the sorts of things that you are calling for, to have them removed from the Animal Welfare Act?

ROBERT MACAULAY: No, Ms Hurst, we are not calling to have them removed. The industry is not only perfectly content but it is the one that is regulating itself as far as the ban on live baiting. There is zero tolerance anywhere in the industry for that sort of behaviour, so there is no call for a lessening of restrictions.

The Hon. EMMA HURST: Do you support it remaining in the new legislation as a criminal offence?

ROBERT MACAULAY: Yes, we would. What I might say more accurately is that we would not oppose it being there because it has a clear role to play. I might say, while we are talking about that, that it is the industry, before GWIC became active, that prosecuted and drummed out of the industry what you might call the rump of old-fashioned, bad players that were not acceptable, and they are absolutely not acceptable now. So whilst it remains something that obviously ought to be banned, there is very little work for it to play, the ban, because we do not see it as an offence that is occurring.

I want to be very careful; I am not advocating here for a removal of a ban on live baiting. I am suggesting to you that it is a very old-fashioned practice of the past that has been entirely stomped on by the industry, by every player in the industry, vetoed by GWIC, by GRNSW and every responsible industry participant in New South Wales. There is no-one in the industry who would accept such behaviour nowadays and, therefore, it has a strong role to play.

Let me turn quickly to your duplication question. The duplication becomes problematic when it is duplicative either only to an equal standard or below. It nonetheless empowers a whole different group of people to come along and police something that is already very highly policed. Participants in New South Wales are used to now, a few years in, dealing with GWIC and GWIC inspections of their kennels and their premises, for instance. Whilst that is duplicative but not exceeding the current arrangements, for instance, for inspections, a GWIC inspector can come along to someone's residence and enter their residence without warrant.

Under this bill there is no such proposal; they would have to have extraordinary or exceptional circumstances to enter a premise. The GWIC inspectors are already authorised to come in and inspect all of the things that are within the code of conduct, and they include things that this bill starts out with—things like water, feeding, accommodation and transport of dogs in particular—and all of the things that are in here are less than the standard that is already adopted, I might say adopted voluntarily by the industry and now encapsulated in the rules.

The Hon. EMMA HURST: But we have identified obviously one thing, which is live baiting, which does not exist strongly in the other Acts. I suppose if we were going to leave one aspect such as live baiting in the Animal Welfare Act, it is almost like that crossover remains anyway and obviously we cannot remove it because it is so much weaker in the other Acts and does not have any kind of criminal responsibility to it.

STEPHEN NOYCE: I do not have Rob's experience legally, but no-one on this side of the table or anyone in our industry supports live baiting.

The Hon. EMMA HURST: I am not suggesting that you support it. I am just saying that there is only really one Act, which is the POCTAA, which has really strong legislation around live baiting. So I am saying if we removed it all from that Act, then potentially you might have one bad apple that does do it and then all that person would be facing would be having their registration cancelled or be disqualified.

STEPHEN NOYCE: In our submission we talk about vagueness and wording. I guess what I was getting to, if everyone in this room does not accept in any way, shape or form live baiting, then this consultation process may then deliver the outcome that we are all looking for with just a bit more work on wording or interpretation.

Ms ABIGAIL BOYD: You have gone to great lengths to say that there is no live baiting in the industry that you are aware of et cetera. Nobody here accepts murder, but we still have that in the criminal code. It is very important that if that was to occur that you do have the powers to deal with it appropriately. So then, when it comes down to what you are asking for in your submissions, is it about the duplication or is it really about the exact wording of the provisions that is causing you an issue and, if so, how would you prefer the provisions to be drafted?

STEPHEN NOYCE: Kristy might have a go at that one.

KRISTY HARPER: I think there are a number of double regulation across the two Acts, but I think the main thing in regard to live baiting is that it is very greyhound specific, and this is an animal welfare bill, it is not a greyhound racing bill. So we would like to see the live baiting clause written so that it applies to all canines. Any canine could be live-baited, and I think that is very relevant, but the wording, I believe, in this is specifically greyhounds. So I would like to see that, and then I would also like to just tidy up the words so that they are not as vague and as broad as they are, which is what I have outlined, quite detailed, in my submission.

The Hon. MICK VEITCH: Mr Macaulay, I want to go back to this 80 per cent around surgical artificial insemination. What is the 80 per cent? Is that of all artificial inseminations or is that of all inseminations?

ROBERT MACAULAY: No, of artificial insemination in New South Wales, about 80 per cent of it.

The Hon. MICK VEITCH: The other 20 per cent, how are they conducted?

ROBERT MACAULAY: Either a natural joining of dogs or by transcervical flooding.

The Hon. MICK VEITCH: So the transcervical insemination process, do you have a percentage on how many bitches are inseminated using that method?

ROBERT MACAULAY: I do not have those numbers, no.

The Hon. MICK VEITCH: As I understand it, some countries have banned surgical artificial insemination of dogs and they are using transcervical. Why is the preference in the greyhound industry for surgical as opposed to transcervical?

ROBERT MACAULAY: It is because it is much more efficient, it has got a safer outcome for the dog and there is a higher rate of live-born healthy puppies, so the whelping is better. In greyhounds, all greyhound bitches in New South Wales are restricted to five whelpings during their lifetime and no greyhound over 10-years-old is licensed to be whelped at all. So greyhound breeding in New South Wales is already very strictly controlled by GWIC. If you want to breed your dog, you have to get a permit to do so from GWIC.

So it comes with those restrictions, and people are paying a very substantial amount of money both for the female being bred and for either a straw or a natural insemination. A straw of semen nowadays is worth a very substantial amount of money—tens of thousands of dollars for very good dogs—and all dog breeders, greyhound owners or other dog breeders are interested in ensuring that live, healthy puppies are whelped in the most efficient and welfare-centric way possible from that investment. Surgical AI has an ability to put more healthy puppies on the ground with a better welfare process for the dog through that. It is a more efficient process; it gives about double the effectiveness of transcervical AI.

The Hon. MICK VEITCH: Thank you. In a very broad sense, just to get away from greyhounds, this reform process has come about in an attempt by the Government to modernise or contemporise the animal welfare legislative arrangements in New South Wales, in a broad sense. Do you support that process or do you think the previous legislation that we had in place, POCTAA et cetera, was okay?

ROBERT MACAULAY: Mr Veitch, I am here with a hat on for Greyhound Racing NSW and I do not care to comment more broadly than the greyhound industry.

The Hon. MICK VEITCH: Okay.

KRISTY HARPER: I would echo those comments. If I can also just add to what you just asked Mr Macaulay about, we were all very privileged to hear from Dr John Newell out in Dubbo when the Minister was present. He gave a fantastic presentation to all of the participants and ourselves there on the differences between surgical artificial insemination and TCI. If you have not already heard from Dr John and Heidi Min, then I would certainly recommend that you do because it will kind of blow your mind what he has to say on it. But I believe that probably this goes to the point on things just being put into the draft without any sort of scientific evidence base around them. If we had looked at the science of it, we would not be having this conversation right now.

The Hon. Scott BARRETT: Does that mean that you have the science to back up what you said before about it being more effective and less harmful? Would you be able to table that?

KRISTY HARPER: I strongly believe that Dr John Newell would be the person that you need to speak to.

ROBERT MACAULAY: Mr Barrett, I can arrange to supply that.

The Hon. Scott BARRETT: Just table a short document so we have evidence on it, yes.

ROBERT MACAULAY: That is right. Who Ms Harper is referring, the fellow, is Dr John Newell. He really is regarded. He is right here based in New South Wales and he is regarded as the world's leading expert on surgical AI in canines. He is extraordinarily proficient and well written about this. I am happy to supply his information.

The CHAIR: Thank you, that would be much easier, if you would not mind. It will be easier for you to arrange than it would for us.

The Hon. EMMA HURST: I want to also ask, and I am not sure if you are aware of this, is Dr Newell heavily involved in any kind of financial sections of this specific procedure? Does he import parts involved in the surgery or anything like that?

ROBERT MACAULAY: I do not profess to speak to him, but he is a veterinary surgeon.

The CHAIR: We can ask more questions after he has had an opportunity, thank you. Have you finished your questions, Mr Barrett?

The Hon. Scott BARRETT: I can fill some time if there is time available. I have a couple of minutes. We have come a long way in greyhound racing in the last however many years. What are you most proud of as far as how far we have come since 2016?

KRISTY HARPER: For me, it is certainly our code of practice. The NSW GBOT was heavily involved in consulting on the development of the code of practice. I am very, very proud of that document and the very high standards that it sets for our industry.

ROBERT MACAULAY: Could I throw two bob into that? It is a good question, Mr Barrett. It has to be the massive welfare improvements and the modernisation of greyhound racing. There have been huge welfare improvements in the whole life cycle and life tracking of greyhounds in New South Wales. There has been a 50 per cent reduction in injury rates in racing. There has been a massive increase in the rehoming of greyhounds, so thus the matriculation, if you like, from a racing greyhound into a pet for life. That is a major focus of Greyhound Racing NSW and all of those programs have been hugely successful.

The Hon. Scott BARRETT: Essentially that has come about through self-regulation on the codes and standards?

STEPHEN NOYCE: One hundred per cent.

The CHAIR: Do you want to add anything by way of conclusion?

STEPHEN NOYCE: Thank you for the opportunity.

The CHAIR: I thank each of you for your evidence and for answering our questions.

STEPHEN NOYCE: If there is anything else you need, please reach out.

The CHAIR: The secretariat will follow up questions taken on notice and ask, if possible, for replies within 21 days.

ROBERT MACAULAY: Will my colleague and I send the clerk the Dr Newell information? Is that right?

The CHAIR: That would be fabulous and the Committee would greatly appreciate that.

(The witnesses withdrew.)

(Short adjournment)

YVONNE YUN, Executive member, German Shepherd Dog League of NSW, affirmed and examined

MICHELLE GRAYSON, Treasurer, NSW Cat Fanciers Association Incorporated, before the Committee via videoconference, affirmed and examined

The CHAIR: Do either of you wish to make an opening statement?

YVONNE YUN: Surely. Honourable Chairman and members of the Committee of inquiry, our members support the welfare of all animals and do not believe that the motivation of production for profit should ever override a commitment to ensure that every animal enjoys the best possible life it can have. We acknowledge that our fraternity is not perfect, but within the hobbyist sector we have in place standards and regulations that advance the cause of animals, identify and hold to account those who do not meet those standards. Membership is voluntary. We had eagerly anticipated this legislation, hoping that it would provide clarity, transparency and equitable inclusion for all stakeholders and interested parties, offering a framework within which the goal of animal wellbeing could be achieved through collaboration. The German Shepherd Dog League Incorporated has submitted a document that outlines only some of its concerns in regard to the draft animal welfare bill.

In summary, we reject the one-size-fits-all approach, the combining of livestock with companion animals, the combining of regulated hobbyists with those who participate in market-driven production. We argue that far from clarity, the definitions and expressions adopted in this draft bill lend themselves to subjective and biased interpretation. We challenge the lack of draft regulations, knowing that when this bill is enacted, regulations will be developed by the responsible department without any requirement for them to be returned to the House for approval. We object in the strongest possible terms to section 7 in its entirety as a violation of citizen rights and expectations in matters of natural justice. We question the lack of provision for appeals and the lack of an Ombudsman to mediate in cases of complaint. We oppose the disposal provisions in this bill. We fear that because of our transparency, we will become the low-hanging fruit in terms of any agency tasked with compliance and that the true offenders will continue to offend. And we protest the lack of inclusion of stakeholders that have a demonstrable track record of self-regulation, continuous improvement and voluntary support of best practice.

We ask that you recognise our achievements over many decades and the fact that we are already regulating the activities of our members. We seek the creation of a further class of stakeholder—the hobbyist—and that the demands of this bill are moderated for that classification. We have experience, systems and knowledge to offer in support of the goals of this bill. We thank you for the opportunity to be present here today to respond to questions you may have.

The CHAIR: Ms Grayson, would you like to make an opening statement?

MICHELLE GRAYSON: I would, thank you. The NSW CFA thanks the Committee for the opportunity to attend today and provide information regarding the draft animal welfare policy. We understand and appreciate the challenges that are involved with combining three pieces of legislation, and providing the right levels of powers to enable animal welfare issues and cruelty to be addressed appropriately. NSW CFA members are held accountable by our code of ethics to all required legislation. In reviewing the draft policy, our specific feedback is set out in our submission.

Our recommendations are summarised: there needs to be further clarity around the increased powers provided to charitable organisations and authorised officers, as well as the accountability for their actions; an independent body must be established to deal with complaints made against charitable organisations and authorised officers; people who are charged under legislation must be afforded due process and have access to all the relevant information to be able to defend themselves; the draft regulation standards and guidelines must be made available to review in conjunction with the policy to understand all the intricacies and how this is going to impact breeders and companion animal owners; specific clarity is needed on whether the breeding of companion animals will be impacted by the inclusion of other licensed animal activities if a breeder licensing scheme is introduced; and a clear definition of "commercial" is needed in the context of powers of entry, as many breeders of companion animals use their residential homes to conduct activities associated with breeding.

We also believe that there needs to be a documented procedure on how charitable organisations and authorised officers are appointed, and that the approval must be via a committee or a parliamentary process, and should include some form of stakeholder or public consultation to ensure there is transparency. We also oppose the use of psychological suffering being used in the definition of "harm", as it is very difficult to identify and it is very much based on personal interpretation. Thank you.

The Hon. MICK VEITCH: My question is to Ms Grayson. In your submission you talk about section 42 (1) (b), the requirements to be licensed, but specifically you say:

... there should be specific clarification of whether dog, cat and agricultural exhibitions (shows) fall under the banner of being a licensed activity, with clear guidance on the proper intent and interpretation.

You go on to say that they should not be included in activities listed in the bill or regulations. Is this because the bill is silent on those particular activities that you raise this concern?

MICHELLE GRAYSON: It is more in relation to the inclusion of the exhibited animals Act, and there are certain wordings and clauses in that Act that relate to definitions of what an exhibited animal is, such as aquariums, zoos and petting zoos—those sorts of things. That is really where our concern comes from, in that dog, cat and agricultural shows, if they are classed as exhibited animals in the context of the bill, then that could have a major impact on those particular events that those parts of companion animals deal with.

The Hon. MICK VEITCH: You are seeking a very specific exclusion then for cat, dog and agricultural shows?

MICHELLE GRAYSON: Potentially. There is a clause in there already that excludes companion animals. We would like to seek clarity in relation to whether or not dogs and cats and agricultural shows would fall under the exhibited animals definition.

The Hon. MICK VEITCH: On another matter, your submission also talks about the prohibited procedures, which is section 22 (1) (e). We have had a fair bit of conversation today around artificial insemination, specifically surgical artificial insemination as opposed to transcervical insemination. First of all to the Cat Fanciers Association, does this impact upon cat breeders as well? Do you use surgical artificial insemination?

MICHELLE GRAYSON: It is not widely used. It is available if a breeder so chooses, but it is not common practice.

The Hon. MICK VEITCH: Ms Yun, clearly the German Shepherds would have a view about this?

YVONNE YUN: Yes, we do. We use it widely. One of the things that has held us in very good stead over generations is the capacity to access gene pools that will improve on hereditary disease issues, such as hip dysplasia and elbow dysplasia—those sorts of issues. I am currently holding personally four breedings from overseas animals that I believe will actually improve my bloodstock and will improve the health outcomes for animals. I might add that over the last 50 years, which is when we have been trying to improve hip outcomes, we have managed to decrease our score from around 30 down to seven. That is an intergenerational and incremental improvement that is largely achieved through the blood lines that we introduce. To get access to those blood lines, with the decreasing ownership, we use artificial insemination. In terms of bringing in international bloodstock, we have to use frozen semen, which is best inseminated through the surgical AI. So we strongly support the inclusion of artificial insemination by surgical insemination as an allowable practice. It has been responsible for a lot of our improvements.

Ms ABIGAIL BOYD: On that point, could you elaborate on that point you made that artificial insemination is best done surgically rather transcervically? What do you mean when you say "best done by"?

YVONNE YUN: I will speak personally because that is the knowledge I have. I use cervical insemination because transcervical insemination is quite daunting for the female involved. She is usually placed in a very vulnerable position, with a surgical instrument inserted into the vagina in order to introduce the semen into the uterus. When you use a surgical procedure, the animal is anaesthetised for a very short period. A small incision is made into the area of the umbilical cord and the semen is introduced directly into the uterus. The animal wakes up, I guess, somewhat confused, but obviously is in a lot better state than being traumatised by—

Ms ABIGAIL BOYD: Do they ever anaesthetise a dog that is having a transcervical insemination?

YVONNE YUN: To the best of my knowledge, if they feel that the animal is becoming stressed—and it is a question really for the vet involved—they may think that it is better to sedate her slightly. But she will be conscious throughout.

Ms ABIGAIL BOYD: But being sedated would not interfere with the effectiveness of the procedure?

YVONNE YUN: No, it does not.

The Hon. EMMA HURST: Can I ask a quick follow up? Sorry, I know you—

The Hon. SCOTT BARRETT: Stay on this one, if that is what—

The Hon. EMMA HURST: Obviously we heard evidence earlier today that the surgical AI is actually banned in many places overseas.

YVONNE YUN: Correct.

The Hon. EMMA HURST: Does that concern you going forward, that it has been banned and the reasons why it has been banned?

YVONNE YUN: Having carried out the procedure a number of times on my females, I would argue that it is a preferable situation to transcervical. I would argue that the European experience is a great deal different than ours. For a European owner to get access to a viable stud dog or a process is much easier than it is in Australia. If you wish to improve your blood lines and insure against heritable disease and do the best you can, obviously you want to get access to the best blood lines. It costs you a fortune. What happens in Europe is sometimes, in my view, quite extreme, quite unrealistic and probably not the best outcome for the animal.

The Hon. SCOTT BARRETT: I have a question for either or both of the witnesses. Both of you pointed to the increased powers authorised officers—in fact, Ms Yun, I think you objected to the entirety of division 7.

YVONNE YUN: Yes.

The Hon. SCOTT BARRETT: Can someone point to me what the increased powers are, rather than just clarification of existing powers?

YVONNE YUN: They are not clarification. Currently if an RSPCA or Animal Welfare League officer wants to enter your home they have to have a warrant or a police officer—

The Hon. SCOTT BARRETT: Your home or your property?

YVONNE YUN: No, to your home. Under this proposed legislation it is our understanding that, without warrant, they can arrive at your front door and demand access to your entire property—your entire home—which is why we have very grave concerns. If, for argument's sake, I were a murderer, a warrant to come onto my property would have to be obtained whereby the inspectorate or the police officer would have to go to a magistrate, prove why they need that warrant and assure the magistrate that at the end of it they would have an arrest. If our interpretation is correct—and I believe it is widely held that that is the interpretation—we are being accorded less rights than a criminal.

The Hon. SCOTT BARRETT: I do not disagree. I am just trying to see where in the Act that is. I am not saying it is not in there; I am just saying I cannot point to it.

YVONNE YUN: That would be why we are objecting very, very strongly. It is against natural justice. It does not provide for anybody to have prior warning that somebody is coming into the home. Many of our members and many of the cat people are in advancing years. Quite frankly, if somebody turns up at your door and says, "I want in and I've got the right," they are going to be totally intimidated. They do not have the right to have somebody there with them. It is draconian.

The Hon. MICK VEITCH: Ms Grayson, just following on from this line of questioning, your submission states:

This section does not provide any details as to what activities are prescribed or not as the draft regulations are not available ...

Would it make it easier for people if we had draft regulations to consider at the same time as the draft legislation? I will start with Ms Grayson and then Ms Yun.

MICHELLE GRAYSON: Yes, it would. It would make it much clearer for people to be able to look at the regulations, the terms and the definitions to be able to assess how that might impact them or their organisation. We believe that it must be provided.

YVONNE YUN: From our perspective, the fact that there is no regulation provided with this document is highly problematic. Whilst the bill has to come before this House, the regulations do not. The regulations are developed by the responsible department and are subject to departmental interpretation of the definitions, the terms and the scope. They do not have to come back to this House for approval. We find that totally objectionable. When you have a bill that is worded the way this one is—the term "unreasonable", the term "unnecessary"—what does that mean? In reality, what does that mean? Then I have to read it in the context also of the companion animal bill. It is a minefield, an absolute minefield.

We are very concerned that—if I could just digress a little bit, if you look at the inspectorate for the welfare organisations, the average tenure currently is a three-year term. My understanding is that the way those people are recruited into the sector is that retired police officers are preferred because they know the law. They come in, they are shadowed with a more experienced officer for a period of time and they then do internal training. But nowhere is it stipulated that they have to have qualifications in animal welfare. It is then open to personal interpretation as to what is and is not a welfare issue. Given the wording of the bill without the regulations present, we cannot know what those officers are going to say.

If I were to say to you a saluki, that is a breed that is a greyhound-type of breed. It has been bred in the gulf areas for generations as an aid to hunting. The dog, when you look at it, should have very thin cover on the rib cage; they are a running dog. Without training in animal welfare that officer might walk in and say, "That dog is underfed," when in fact that dog is at optimal condition. In my breed it is the same thing. You tend to keep the animal leaner rather than fatter because of hips and elbows and those sorts of stresses. Without the adequate training, the adequate knowledge and the experience, what assurances do we have that subjective things are going to happen—that the regulations are actually going to match the intent and spirit of the bill? There is none. We would argue that without the regulations, this particular piece of legislation is a minefield and very, very threatening.

The Hon. MICK VEITCH: Is it a "minefield" and "threatening" because of the unknowns?

YVONNE YUN: Yes, and some of the provisions in the bill so far. But yes, the unknowns and the subjective interpretations concern us.

The Hon. EMMA HURST: Ms Grayson, you said in your submission that there should be an independent body that does not report to the Minister to oversee the Act and the enforcement agencies. I am wondering how you see this working and what role it would play.

MICHELLE GRAYSON: We would see it such as an ombudsman-type role where they are an independent body. They are an independent party that a person can make a complaint to in relation to a charge or conduct of a charitable organisation or an authorised officer. It is a bit like making a complaint to the RSPCA or AWL about them. What certainty does the person making the complaint have that it is going to be independently assessed and reviewed? We would see that it would be an independent body or an independent party, as I say, such as an ombudsman or a commission of some description, that is not reportable to a particular Minister—it is totally independent—to give certainty or to give that separation between the complainant and the people that they are complaining about.

The Hon. EMMA HURST: Thank you. I would also like to ask you about your code of ethics, which states that your members must ensure that cats with a known history of physical or genetic defects that might affect the cats' quality of life should not be used for breeding. I just wanted to get your thoughts around that and whether that rule should actually apply outside of your organisation as well.

MICHELLE GRAYSON: We believe that it relates to any breeder of any animal. If there is a disease or if there is something in that particular male or female that causes heritable diseases or causes issues, then there needs to be serious consideration as to whether that animal is still suitable to be bred with and to continue that line. Not just cats—dogs, horses, rabbits. Does not matter to us. It does not matter what type of animal it is.

The Hon. EMMA HURST: So you want to make sure that, obviously, if somebody is going to be intentionally breeding, they are not intentionally breeding where there is going to be harm caused to the animals that are born.

MICHELLE GRAYSON: That is correct. It is about the welfare of the animal. If you are breeding an animal and you are breeding with something that you know has a defect, then you are setting that animal and its offspring up for failure down the line and in the future.

The Hon. EMMA HURST: Absolutely. Thank you.

The Hon. MARK BANASIAK: Miss Grayson, can I just turn to your submission where you talk about the membership of the animal welfare advisory committee. I may ask you, Ms Yun, in terms of your opinion on this as well. What is your understanding at the moment in terms of its current make-up? Does it have a balanced approach, in your opinion?

MICHELLE GRAYSON: We do not believe that it does. We do not know that much about it, to be fair. We do not know what the criteria is for someone to be part of that committee. We do not know which stakeholders are involved or why they are particularly involved. We just think that there needs to be a bit more clarity around how those sorts of committees are established and made up, who is involved in it.

The Hon. MARK BANASIAK: Ms Yun, do you have anything to add?

YVONNE YUN: We have concerns, serious concerns about the membership because it is our belief that a number of the organisations that are currently there have boards that are not open to public membership. They are appointed boards. They are made up largely of former senior departmental people. So we do not feel that there is balance in the organisations themselves, that there is a bias, that there is an agenda that is not necessarily open to be contested. We are concerned about the amount of uncontested funding some of those organisations have. We are also highly concerned that it is not open to regular public comment, in this day and age, when we are all

getting very used to online meetings, Facebook pages, feedback through social media. We are highly concerned that some of these committees can be hijacked by a single agenda and that it is not open to comment and feedback.

The Hon. MARK BANASIAK: Just looking at the proposed division in terms of the make-up, it does seem quite broad and quite vague, not really prescriptive about, I guess, picking or targeting specific elements or particular groups or people that may have something to add to the animal welfare advisory group. It is quite broad but does not go and say, "We need to have someone from a dog-breeding association. We need to have someone from a cat-breeding association." It is quite broad. Would you like to see a bit more prescriptive about "We need someone that has expertise in this area. We need someone that has expertise in this area," rather than this just broad, open sort of "We will take anyone that has apparently relevant skills"?

YVONNE YUN: What is "relevant skills"? That is the question.

The Hon. MARK BANASIAK: I think you have hit the nail on the head there.

YVONNE YUN: Would I presume to tell a farmer about how to keep a sheep? God, no. Should somebody who has never had experience of breeding a dog or caring for a dog—should you tell them how to breed a dog or what to do? I guess it is a question of—this bill is trying to cover all bases. That is okay, as long as you recognise, internally to that bill, that livestock—that is what we are broadly being covered as—is an animal produced, generally, for consumption and sale. It is a profit crop. A companion animal is bred to stay with its master or its owner for life. So there is a totally different philosophy in that. One is being bred for consumption. One is being bred to, I guess, keep it alive as long as you possibly can if you are a decent human being. So I think you need representation from the commercial sector and representation from the hobbyist sector. I believe that we are in a position, as one peak organisation—I am sure the Cat Fanciers are the same. We are in a position to support that and help that. We need to be stakeholders. We need to be recognised.

If I can just go a bit further—my organisation had to fight a ban on importation of almost 50 years. We are aware of how unfair legislation can be. To establish our credentials, we had to establish animal welfare as our priority. So, for the last 50 years, we have been breeding to eradicate or minimise the impacts of hip dysplasia. In the 1990s, we were the first country in the world to recognise elbow dysplasia and to put in processes where that could be eliminated. So I think we have got a lot to offer. We have a code of ethics. We have a code of conduct. We have a situation where, in order to become a registered breeder at Dogs NSW, the intending person has to go through training. They have to pass animal husbandry exams, whereas the guy who has got cattle dogs for sale on the side of the road is not. He is just there for production for profit. So our view is that needs to be improved significantly. There needs to be more inclusion. I think there is a wealth of knowledge out there that can be brought in through electronic and digital means to support a balanced and a very much improved view of how this is run.

The Hon. MARK BANASIAK: If no-one else is looking to ask something, I might just go specifically to your breed. Does your league have anything to do with, I guess, the provision of German shepherds for the working role, as in law enforcement, customs? How do you see that potentially being impacted by some of these proposals?

YVONNE YUN: I will firstly come back to a couple of our challenges. The German shepherd dog is a working dog. He is a working breed. He was originally bred in Germany for sheep work, but not sheep work in the sense of the kelpie in the yards. He was bred to guard the sheep and keep them together. His working traits are very, very strong. Occasionally, you will breed a dog that is not suited to be in the hands of the average person, and this is where experience and knowledge comes in. I will again draw on my personal situation. My last litter, I had 99 applications to take a dog; I had a litter of six. I had the luxury of being able to choose suitable homes for the personality of the puppies involved.

Having said that, occasionally you will get a dog or a puppy that is just too dominant. Those dogs are very much suited to the working forces, and I know that New South Wales police actually have a breeding program where they select for a hard-natured dog, the sort of dog that you and I do not want to own. I know that the RAAF takes dogs that are so hard the average person could not take them on. That is the German shepherd and by comparison to Belgian Malinois, we are pussycats. Belgian Malinois are dogs that will not let go. They are in some instances, I would consider, manic. Those dogs are better suited in the hands of experienced people.

To breed for purpose and to breed the right dogs for their needs, they need to have access to blood lines and to breeding practices to select and breed specifically those types of dogs. I would suggest to you that I breed against that because I do not want Joe Public to have that dog. I think this will impact them very severely and it will impact their capacity to do the job they are being asked to do. In terms of the air force, those dogs are bred as perimeter dogs. The minute anybody comes over the fence, they are a dead man. The dogs that are used in the prisons are as hard as nails, and they have to be because it is their purpose to protect their handler and keep order.

This bill has the potential to eliminate proven working capacity and access for Australian services to the right sorts of dogs and the right sorts of animals.

The Hon. MICK VEITCH: Ms Grayson, your submission talks about the process for approval of charitable organisations, and you make it very clear that your preference is for the charitable organisations to be enshrined within the legislation, not left to regulation. Can you talk through why you have that position?

MICHELLE GRAYSON: Our position around that is we see it very frequently that there are certain parts of society that infiltrate other areas. We think it is necessary that charitable organisations need to be approved. There needs to be a process around that so that we do not have and we do not end up with certain areas or certain parts of society infiltrating these parts of legislation, such as people who are looking to have a certain agenda or to have a different agenda than just preventing animal cruelty or promoting animal welfare. That is why we believe there needs to be a higher oversight as to who is approved so that there is transparency as to who is being approved to enforce this legislation. That probably did not make much sense.

The Hon. MICK VEITCH: As part of that process for approval, are you saying there should be legislated requirements that organisations are assessed against before they are approved as a charitable organisation. Is that what you are trying to say?

MICHELLE GRAYSON: Not necessarily. What we think is that charitable organisations or anyone who is approved to be an enforcer of the legislation needs to have the right intent and needs to have the right focus to be able to enforce legislation without hindrance of other factors that are behind what they are aiming to do.

The Hon. SCOTT BARRETT: Ms Grayson, do you have examples of where that has not been happening?

MICHELLE GRAYSON: We have seen in the media and we have seen in public forums where development applications are sent to different local councils, and I will use the breeding facilities as a specific example. There are development applications submitted to councils and there are parts of society that will fire up, for want of a better word, people to submit objections. Councils then feel either influenced by the volume of objections that come in, and many of these objections come in from people who do not live in that local council area. That is probably the clearest example I can probably give at this particular moment.

Ms ABIGAIL BOYD: If I could just ask one follow-up question in relation to our artificial insemination discussion, Ms Yun. If it is possible to anaesthetise a dog that is undergoing transcervical insemination, then why do breeders not do that instead of the surgical?

YVONNE YUN: Mainly because of the veterinary profession. They will not totally anaesthetise an animal when they are doing a TCI. I have to admit that I have had one very poor experience of a TCI and it led to a uterine infection, almost a pyometra, which could have been fatal to my animal. One of the benefits, from my perspective, of a surgical AI is that it is carried out in a sterile environment. I know that everything that is being used is sterile, whereas in a TCI situation you do not have that assurance. I always remain in the surgery while my animal is being treated or inseminated, and most vets do not allow you to do that with a TCI.

Ms ABIGAIL BOYD: It is not necessarily about the procedure itself, it is about the practice that goes around it by convention, by the sounds of it then—vets do not make it completely sterile; they do not tend to put them under. They do not do those things, which they do with a surgical one. That is where perhaps the issues are arising?

YVONNE YUN: Do you know very much about the cycle of—

Ms ABIGAIL BOYD: No.

YVONNE YUN: Unlike the human being, the female dog actually produces in the cycle all of the ova so that it is a new production line, if you like, whereas humans are born with the eggs on board and they just release on a cycle. The problem is that TCI, in some instances and with some animals, can lead to severe stress. That can impact the viability of the mating. She may miss altogether. With a surgical AI, you have far better control over her stress levels, over any issues of a sterile environment, over issues of actually getting the semen where it needs to go. It can be very, very closely located into the uterus and near to where the ova are floating about.

Ms ABIGAIL BOYD: I think we have some vets coming at some point who we can also ask. That was really useful. Thank you.

The CHAIR: I will ask both of our witnesses if there is anything that they felt that we missed or wish to say to the Committee before we conclude. Can I ask you first, Ms Yun?

YVONNE YUN: Yes, I am the talker. I choose to belong to an organisation that regulates what I do. I am assured with that regulation that it applies to every member involved. I also belong to an organisation that does not just do the breeding of dogs. We do dog showing, we do trialling, we do earthdog—we do all sorts of things, all of which are valuable activities for dogs. We are not perfect. But the problem with today's society is that it has come to a point where cheap is good, where I can go out tomorrow and buy a cavoodle or groodle, or something else, where there has been no concern and no hereditary information available. That dog, that female, put them together, we will get a trendy little dog that we will sell off for \$5,000, \$10,000, whatever. For me, that is abhorrent because it is instant gratification for the latest fashion that is around for what I should have in my handbag. The problem with that is that there is a philosophy in the community that it is disposable—"It's no longer fashionable, so I'll get rid of that one and get the newest trend."

I think if you were to look at the Gumtree ads last weekend for the Sydney Basin, there were 1,225 advertisements for dogs and cats. I would hazard a guess and say that 95 per cent of those were not members of our organisation. So if you want to go to the source of the problem, you look at the production. The production needs to be two-fold. You must make it illegal for anybody not a member of a recognised organisation to breed or produce companion animals. You make it that they have to belong to an organisation that has a good code of ethics, a strong regulatory system and one that keeps records and is transparent, which is why I am arguing you need to include us as stakeholders. I am also suggesting that the other option you have is that before someone in this State can buy a companion animal they have to do some training. It could be delivered online, through the department. It could be digital. They have to do some training. They have to understand what their responsibilities are from the outset. Once they have completed that satisfactorily, they get a licence so that when they come to me as a breeder I have some assurance that: one, they are who they say they are; and, two, have some skill and some knowledge of the obligation they are undertaking. Thank you.

The CHAIR: Thank you very much. Ms Grayson, do you have final remarks?

MICHELLE GRAYSON: My final remarks would simply just be that NSW CFA do not support animal cruelty in any way, shape or form. Many of the general public do not support animal cruelty or poor welfare outcomes in any way, shape or form. A large proportion of our animal-loving members in our communities are not necessarily aware of their rights as to what they do when someone knocks on the door and says, "I need to come in and I want to inspect your house. I want to inspect your property. I want to inspect what you're doing." So I think it is very difficult. NSW CFA and I appreciate the challenges and the difficulties in having legislation that allows prosecution and investigation to weed out the people who are doing the wrong thing, whether they are breeders or pet owners or whoever they are.

We acknowledge that it is challenging. We acknowledge that it is difficult. We have worked for many, many years on many different inquiries, select committees, with the responsible pet forum, with DPI—all sorts of different inquiries. We have provided submissions. I think it is time that we need to start putting some things in place—the right things in place—to be able to move forward and to stop going around in circles with legislation, with changes and with recommendations from all these different committees and all these different inquiries, so that everyone can move forward and be able to own their dog, their cat or do whatever it is that they choose to do. I guess that sort of sums me up, really.

The CHAIR: Thank you very much. I thank both of you for your evidence today. It is very much appreciated. I think there may be some questions that were taken on notice and, if so, the secretariat will be in touch with you just to discuss that follow-up.

(The witnesses withdrew.)

The Committee adjourned at 15:50.