



To: animalwelfare.submissions@dpi.nsw.gov.au.

Dear Sir/Madam

Thank you for the opportunity to contribute to the reform of NSW animal welfare laws. While there are a few proposals in the discussion paper of the Minister's proposed animal 'welfare' action plan that are worthy of support, the proposed action falls woefully short of anything resembling the action needed to provide even basic protections for animals in New South Wales.

Worthwhile suggestions in the action plan

The Animal Protectors Alliance (APA) supports the following suggestions:

- Broadening the definition of cruelty to include an animal's psychological suffering;
- Broadening of the definition of animals to include decapod crustaceans (e.g. crabs, lobsters) and cephalopods (e.g. octopuses, squids);
- Increasing penalties for offences relating to animal fighting;
- Increasing the scope of offences relating to animal fighting, such as making it an offence to keep or sell animals for the purpose of fighting or be present at a place where preparations are being made for animal fighting;
- A new law that makes it an offence to produce or disseminate animal cruelty material; and
- Further prohibitions on items that could cause harm to animals such as electrical devices and traps.

Gaping failures and omissions in the action plan

Most important among the things that need to happen to give any animal in NSW any hope of genuine protection under NSW law, is removing animal welfare from the portfolio of the agriculture Minister. How can a Minister whose primary responsibility is to serve the interests of those who are responsible for almost all the animal cruelty in NSW (ie animal producers and land "managers") also represent the interests of the animals these people are abusing?

This conflict of interest is responsible not only for the flaws in the "action" plan but also for every other betrayal of animals by the NSW government since Federation. Only an Independent Office of Animal Welfare, backed by science and free of vested interests, will provide any hope for animals in NSW.



At the very least the Parliament should have full oversight over all decisions made by the Minister or the Department of Agriculture that affect animals, and an absolute veto over any decisions that will actively or could predictably harm animals.

The most glaring omissions from the action plan are as follows:

- Battery cages must be banned, but there is no proposal to ban them in the current action plan;
- All long term confinement of animals, including confining stock animals, must be banned, but there is no proposal to ban it in the current action plan;
- Puppy mills must be banned, but there is no proposal to ban them in the current action plan;
- Killing of native animals (such as kangaroo "culling" and "harvesting") must be banned, but there is no proposal to ban it in the action plan;
- Further clearing of remnant habitat of native animals must be banned, but there is no proposal to ban it the action plan;
- Use of lethal and/or cruel animal control measures, such as 1080 poison, must be banned but there is no proposal to ban them in the action plan;
- Greyhound racing, rodeos, use of wild animals in circuses and all other forms of animal abuse for entertainment must be banned, including all cruel procedures routinely used in horse racing. There is no proposal to ban these activities and procedures in the action plan;
- Tethering of animals except for very short period (eg more than an hour) must be banned. There is no proposal to ban it in the action plan;
- Subjecting farm animals to cruel procedures without pain killers must be banned, and some practices such as mulesing should be phased out entirely as quickly as possible, under a legislated timeline. There is no proposal for either of these necessities in the action plan;
- Convicted animal abusers must be banned for life from having any animal in their custody or control. There is no proposal to legislate for this in the action plan; and
- Penalties for placing animals at risk of harm (eg leaving them in hot cars), even when actual harm does not occur, must be significantly increased. There is no proposal for this in the action plan.

We are disappointed that the action plan fails to propose that animal welfare legislation explicitly recognising the sentience of non-human animals. It is, of course, not enough to merely pay lip service to this principle (as the ACT has cynically done). It is critical that the principle not only be explicitly stated in the object or purpose of the legislation, but also



reflected in the clauses of the law itself. The actions listed above would be a strong beginning for the process of recognising animal sentience.

We are glad to have had the opportunity to submit feedback on the Discussion Paper. We hope that the next version of animal welfare law in NSW reflects the prohibitions on abuse and cruelty we have listed above, rather than the few paltry measures currently suggested in the action plan.

We hope that the next version of animal welfare law in NSW recognises animal sentience, both explicitly in its objects, and implicitly in all its clauses.

Most of all we hope that the next version of animal welfare law in NSW explicitly recognises that responsibility for animal welfare law cannot and must not remain in the hands of the same Minister and officials whose job it is to service and protect Australia's primary animal abusers.

Yours sincerely

Frankie Seymour
On behalf of the Animals Protectors Alliance

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