



New South Wales Draft Prevention of Cruelty to Animals Regulation 2025 Submission from the Animal Protectors Alliance (APA)

Thank you for the opportunity to comment on the draft Regulation.

General comments

Our main comment on the draft regulations is that, though we see them as providing for some incremental improvements in the treatment of “owned” animals (companion and farm animals), they do not go nearly far enough.

This is at least partly due to the failings in POCTA itself, which should simply prohibit activities and actions that are unambiguously cruel to animals. These include (*inter alia*):

- the caging of egg-laying fowl;
- greyhound racing;
- rodeos;
- all intentional poisoning of animals;
- all recreational hunting of animals.

In our view, the Regulations could go much further in terms of preventing the cruelty inherent to these activities, ultimately to the point of driving the perpetrators to financial collapse - at which point, there would be no one left to object to their legislated abolition.

Additionally, the Animal Protectors Alliance (APA) continues to urge that all animal welfare Codes of Practice and animal welfare “guidelines” be abandoned/repealed and replaced by regulations. All existing codes of practice and guidelines are vague and loosely worded, and provide animal abusers with ample loopholes and broad excuses for inflicting cruelty on animals. This has been noted in hundreds of submissions and commentaries over the last 50 years. Only unambiguous and enforceable regulations under POCTA will begin to redress this cruelty.

As another general comment, we note that both POCTA and the current regulations appear to totally exclude wild animals. We would like to see the new regulations address this huge and glaring omission. Several provisions in both POCTA and the regulations seem, by their titles, to cover abuses of wild animals, but the detail that follows them is carefully worded to exclude wild animals.

For example, “animals used in trade” should cover kangaroos and other wildlife killed for (ie “used in”) trade but Section 32 (3) excludes them by listing only welfare issues faced by domestic animals. Similarly, the POCTA prohibition on administering poisons to animals (Section 15) begins with the words “Poisons not to be administered to animals” but then



draws back into “administer a poison, or a substance containing a poison, to a domestic animal”.

We find it disgraceful that it is still lawful for both governments and private landholders to use poisons to kill either native animals or naturalised (eg “pest”) animals. POCTA should surely aim to prevent this cruelty to animals, especially since there is not other legislation or regulation or agency in NSW, or nationally, that aims to prevent cruelty to wild animals.

Consequently these animals are subjected as a scale and extremity of cruelty that would shock many Australians if they knew about it. These cruelties include administering excruciatingly painful poisons (using baits) to dogs, dingoes, cats, rabbits and pigs etc, as well as numerous non-target animals. It also includes the mass shooting of other animals (eg kangaroos and horses) which inflicts terrible cruelty on these animals – panic, wounding, trapping in fences, orphaning of young, also impacting of non-target animals.

Until POCTA covers the prevention of cruelty to the wild animals that the NSW Environment and Heritage treats so abominably, it will be difficult for the public to take the POCTA legislation and regulations seriously.

As a final general comment, we urge the removal of the word “unnecessary” from every reference in the POCTA and the Regulation to the inflicting of “unnecessary pain” on animals - except where the pain is explicitly to prevent end or prevent worse pain. It is never necessary to inflict pain on any animal for any other reason.

Specific positive comments

We welcome the proposed amendments for fowls “confined” for egg production. The more these regulations are tightened, the sooner the use of cages will become financially untenable, and there will be nothing to prevent abolition.

We welcome the extension to calves under six months of age of the requirement that tail docking to be carried out only by a veterinary practitioner and only to treat injury or disease (Clause 20).

We welcome the extension of the restrictions pertaining to when debarking of dogs (Clause 21) and declawing of cats (Clause 22) are permitted.

We certainly welcome the new Section 42 regarding glue traps, but we are puzzled. If a glue trap that is capable of capturing an animal is prohibited, how can it still be a trap? Is this, in fact, a way for the Regulation to ban glue traps without changing the legislation? If that is its purpose, we congratulate you!



Further specific comments

As mentioned above, we would strongly urge an amendment to Clause 24, deleting the word “unnecessary” in dot point 1.

In clauses 27 and 30, we consider that 72 hours is too long leave ruminants without food, water or shelter, even during an emergency.

In regard to Clause 28, pertaining to “coursing animals” and the existing prohibition on the use of other animals for lure or kill purposes, as mentioned above, greyhound racing in its entirety has been thoroughly exposed as an inherently cruel industry and should simply be abolished by legislation.

Given that it has not been banned yet, our main concern with this clause is the wording: that the prohibition is on all “animals that are not species commonly used as coursing dogs”. We understand that (until dog coursing is abolished in its entirety), it would be absurd for a dog racer not to be in charge of his own dogs. However, we are concerned that this wording could provide an out for a greyhound racer who decided to use an unwanted greyhound puppy or a disabled or failed racer as a lure.

We urge that all existing exemptions to the prohibition on use of electrical devices (Clause 35) and all exemptions from the prohibition on steeplechasing and hurdle racing (Clause 36) be repealed. There should be no exceptions to the prohibition on these cruel practices.

Regarding Clause 36, as mentioned above, rodeos should simply be banned under POCTA. There should be no exemptions to Clauses 18 (1), 18A and 20 of POCTA.

In regard to Clauses 37a, referring to “Standards” and Clause 39, referring to a Code of Practice, as mentioned above, we would like to see all “codes” and “standards” abandoned , and replaced by unambiguous and rigorous regulations.

Thank you again for the opportunity to provide these comments.

Frankie Seymour
Co-founder
On behalf of the Animal Protectors Alliance