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20 July 2022

Animal Welfare Act Amendment Bill
Biosecurity Tasmania
NRE Tasmania
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Animal Welfare Act Amendment Bill 2022

To whom it may concern,

Thank you for this opportunity to contribute to the important discussion and development of the **Animal Welfare Act Amendment Bill 2022 (Bill)**.

FOUR PAWS is the global animal welfare organisation for animals under direct human influence, which reveals suffering, rescues animals in need and protects them. With offices worldwide, including Australia, our vision is a world where humans treat animals with respect, empathy and understanding.

FOUR PAWS is also a core member of the Australian Alliance for Animals, and thus we are writing in support of their submission.

Further, we support the submission of fellow Alliance member, Humane Society International, calling for legislation against painful practices like the mulesing of lambs, the use of 1080 poison, intensive confinement systems like conventional battery cages for layer hens, intensive breeding operations like puppy and kitten factories, and cruel forms of entertainment like duck hunting, rodeos, and greyhound and horse racing.

Particularly, we would like to emphasise the following important key developments within the Bill, and opportunities for further development to best address animal welfare in Tasmania.

Specifically, within this Bill:



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- FOUR PAWS Australia supports a ban on prong collars, and would like to see this extended to include similar items such as electric shock collars and confinement collars.
- FOUR PAWS Australia supports providing an alternative verdict for aggravated cruelty and improving the powers of inspectors, taking into account the additional measures recommended, as outlined in the Australian Alliance for Animals submission.
- FOUR PAWS Australia DOES NOT support the amendment to expand the sections of the Act which do not apply to animal research conducted under certain circumstances, for reasons outlined in the Australian Alliance for Animals submission and fellow Alliance member, Humane Society International.

This Bill presents an ideal opportunity for Tasmania to introduce key legislation to align with modern community values and expectations. As such, we would like to outline the below key recommendations for how the Bill can be improved to create a more robust animal welfare framework.

Recognise Animal Sentience

Recognising animal sentience is a central feature of modern animal welfare law and is important for Australia's international reputation. As more countries include recognition of animal sentience in their animal welfare laws, the absence of such recognition in Australia becomes increasingly apparent.

Most people would agree that animals experience feelings such as pain, fear, enjoyment, and comfort. Understanding and recognising animal sentience helps identify the needs of animals and ensure their welfare is prioritised. Millions of animals across Australia would benefit from state and federal governments acknowledging them as sentient beings.

In 2012, the EU officially declared animals as sentient beings and it's long overdue for Australia to catch up.

There is, however, opportunity to change this as recognising animal sentience is now part of Australia's trade policy and was addressed in 2019 when the Australian Capital Territory became the first jurisdiction in Australia to change the legal status of animals from being purely 'property', to sentient beings.

The Victorian Government has also flagged its intention to recognise animal sentience in the current review of its POCTAA,¹ and the WA Government has recently endorsed a

¹ Premier of Victoria, Victorians in favour of new Animal Welfare Act, 29 April 2021, <https://www.premier.vic.gov.au/victorians-favour-new-animal-welfare-act>



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recommendation to amend the objects of the *Animal Welfare Act 2002* “to expressly recognise that animals are living beings, able to perceive, feel, and have positive and negative experiences.”² While this does not include the word ‘sentience’, it is in essence, the definition of sentience.

Establish a Tasmanian Animal Welfare Authority

Animal welfare law and regulation is becoming increasingly complex and specialised. Administration and enforcement require a focused, dedicated, and independent approach which is best delivered through the establishment of an independent statutory authority dedicated to animal welfare.

This has recently been recognised by the federal Australian Labor Party in adopting a policy to establish an independent Inspector-General of Animal Welfare.

For the detailed reasons and examples outlined in the Australian Alliance for Animals submission, FOUR PAWS Australia recommends the Bill be amended to establish an independent Animal Welfare Authority with key responsibilities, including (but not limited to) overseeing the appointment and training of inspectors, participating in the development and adoption of animal welfare standards and guidelines, administering compliance monitoring programs and licensing regimes for relevant bodies, and publicly reporting on compliance and enforcement activities.

Australians have shown that this is an important issue for them.

Recent polling by Roy Morgan Research in March 2022 found that 74% of Australians supported the creation of an independent body to oversee animal welfare. Further, social research commissioned by the federal Department of Agriculture in 2018 also noted that members of the public raised concerns over the perception of conflicting interests when “the same regulatory body responsible for the promotion for the agricultural industry was also responsible for ensuring animal welfare standards.”

Establishing a Tasmanian Animal Welfare Authority not only makes sense from a regulatory perspective but will come with additional benefits of improving public confidence in the administration and enforcement of animal welfare law.

Ensure adequate expertise in membership of the Animal Welfare Advisory Committee (AWAC)

² Department of Primary Industries and Regional Development WA, Government response to the Report of the Independent Review of the Animal Welfare Act 2002, p.3, <https://www.agric.wa.gov.au/animalwelfare/review-animal-welfare-act-2002-government-response>



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We support the Alliance's recommendation for the mandatory inclusion of AWAC members with specific expertise relevant to the administration of the Act. For example, mandating the inclusion of members with expertise in the areas of animal welfare advocacy, animal welfare science, public policy and law. We further support their recommendation that the Act require that the advice and reports of AWAC be made public to improve transparency of the framework.

Improve the development of animal welfare standards and guidelines

Best practice modern animal welfare law establishes decision-making criteria for the adoption of animal welfare standards, guidelines and industry codes to ensure consistency and accountability in the process of development.

Currently, the Bill lacks criteria and guidance on the process for the adoption of standards and practices, and risks preserving cruel and harmful practices.

Introduce additional requirements for the making of animal welfare standards and guidelines, requiring them to be based on contemporary scientific knowledge/technology and advice from the Animal Welfare Advisory Committee, as well as consistent with sections 6-8 of the Act, and tabled in Parliament. See the Australian Alliance for Animals submission for detailed reasoning and examples.

Further guidance on animal cruelty

Within the Bill, the offence of animal cruelty is currently drafted in terms of causing an animal pain or suffering which is "unreasonable and unjustifiable". There is limited guidance, however, provided how to determine when pain caused to an animal is unreasonable and unjustifiable. Further, the prohibition fails to frame the test in terms of necessity.

In support of the Australian Alliance for Animals submission, FOUR PAWS Australia recommends reframing the test under s 8 in terms of necessity, substituting the current phrasing of "unreasonable and unjustifiable" with the term "unnecessary", and including further guidance for the courts on how to determine when an act or omission causes unnecessary pain by outlining relevant considerations.

Closed-circuit television for all slaughter facilities

We support the Alliance's recommendation for the AWA to mandate the use of closed-circuit television (CCTV) for all animal slaughter facilities in the state. Slaughter facilities are one of the highest risk points in the production chain for animal welfare. Requiring CCTV in all slaughter facilities within the state would facilitate trade and market access for Tasmanian



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businesses as well as providing assurances to Tasmanians that animal welfare is taken seriously and is monitored closely in slaughter facilities within the state.

Disclosure requirements

As a general principle, we support transparency and accountability in the enforcement of animal welfare law. We would also support, however, that such requirements be extended to satisfy greater transparency.

Agencies and organisations charged with administration of the Act should be subject to mandatory disclosure requirements to provide detailed information to the public about the number of compliance monitoring inspections carried out (including rates of non-compliance detected), directions issued, prosecutions commenced, and the nature of those prosecutions. Greater transparency about compliance and enforcement activities serves to increase community confidence as it provides assurances that compliance with the Act is being monitored and transgressions are being dealt with appropriately.

Thank you for your consideration and the opportunity to contribute to this important legislation.

Rebecca Linigen

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FOUR PAWS Australia