

21/03/2022

NSW Parliament – Legislative Council  
Standing Committee on State Development  
Inquiry into animal welfare policy in New South Wales

### **Animal Care Australia Opening Statement**

Good afternoon,

Chair – I ask that this statement be tabled.

I am Michael Donnelly – President of Animal Care Australia or ACA, and I am joined today by Sam Davis – Vice President. ACA represents keepers and breeders of animals nationally, our goal is to promote and encourage high standards in all interactions with the animals in our care.

Firstly, a new Animal Welfare Act with no definition of animal welfare?

ACA has detailed recommendations in our submission, but some key points we’d like to highlight are:

- 1. Education to measurably improve animal welfare outcomes must be enshrined in the Act.**
- 2. The implementation of a Companion Animals Welfare Panel similar to that of the Stock Welfare Panel.**
- 3. Enforcement activities must be subject to strict accountability and transparency provisions – which are missing from this draft.**

These matters must be resolved, particularly given we have no draft Regulations. We recommend this Committee insists both the final Bill and Regulations are provided together for the consideration of the NSW Parliament.

ACA encourages animal welfare education over restrictive regulation. Education must be legislated to measurably improve animal welfare outcomes which in our opinion the draft Bill does not do.

Education includes the continued promotion of animal welfare Standards and Codes of Practice. ACA is disappointed there is no requirement within the Bill for key stakeholder collaboration or inclusion in the development, management and promotion of Standards or Codes of Practice. This must be included in the Act. History tells us, it should not just be presumed that we would be invited to collaborate. As key stakeholders, we haven’t been included on the Animal Welfare Advisory Council either.

A Companion Animals Welfare Panel will provide an opportunity to alleviate the intimidation experienced by pet owners and to educate and improve animal welfare.

ACA is astonished the draft Bill – despite its title - is predominantly void of strategies for improving animal welfare outcomes. A minimum standard of care, although supported, does little to improve animal welfare!

In fairness, the opportunity for this may exist within the Regulations – but how would we know that when we have no draft regulations? For example, as has been stated by previous witnesses, what will be exempt from, or included as, exhibited animals?

This draft Bill removes liability of the authorised officers and their organisations, whilst making very little effort to improve their accountability and transparency. How can the NSW Government or DPI claim the enforcers will be held accountable if they are not being held liable for their actions?

Charitable organisations should not have the power to act as the police, prosecution, judge, jury and media all at once. This is wildly out of step with all other legal structures in our society.

For this reason, ACA is calling for the prosecutorial powers to be removed from the charitable organisations. This should not come as a surprise to this Committee as several States have or intend on removing the RSPCA as prosecutors of cruelty cases for a range of reasons.

Additionally, we do not support previous suggestions of allowing third parties to prosecute. We also call your attention to the submission from the Australian Privacy Foundation which we fully support.

The ambiguity of Section 66 (2) allows for the breeding of companion animals to be classed as a commercial activity and therefore voids the requirements of entry outlined in Section 67 for residential premises. This is of great concern potentially allowing the chaos of the recent dog audits to be repeated on a broader scale.

**We would like to thank the Chair and the Committee for inviting us to appear today and welcome questions.**

**Closing statement:**

ACA appreciates the opportunity to be here today and a consulting stakeholder with the DPI, and we look forward to further collaboration as the Bill is refined and regulations developed.

ACA supports the full extent of the law being handed down on persons guilty of wilfully breaching the Act. However - guilty or not - all Australians should be entitled to a fair trial, which is not currently the case here.

We are scheduled to appear at the Inquiry into the charitable organisations with more to say on the effectiveness of those organisations. ACA recommends this Inquiry considers the testimony and recommendations of that Inquiry before finalising its report as we believe it is all pertinent to this Bill.

Before any member here today signs off on this Bill – please ensure you review our detailed recommendations in our submission with the view of implementing them to ensure animal welfare outcomes are improved.

To misquote our Premier: “This is a one in a fifty year chance to get it right!”