

1st December 2023

RE: Prevention of Cruelty to Animals Amendment (Independent Office of Animal Welfare) Bill 2023

Dear Minister,

Animal Care Australia **STRONGLY OPPOSES** this Bill.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (INDEPENDENT OFFICE OF ANIMAL WELFARE) BILL 2023
<https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18426>

In general terms Animal Care Australia has no objection to an Office of Animal Welfare, but not in the form proposed in this Bill.

Animal Care Australia implores our governments to start recognising the importance of our pets and animals in our lives. The continued enhancement of animal welfare must include the development of animal welfare departments within the Federal and State governments and not independent of. The proposed model will be clearly influenced by and infiltrated by animal rights ideologies.

The Animal Rights movement is fixated on introducing an Independent Office of Animal Welfare. They continue to target both federal and state/territory governments for this to be introduced.

The following Bill introduced in the NSW Legislative Council by Abigail Boyd MLC is just another in a string of similar Bills introduced into NSW Parliament in recent years.

During the second reading speech Ms Boyd claims each of the following are “all animal welfare organisations”.

- Humane Research Australia
- PETA Australia
- Animal Liberation
- Sentient: The Veterinary Institute for Animal Ethics
- Lawyers for Animals
- Animals Australia
- Voiceless
- World Animal Protection
- Australian Alliance for Animals
- Compassion in World Farming
- Four Paws
- Humane Society International Australia

This is incorrect – misleading at best. Most are primarily animal rights-based organisations. See the attached submission for more information.

How can you tell? Search their websites for the terms sentience, suffering, protection - these words are key pointers indicating the organisation is underpinned by animal rights NOT animal welfare.

So how does animal rights compromise the Bill’s integrity?

Animal rights is not animal welfare, rather it is an ideological philosophy which puts forward as fact – that no animals should be used by humans for any reason. Animal rights support the pursuit of incremental welfare reform as a means to eventually abolishing all animals in captivity. This includes for food, labour, and entertainment, among other ways animals exist in modern society. Animal rights organisations have a specific goal in mind: Ending the use of animals by humans.

There are multiple issues within the Bill, but the most telling or stark is the proposed membership of the Independent Office of Animal Welfare Advisory Committee (as Section 24ZN of POCTAA).

The Bill proposes a total of 12 committee members plus the Chief Animal Welfare Officer, with an obvious bias towards Ms Boyd’s claimed “animal welfare organisations”. In fact, there is just one position proposed for an organisation representing those who actually keep animals (s.24ZN(1)(e)).

This assumes people that keep, and breed animals do not care or know about animal welfare!

Ms Boyd's "animal welfare organisations" could well fill 7 of the 12 positions (s.24ZN (a), (c), (d) and (h)) possibly more. A majority of members aiming to abolish all use of animals by people!

Animal Care Australia is opposed to animal rights organisations having any role in the design, implementation or representation on any committee advising on animal welfare matters.

The attached submission provides a further breakdown of our concerns.

Animal Care Australia is aware that the government, NSW Greens and the Animal Justice Party all have the intention of introducing their own iterations of an Office of Animal Welfare/Rights/Protection and accordingly we are in the process of developing a proposal for an Office of Animal Welfare and how we recommend it should be structured. We will of course, provide that to you once it is completed in early 2024.

We respectfully request a meeting with you to provide further evidence.

Please do not hesitate to make contact if we can assist further.

Kind regards,

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive style with a large, sweeping flourish at the end.

Michael Donnelly
President
0400 323 843

NSW Proposed Prevention Of Cruelty To Animals Amendment (Independent Office of Animal Welfare) Bill 2023



Animal Care Australia submission



Approved: 1st December 2023
“Animal welfare is animal care”



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ACA Background

Animal Care Australia Inc. (ACA) represents the interests of all hobbyist and pet animal keepers nationally. Our members are comprised of most major animal keeping representative bodies including those representing dogs, cats, birds, horses, small mammals, reptiles, fish and exhibited animals. Some individual members also work in the rescue, care, and rehabilitation sectors.

Opening statement:

Animal Care Australia STRONGLY OPPOSES this Bill.

Animal Care Australia's Policy Statement:

Animal Care Australia would support an Office and potentially, a Minister for Animal Welfare if:

- ✓ the current Chief Animal Welfare Officers and their departmental staff were moved across under the new Office
- ✓ all animal welfare legislation enforcement officers reported to and were held directly accountable to the Chief Animal Officer (or a similarly specially designated senior staff position) and not a charitable or privately run organisation
- ✓ the determination of whether a prosecution of an alleged offence of animal cruelty would only progress if assessed and approved by either the Department of Public Prosecutions or the Chief Animal Welfare Officer (or a similarly specially designated senior staff position)
- ✓ a Minister for Animal Welfare and the Office must report annually via a Parliamentary Inquiry in order to ensure full transparency and accountability

Responses to the Bill:

Animal Care Australia does not support the proposal to enshrine the RSPCA and AWL as 'Approved Charitable Organisations' under the proposed Bill.

Animal Care Australia recommends government provides enforcement of the Act directly. We do not support the current model, with RSPCA NSW and AWL providing enforcement, and we certainly and strenuously oppose the appointment of any further organisations, particularly in the manner proposed by the Bill.

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Currently both RSPCA NSW and AWL operate with relative impunity in this regard (although ACA is not aware of issues with AWL, we have significant reservations regarding the operation of RSPCA NSW inspectorate).

Other States and Territories have reduced or removed the prosecutorial powers of the RSPCA following multiple Parliamentary Inquiries (Victoria, Queensland and Western Australia). A number of investigations (Auditor General Queensland) resulted in substantial findings of corruption, abuse of powers, policies that resulted in non-transparency and no accountability.

Animal Care Australia strongly opposes providing RSPCA NSW with greater powers in NSW.

It is unwise to restructure animal welfare regulation in NSW without addressing the known issues as a result of charitable organisations acting as police, witness and prosecutor and in a number of circumstances, judge, with no real accountability. These powers, for a charitable organisation are extraordinary, and hence no surprise we find growing unethical, even abuse of such powers.

Therefore, **Animal Care Australia OPPOSES the amendments indicated in Schedule 1[1], as well as the consequential amendments. 1[2], 1[6] and 1 [7].**

Further, the proposed amendments to Schedule 1[2] (b) indicates:

Section 4(1), definition of “charitable organisation”

Omit the definition. Insert instead—

(b) a charitable, benevolent or philanthropic purpose

Animal Care Australia OPPOSES this amendment as this provides for any or ALL of the twelve so-called ‘animal welfare organisations’ to also be approved as ‘enforcement agencies’. This list would not just be exclusive to those twelve organisations. Animal Care Australia also meets this criterion

Animal Care Australia is concerned that an organisation that is philanthropic (i.e.: receive financial support from philanthropic bodies) opens the ‘pandoras box’ of corruptive and manipulative opportunities, and most hypocritically removes the point of being ‘independent’ if animal rights philanthropists are funding that organisation. It is clearly unethical to provide a seat on any government advisory committee based on an entity’s donations.

Schedule 1 [4] Part 2C Independent Office of Animal Welfare

Schedule 1 [4] proposes the formation of an Independent Office of Animal Welfare (IOAW). Animal Care Australia can envisage a useful process for appointing, managing and operating an Office of Animal Welfare, however this Bill is absolutely not what Animal Care Australia envisages.

In the Bill the word “Independent” is used to indicate the office operates completely outside of the control of parliament. Such an idea is fraught with danger as the following analysis makes clear. Is such an idea even democratic?

In short, this Bill proposes an IOAW that will be composed, managed and operated by extreme animal rights organisations with minimal oversight by the government of the day.

Ms Boyd, in her second reading speech, was kind enough to list the organisations she, presumably, would like to be included or at least represented on the Advisory Committee (under proposed Section 24ZN). As detailed on page 12 onwards, the majority are known to be animal rights-based organisations, some extreme. Many have no animal welfare credentials whatsoever, many openly oppose the keeping of animals in captivity. Such organisations should be specifically excluded from any role to do with animal welfare and should certainly be excluded from any iteration of an Office of Animal Welfare, regardless of its structure.

24Z Ministerial control

The Independent Office of Animal Welfare is not subject to the control or direction of the Minister in the exercise of its functions, except as expressly provided by this or another Act.

24Z is undemocratic. Animal welfare is the responsibility of the government under the leadership and control of parliament via a Minister. There must be a Minister ultimately responsible for animal welfare, currently it makes sense that this role sits with the Minister for Agriculture, as the staff within the Department of Primary Industries have expertise in this area, including veterinary, scientific and animal welfare expertise. Separating Animal Welfare into its own Office/department 'could' justify the creation of a new ministerial position: 'Minister for Animal Welfare'.

24ZA Objects of Independent Office of Animal Welfare

The main objects of the Independent Office of Animal Welfare are as follows—

(a) to promote knowledge of animal welfare issues

To whom is this knowledge being promoted and how? Is this the reporting of issues to the Chief Animal Welfare Officer, to the department – and which department? To a Minister, which is notably absent from this entire Bill. Or, to the public via education awareness?

(b) to improve animal welfare outcomes,

How will the "improvement to animal welfare outcomes" be independently reviewed as successful? Especially with such an eclectic committee structure as the one proposed.

(c) to ensure the State's animal welfare policies and guidelines are independently reviewed and developed having regard to the following—

(i) contemporary scientific knowledge about animal welfare,

(ii) advances in technology,

(iii) community expectations and values,

Independent review is determined by who? The same organisations represented by the majority of the so-called 'independent' committee?

(iii) "community expectations and values" needs to be defined to clearly delineate between the community's genuine animal welfare expectations from the very vocal, but niche, views of animal rights extremists. Additionally, would this mean that to confidently and accurately gauge full community expectations and values the Committee would place these outcomes to 'public consultation'? If so, how is that any different to what occurs now?

(d) to ensure the independent review of the administration and enforcement of the State's animal welfare laws

Animal Care Australia supports reviewing the administration and enforcement of POCTAA. However, it is not clear if this is enshrining the same process into the Act, or is a new process? NSW has only recently commenced reviewing the administration of the charitable organisations (NSW Parliamentary Inquiries) with no ability to review or appeal the enforcement process. If this Committee is to be responsible for such a review, then that raises conflict of interest concerns as both charitable organisations have been enshrined into the very Committee responsible for reviewing and holding them accountable.

Animal Care Australia welcome the functions of the Chief Animal Welfare Officer having oversight over the enforcement agencies in addition to a minister and therefore ultimately parliament.

The Objects of any iteration of an Office of Animal Welfare must include the promotion of animal keeping, for commercial and non-commercial purposes, whilst promoting the improvement of animal welfare outcomes. This Bill does nothing of the sort.

Division 4

24ZH Functions of Chief Animal Welfare Officer

24ZH (2) The Chief Animal Welfare Officer is not subject to the control or direction of the Minister.

24ZH proposes functions of the Chief Animal Welfare Officer. Animal Care Australia supports increasing the powers of the Chief Animal Welfare Officer, but the role must be subject to parliament via the Minister – hence we do not support 24ZH(2). We support increased powers that ensure the Department of Primary Industries via the Chief Animal Welfare Officer has complete oversight and control of all compliance and enforcement organisations and officers/inspectors.

Animal Care Australia has experienced a number of occasions whereby the Chief Animal Welfare Officer or anyone within the Department of Primary Industries is unable to direct RSPCA NSW to cease or alter their compliance and enforcement activities. This is a shocking situation that requires

rectification forthwith. The department must have control over the RSPCA (and AWL) inspectorate functions.

24ZN Constitution of committee

(1) The Attorney General must, as soon as practicable after this part commences, appoint the following members to the Independent Office of Animal Welfare

Advisory Committee—

- (a) 3 members representing non-government animal welfare organisations,*
- (b) 2 members representing approved charitable organisations*
- (c) 2 members who are scientists with expertise in animal welfare,*
- (d) 1 member representing a consumer rights organisation,*
- (e) 1 member representing—*
 - (i) commercial breeders, sellers or purchasers of animals, or*
 - (ii) commercial producers or purchasers of animal products,*
- (f) 1 member representing the Department,*
- (g) 1 member representing local councils,*
- (h) 1 member with expertise in ethics as it relates to animal welfare.*

The committee have no requirement to have animal owning, breeding, keeping or caring experience - the people who know how to care for animals – contrary to the promoted opinion of the twelve organisations that were consulted by Ms Boyd.

Position (a) – As highlighted earlier – will these be the positions that the listed ideological organisations use to control the committee?

Position (b) - the enforcement agencies should not hold 2 positions on this Committee. As stated previously, Animal Care Australia does not support the charitable organisations as enforcement officers. Including the charitable organisations as committee members is problematic. These organisations, in particular RSPCA, have a significant conflict of interest. On the one hand they have their activist arm via RSPCA Australia, on the other they are tasked with enforcement duties. Enforcement should be carried out by Animal Welfare Inspectors that are employed by the Chief Animal Welfare Officer's office/department. Should that not occur, then Animal Care Australia recommends the enforcement agencies holding 'consultative' roles with position (a) held by an 'Enforcement Representative' from within the Chief Animal Welfare Officer's Team who has the role of overseeing animal welfare enforcement matters, and to whom the enforcement agencies' delegated representative (likely the Chief Inspector/s) consults with.

Part (e) should be at least 3 positions, not one. This is absolutely ludicrous that only one representative can provide appropriate and informed input relating to all sections of the animal keeping community. The pet industry, agriculture, animal sports industry, recreational keepers (hobbyists), breeders and individual pet owners are all very different, and cannot be reasonably

represented a single representative. 60% of Australians are recreational animal keepers, yet there is no representative. The fact this has been structured in this manner highlights the contempt and ideological interference those 'consulted' with and Ms Boyd herself have for animal keeper/owners.

The function of the committee is to advise the Chief Animal Welfare Officer; therefore, the committee MUST represent animal owners, breeders and carers, not be opinionated but inexperienced persons from unrelated fields.

Animal Rights Activists have no place on a serious committee such as this, with real world outcomes.

(3) A committee member is eligible, if otherwise qualified, for reappointment.

Committee members should not be eligible for reappointment unless there are no other nominees/applicants for the position. There is no inclusion as to how the Committee is to seek nominations.

24ZR Vacancy in office

(3) If the office of a committee member becomes vacant, the Attorney General must appoint a person to fill the vacancy.

How? There is no inclusion within the Bill for how persons can be appointed.

24ZS Effect of certain other Acts

(1) The provisions of the Government Sector Employment Act 2013 relating to the employment of Public Service employees do not apply to committee members.

Why not? Is this Committee not functioning for the Attorney General, the government, the public? Why do they not have to abide by the following Objects of that Act?

The objects of this Act are as follows—

(a) to develop a modern high performing government sector—

*(i) **that is efficient and effective** in serving the Government in the delivery of services to the people of New South Wales, and*

(ii) that has effective and fair employment arrangements, management and leadership,

(b) to establish the Public Service as the general service within the government sector,

*(c) **to provide transparent governance** and employment arrangements for the Public Service, including providing for the employer functions and responsibilities of heads of Public Service agencies,*

(d) to establish an ethical framework for the government sector comprising core values and principles that guide their implementation,

(e) to make provision for the objectives, functions and responsibilities of the Public Service Commissioner.

The proposed structure does not require the Committee to report to any minister. Therefore, who is responsible in ensuring the Committee is efficient and effective, providing full transparency of its governance, upholding and respecting the core values and principles, within an ethical framework – thereby meeting community expectations and values?

24ZT Committee meetings

(2) The quorum for a meeting of the committee is a majority of members.

A majority of which members? A majority of the twelve committee plus the Chief Animal Welfare Officer (therefore, 13), or a majority of just those present on the day? Surely this is insufficient for a Committee that already does not appear to be accountable to any section (department or minister) of government?

This does not prevent a meeting of just 7 members from stating just 4 of them constitutes a quorum. Surely anyone can see how this can be corrupted.

This is particularly important when you consider:

24ZT Committee meetings: - (6) A decision supported by a majority of the votes cast at a meeting of the committee at which a quorum is present is a decision of the committee.

This clause equates to a majority of just 4 people can be making the decisions on behalf of a committee of thirteen!

This clause should declare a required number of the overall committee and should not be a simple majority as a quorum.

24ZU Disclosure of conflicts of interest

(1) A committee member must disclose the nature of a conflict of interest at a meeting of the committee as soon as practicable after the member becomes aware of the conflict of interest.

(2) A committee member has a conflict of interest if—

(a) the member has a direct or indirect pecuniary interest, or another interest, in a matter being considered, or about to be considered, at a meeting of the committee, and

(b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter

Clearly this supports Animal Care Australia's notion that the charitable organisations have a standing conflict of interest as members of the committee.

This becomes particularly important due to:

(4) A committee member who has made a disclosure under subsection (1) must not, unless the Chief Animal Welfare Officer otherwise determines—

(a) be present during a deliberation of the committee about the matter the disclosure relates to, or

(b) take part in a decision of the committee about the matter.

Therefore, reducing the overall number of committee present during discussions relating to enforcement to just 11. Remembering a quorum then is just 6 people and a majority of that quorum is just 4. Four people can determine matters relating to the enforcement of animal welfare legislation, etc.

(5) A contravention of this section does not invalidate a decision of the committee

So, ignoring the conflict of interest (i.e., contravening the section) DOES NOT invalidate the decision? For example, the two charitable organisations representatives can remain (in contravention) and influence the discussion, convince the majority and it is a binding decision of the committee? How is this 'independent' or for that matter, ethical?

Section 34A Guidelines relating to animal welfare

(1) The regulations may prescribe or adopt guidelines relating to the welfare of an animal or class of animals.

(2) A document may be adopted under subsection (1)—

(a) in whole or in part, and

(b) with or without modification, and

(c) as in force—

(i) at a particular time, or

(ii) from time to time.

(3) A regulation must not be made under subsection (1) unless—

(a) the committee is first given an opportunity to review and comment on the proposed regulation, and

(b) a report outlining the committee's comments, including suggested amendments to the proposed regulation that have not been made, has been published on the Department's website.

(4) Compliance, or a failure to comply, with guidelines prescribed or adopted under subsection (1) is admissible in evidence in proceedings under this Act as evidence of compliance, or a failure to comply, with this Act or the regulations.

(5) The regulations may provide that a provision of guidelines prescribed or adopted under subsection (1) is a mandatory provision.

(6) A person must not contravene a mandatory provision.

Maximum penalty—50 penalty units.

This entire section is concerning! This implies the Committee makes the determination of what constitutes the regulations. Currently, that responsibility is undertaken by the department and reported to a Minister for approval. While the Minister may approve the regulations without parliamentary involvement, that Minister is still subject to public opinion/ridicule. Currently the Department of Primary Industries consults stakeholders via public consultation – there is no inclusion of such a requirement here.

Regulations that directly affect the day-to day ability of people to keep animals MUST be determined by more than just a committee of 13 people. It also states the committees' comments are to be published on the department's website – okay – to what end? How is the committee held to account for their decisions?

This entire section also implies a lack of understanding how the regulations work. It states 'adopt guidelines' then goes on to make all sections of the regulations a mandatory provision.

This is incorrect. Codes of Practice are instilled within the Regulations. These Codes have both Standards (mandatory provisions) AND Guidelines (non-mandatory provisions). Guidelines are designed to assist in the improvement of animal welfare while Standards are the minimum requirements to uphold and maintain animal welfare outcomes. State governments nationally continue to support the development of national Australian Animal Welfare Standards and Guidelines documents produced by Animal Health Australia and various state agriculture departments. These documents are subsequently endorsed by state governments (often in modified form) – the standards only (NOT the guidelines) are intended to be enforceable. The guidelines in all these documents are advice and/or recommendations.

*"Guidelines - complement the standards by providing advice and/or recommendations to achieve desirable animal welfare and security outcomes. Non-compliance with guidelines does not constitute an offence under law."*¹

¹ [Australian Animal Welfare Standards & Guidelines – Exhibited Animals](#)

[5] completely changes the intent of many current codes of practice. Currently many codes are recommendations, they aim to educate and encourage high welfare practices. Such codes are designed as advice and include numerous clauses that are completely unsuitable as enforceable codes. The only enforceable codes currently are those applying to Animal Trades, and these include enforceable standards and unenforceable guidelines.

As an example, the current “Animal Welfare Code of Practice - Animals in pet shops”², is currently being misused. It was designed as recommended advice for Pet Shops. RSPCA NSW Inspectors are now using it as an enforcement tool as it is specified as a Code of Practice for Pet Shops within Schedule 1 of the Regs and hence enforceable under regulation 26(3)(i).

A further example, RSPCA NSW has recently been claiming that anyone who breeds a dog is an “Animal breeding establishment” and hence operating an animal trade. This means someone with a single fertile bitch, in RSPCA NSW view, is able to be inspected without warrant or reason and is subject to all standards within the “Animal Welfare Code of Practice—Breeding Dogs and Cats”.³

The proposed amendment in the Bill goes further – it is extreme - it aims to make the guidelines within these codes enforceable.

This amendment alone has the ability to mandate a series of provisions that are neither necessary for continued animal welfare outcomes nor are impractical for ALL animal keepers. Mandating these will instantly place thousands of animal keepers in breach of POCTAA Regulations.

Schedule 1[4] proposes the formation of an Independent Office of Animal Welfare (IOAW). Animal Care Australia can envisage a useful process for appointing, managing and operating an IOAW, however this Bill is absolutely not what Animal Care Australia envisages.

In the Bill the word “Independent” is used to indicate the office operates completely outside of the control of parliament. Such an idea is fraught with danger as the following analysis makes clear. Is such an idea even democratic?

In short, this Bill proposes an IOAW that will be composed, managed and operated by extreme animal rights organisations with minimal oversight by the government of the day.

Ms Boyd, in her second reading speech, was kind enough to list the organisations she, presumably, would like to be included or at least represented on the Advisory Committee (under proposed Section 24ZN). The majority are known to be animal rights-based organisations, some extreme. Many have no animal welfare credentials whatsoever, many openly oppose the keeping of animals in captivity. Such organisations should be specifically excluded from any role to do with animal welfare and should certainly be excluded from an IOAW, regardless of its structure.

² [Animal Welfare Code of Practice – Animals in Pet Shops](#)

³ [Animal Welfare Code of Practice—Breeding Dogs and Cats](#)

Animal welfare or animal rights?

Abigail Boyd MLC appears to confuse animal welfare with animal rights. While Ms Boyd uses a legitimate, defined term like "animal welfare", she then references animal rights outcomes and organisations.

Appendix 1 explains the stark difference between animal welfare and animal rights/protection.

In her first reading IOAW speech, Ms Boyd states:

“The establishment of an independent statutory body with responsibility for animal welfare and protection issues is something that the animal welfare sector has been united in advocating for for many years. In response to the Senate inquiry into former Greens Senator Lee Rhiannon's Voice for Animals (Independent Office of Animal Welfare) Bill 2015, all animal welfare organisations that made submissions to the inquiry, including Humane Research Australia, PETA Australia, RSPCA Australia, Animal Liberation, Sentient: The Veterinary Institute for Animal Ethics, Lawyers for Animals, Animals Australia, Voiceless, and World Animal Protection, supported the introduction of a national independent statutory body responsible for animal welfare.”

This is misleading. While Ms Boyd says, "all animal welfare organisations that made submissions to the inquiry supported the bill," the list of organisations quoted are mostly animal rights organisations, and in some cases exclusively so. When investigating the organisations only one describes itself (debatable) as an animal welfare organisation.

Ms Boyd continues:

“More recently, the Australian Alliance for Animals, whose core members are Animals Australia, Compassion in World Farming, Four Paws, Humane Society International Australia, Voiceless, and World Animal Protection Australia, was launched last year. Its core campaign is a push to establish a truly independent national commission for animal welfare alongside a separate ministerial portfolio for animal welfare and improved processes for the creation of animal welfare standards. Those calls have been echoed in New South Wales over the past five years, with literally hundreds of submissions from animal welfare organisations and advocates to both parliamentary and departmental inquiries and review processes calling for an independent statutory body responsible for animal welfare at the State level in New South Wales.”

Again, using the term Animal Welfare, while referencing predominantly Animal Rights organisations (aka Animal Protection/Animal Advocacy/Animal ethics) and supporters, exclusively.

Taking a closer look at the organisations mentioned:

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RSPCA Australia does not describe itself as an animal welfare organisation, but *"The RSPCA is an independent, community-based charity providing animal care and protection services across the country."*⁴

Humane Research Australia explains why we need alternatives to animals in research:

*"Broadly, there are two positions: animal welfare and animal rights. Animal welfare is concerned with minimising suffering, while the animal rights position considers the use of animals as our resources to be morally wrong."*⁵

PETA claims on its website: *"People for the Ethical Treatment of Animals (PETA) is the largest animal rights organization in the world, with more than 3 million members and supporters."*⁶

Animal Liberation describes itself as *"Australia's longest-running animal rights organisation"*⁷

Sentient: The Veterinary Institute for Animal Ethics state on their website *" We believe veterinarians have a moral obligation to play a leading role in animal advocacy."* Sentient appear to be cognizant that "animal rights" is an unpopular viewpoint, with poor social licence to operate. Instead, they use many synonyms to avoid putting people off: animal advocacy, animal ethics, animal sentience, animal (rights) law, animal activism, Social justice, etc⁸

Lawyers for Animals are openly animal rights based, and reciprocate funding and support to other animal rights groups⁹

Animals Australia is another organisation that avoids the term animal rights in recent years, now using the new synonym of "animal protection" or "animal advocacy" instead. Lyn White was awarded the Order of Australia (AM) in the 2014 Queen's Birthday Honours for "significant service to the community as an animal rights and welfare advocate"¹⁰

Voiceless calls itself *"an animal protection institute"*¹¹

World Animal Protection is the closest on this list to a genuine animal welfare organisation – that is because outside of Australia 'Animal Protection' is shorthand for Prevention of Cruelty, however, in Australia the term has been used to disguise Animal Rights¹²

Australian Alliance for Animals by line is *"The Alliance for Animals is a national charity leading a strategic alliance of Australia's key animal protection organisations."*

⁴ [RSPCA Aust website](#)

⁵ [Humane Research Australia](#)

⁶ [PETA](#)

⁷ [Animal Liberation](#)

⁸ [Sentient](#)

⁹ [Lawyers for Animals](#)

¹⁰ [Animals Australia](#)

¹¹ [Voiceless](#)

¹² [World Animal Protection](#)



On its website it states: *"Alliance for Animals is a national charity bringing together six of Australia's leading animal protection organisations to create systemic change for animals."* None of the 6 organisations are Animal Welfare Organisations, and, like Ms Boyd, we see the Alliance for Animals deliberately confusing the terms Animal Welfare and Animal Rights/Animal Protection to mislead the public and government agencies.¹³

In its publication *Fair Go for Animals* - the Alliance explains that: *"using animals is at odds with animal welfare, and therefore broad sweeping legislative changes are needed to free animals from human use."*

This is an extreme Animal Rights position. Ironically, the term Animal Rights is never used in the document, mostly likely because of how unpalatable the concept is to most Australians.¹⁴ Animals Australia has been strangely silent on its association with the Alliance, having made no public statements on its relationship or purpose for joining. Perhaps it is trying to give the appearance that the Alliance is apolitical, despite Animals Australia's policies being the blueprint for the Animal Justice Party, and many of their policies remain carbon copies even to this day, such as their 'Our Values' policy statement.¹⁵

Compassion in World Farming

On joining The Alliance, Mandy Carter, Compassion for World Farming's Global Head of Campaigns, said: *"The formation of this new Alliance (i.e. Australian Alliance for Animals) will bolster our work to end factory farming worldwide and create a sustainable global food system. We are very excited to join forces with other leading animal protection organisations in order to campaign for an overhaul of Australia's outdated animal welfare system and to drive significant and meaningful change for animals throughout the country."*¹⁶

Another political connection - Steve Garlick¹⁷, founder of the Animal Justice Party in Australia, is publicly recognised as a team member of Compassion in World Farming.

Four Paws

In its statement on joining the Alliance, FOUR PAWS states: *"As a global animal welfare organisation, FOUR PAWS is committed to revealing animal suffering in Australian industries and advocating for greater animal protection. Australia is well behind the rest of the world when it comes to animal welfare. According to global indexes, we rank a dismal 'D' rating due to our lack of animal welfare protections. But we can change this."*¹⁸

¹³ [Aust Alliance for Animals](#)

¹⁴ [Fair Go For Animals: publication](#)

¹⁵ [Animals Australia: Our Values policy](#)

¹⁶ [Compassion In World Farming](#)

¹⁷ [Steve Garlick](#)

¹⁸ [FourPaws](#)

Here we see another deliberate misuse of the term Animal Welfare: the "D Rating" referred to here, is a ranking by World Animal Protection¹⁹ (another Member of the Alliance) of Animal Rights issues around the globe, and NOT of animal Welfare standards.

Australia should be relieved and reassured of our low ranking for how many animal rights issues have infiltrated our laws.

Humane Society International Australia describes itself as *"As one of the top animal protection charities"*, but also calls itself an Animal Welfare organisation, however it sees Animal Welfare as a problem in itself, and one of its 4 core areas of focus - and separate to its other core areas of Marine Animals, Australian Wildlife and Environment, and International Wildlife.

Their website describes their Animal Welfare focus area as *"Every animal deserves a life worth living. We work to improve standards of care for farm animals and to protect animals from cruel and unnecessary exploitation in cosmetics, trade, racing and entertainment."* This manipulation of language to influence the public to have an incorrect, and negative view of animal welfare is genuinely shameful. Animals can experience good or poor animal welfare - animal welfare is simply a measure - not the current standard.²⁰

Meg Good of **Voiceless** has become one of Australia's most prolific Animal Rights proponents in recent years, where she (alongside Jed Goodfellow) has been at the forefront of inserting Animal Rights Law into Law courses without using the words Rights. Animal Care Australia believes this is incredibly misleading - and it is deliberately so - to students and the public.

World Animal Protection Australia says it joined the Alliance, because the Alliance *"is pushing for an overhaul of Australia's outdated and ineffective animal welfare policy and legislative system."*

We believe it is significant to note that RSPCA Australia declined to join the Alliance for Animals and deny their support to their former employees (Goodfellow and Jones).²¹

Animal Care Australia feels that Ms Boyd may be deliberately blurring the distinction between Animal Welfare and Animal Rights/Animal Protection to mislead the public and the Parliament with disinformation. Animal Care Australia has had numerous discussions with Ms Boyd in both private meetings and through public inquiries correcting Ms Boyd's misuse of scientific nomenclature and have only seen Ms Boyd continue to knowingly misuse these terms in Parliament and in public statements on her website and social media.

Animal Care Australia is concerned by the level of disinformation by Ms Boyd as well as by the groups she works with, in a poor attempt to misrepresent Animal Rights as a solution to genuine issues in our society. We regularly see Animal Rights/Animal Protection groups and political parties (including the

¹⁹ [World Animal Protection: Animal Rights rankings](#)

²⁰ [Humane Society International Australia](#)

²¹ [FarmOnline: National article](#)



Animal Justice Party and the Greens) use the term 'Animal Welfare' only in a context as something to be fixed. This is not what 'Animal Welfare' means, and we believe this misuse of language is a very conscious and deliberate strategy.

This really must be challenged as false every time it arises.

Animal Care Australia strongly OPPOSES this Bill

Animal Care Australia would like to thank you for taking the time to review this consultative document and we welcome any questions you may have.

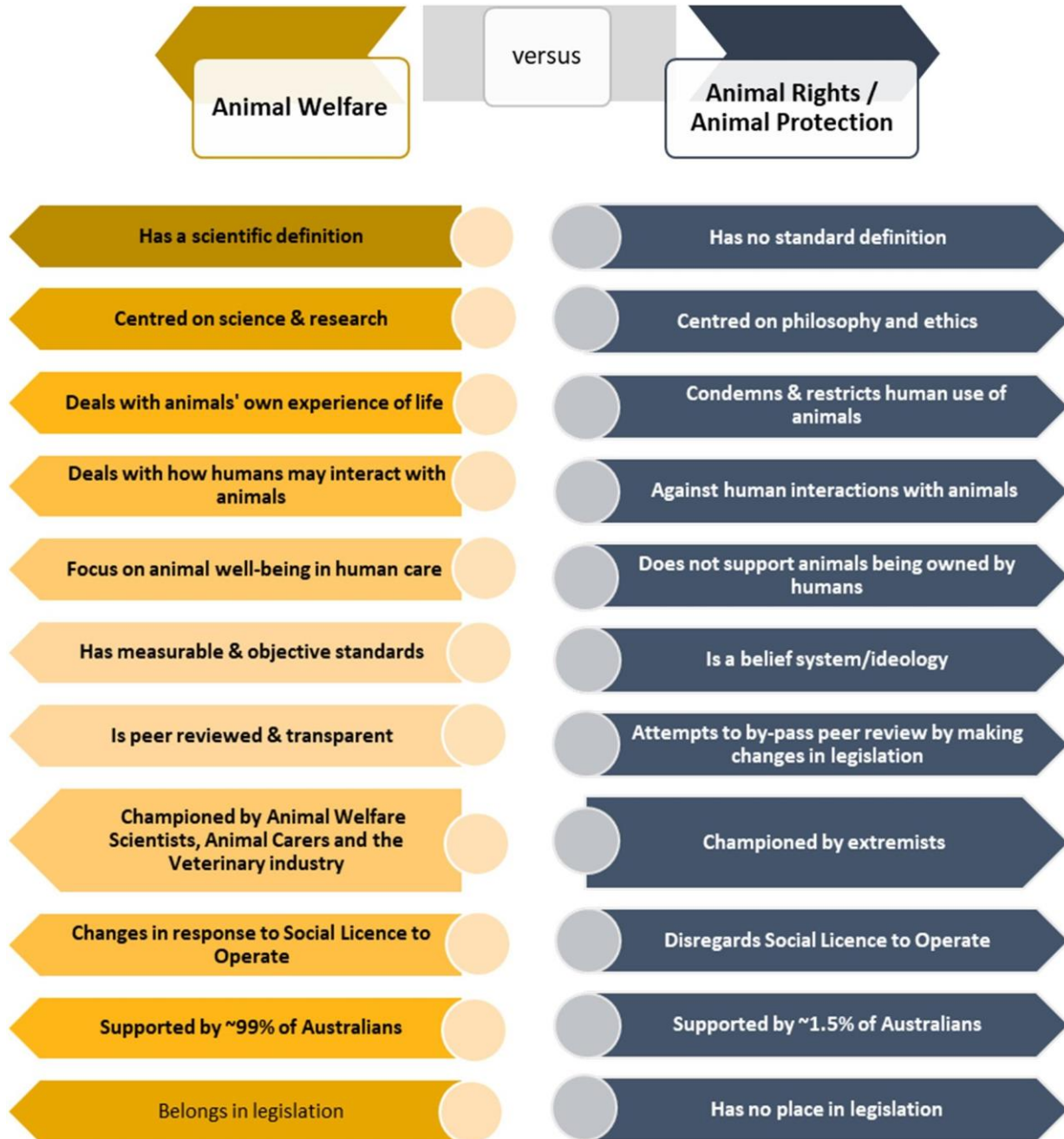
On behalf of the Animal Care Australia Committee,

A handwritten signature in black ink that reads 'M Donnelly'.

Michael Donnelly
President
Animal Care Australia



Appendix I: What is the difference between animal welfare & animal protection & animal rights?



While producing Animal Care Australia’s Animal Welfare Policies & Position Statement documents , we contacted David J Mellor, Prof of Animal Welfare Science, Massey University NZ - Co-creator of the 5 Domains model of Animal Welfare and co-author of the NZ Animal Welfare Act to provide us



with the intent and purpose behind the model and to outline the approach taken to move from the 5 freedoms to the 5 domains. It is that approach and guidance from Professor Mellor that assisted Animal Care Australia in developing our policies and forming a greater understanding of animal welfare versus animal rights and the more recently adapted animal protection.

In Australia, the Animal Rights movement will use the term Animal Rights (and more recently Animal Protection) interchangeably with Animal Welfare. This is deliberate, but not correct, and across the world has resulted in a decline in Animal Welfare outcomes where Animal Rights/Animal Protection has been written into law.

Animal Welfare versus Animal Rights or Animal Protection:

	Animal Welfare	Animal Rights	Animal Protection
Has a scientific definition	Yes	No	No
Has a legal definition	Yes	Varies in different jurisdictions	No
Centred on science and research	Yes	No	No
Centred on philosophy and ethics	No	Yes	Yes
Deal with an Animal’s own Experience of life	Yes	No	No
Deals with how humans may interact with animals	Yes	Yes	Yes
Condemns human use of animals	No	Yes	Yes
Focus on animal wellbeing	Yes	No	No
Has measurable and objective standards	Yes	No	No
Is peer reviewed and transparent	Yes	No	No
Supports the care of animals in captivity and domestication	Yes	No	No

NSW Proposed Prevention Of Cruelty To Animals Amendment (Independent Office of Animal Welfare) Bill 2023



Championed by extremists	No	Yes	Yes
Has a place in legislation	Yes	No	No
Attempts to by-pass peer review by making changes in legislation	No	Yes	Yes
Changes in response to Social Licence to Operate	Yes	No	No

Appendix 2: References for relevant Bills and Acts:

Prevention of Cruelty to Animals Amendment (Independent Office of Animal Welfare) Bill 2023 (Bill) is here...

<https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18426>

Prevention of Cruelty to Animals Act 1979 No 200 (Act) is here...

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-200>

Prevention of Cruelty to Animals Regulation 2012 (Regs) is here...

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2012-0408>

References for Animal Welfare versus Animal Rights information:

Stooksbury, Kara E.; Scheb II, John M.; Stephens Jr., Otis H. (2019). "Animal Rights". [Encyclopedia of American Civil Rights and Liberties: Revised and Expanded Edition. Vol. 1](#) (2nd ed.)

[The 2020 Five Domains Model: Including Human–Animal Interactions in Assessments of Animal Welfare, 2020](#). David J. Mellor 1,*, Ngaio J. Beausoleil, Katherine E. Littlewood, Andrew N. McLean, Paul D. McGreevy, Bidda Jones and Cristina Wilkins

Marisa Erasmus, (2020) [Animal welfare and animal rights: Ethics, science and explanations](#). Purdue University

<https://plato.stanford.edu/entries/moral-animal/>

<https://www.animallaw.info/article/animal-rights-theory-and-utilitarianism-relative-normative-guidance>

<https://onewelfare.sydney.edu.au/animal-welfare-science/>

<https://onewelfare.sydney.edu.au/animal-ethics/>