



# Lawyers for Animals Network ACT

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Senate Rural and Regional Affairs and Transport Committee  
Department of the Senate  
Parliament House  
Canberra ACT 2600  
Australia

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Attention: Committee Secretary

## **Re: National Animal Welfare Bill 2005: Senate Submission**

Lawyers for Animals Network ACT (LANA) is an independent committee made up of lawyers and law students in the ACT who advocate for interests of animals within the legal system.

In summary, LANA is generally supportive of the *National Animal Welfare Bill 2005*. It is commendable that Senator Andrew Bartlett has put animal welfare onto the political agenda by introducing this private member's Bill into Parliament.

Animal welfare needs to be given the priority and recognition it deserves. Not only does this Bill raise awareness of this important area but it also aims to regulate the area through a national legal framework. Under the Bill's framework, offences such as animal cruelty will be dealt with at a national level in a coordinated way. This is a positive step forward for the Australian community. LANA hopes that this Bill receives the recognition that it deserves and is passed by Parliament.

Notably there are areas of improvement that, if addressed, will contribute to the effectiveness of the proposed legislation. LANA has read the recommendations for improvement outlined in the World Society for the Protection of Animals (WSPA)'s submission and commends WSPA's submission to the Senate Committee. We specifically advocate for the following changes that were raised by WSPA:

- That the proposed enactment should include some prefacing provisions with the premise upon which the need to protect is based – recognition of sentience, recognition that animal protection is an important aspect of a developed society, recognition of the spiritual decline caused by cruelty and recognition that humans have a moral obligation to respect and protect animals (*WSPA Submission, p1*).
- That the structure of the Bill be improved upon by including definitions, main protective provisions, subject-specific provisions and administrative and

enforcement mechanisms in a section at the beginning of the Bill (*WSPA Submission, p1*).

- That the title should be extended to include all animals which can be abused, exploited, injured or have humans inflict undue suffering upon them (ie includes animals in entertainment and working animals) (*WSPA Submission, p2*).
- That under section 16 the same questions arise about inspectors. Namely, how will the inspectorate operate in practice? Will there be training? Will there be an examination/test for qualification as an inspector? The RSPCA should not be given a monopoly over appointing inspectors with other qualified employees of other recognized animal protection bodies not being given equal consideration on merit (*WSPA Submission, p6*).
- That under section 17, the general powers of inspection need to be clarified by answering the questions posed by the WSPA. (*WSPA Submission, p6*).
- That under section 18, 'powers of entry should be allowed if the inspector has reasonable grounds to suspect that there has been an infringement of any aspect of this Act, and that delay may cause prolonged animal suffering' (*WSPA Submission, p6*).
- That under section 63, the duty of care for animal welfare offences needs to specify species-specific psychological and behavioural needs are met and that animals are attended to at least once a day (unless they are kept in extensive 'range' conditions). Further, animals deserve appropriate exercise and companionship (*WSPA Submission, p7*).
- That under section 64(2)(g), destruction by drowning, hanging, beating, suffocation, poisoning or oral methods or electrocution (as distinct from electronarcosis) shall not be permitted (*WSPA Submission, p7*).
- That under section 64(2)(e), there should be a specified exception for electroanalysis (*WSPA Submission, p7*).
- That under sections 75-80 other agricultural mutilations other than mulesing needs to be included. See the list referred to by the WSPA. (*WSPA Submission, p8*).
- That under section 85 the term 'closely confined' in regards to the keeping of dogs needs to be defined. Further, there should be a provision to give dogs a sufficient opportunity for exercise each day to maintain fitness and good mental and physical health. (*WSPA Submission, p9*).
- That under section 86, feral animals should be killed using a method that causes 'as little pain as is reasonable'. We support this for the two reasons WSPA put forward: that feral animals should not be killed in any methods less humane than for animals; and that there should be a recognition that not *all* feral animal species are pest species – in fact, some are seen as attractive/valuable to local populations (*WSPA Submission, p9*).

In addition to supporting WSPA's specific comments we have several other general comments on the Bill.

### *The Animal Welfare Authority*

Composition of the Animal Welfare Authority committee appropriately reflects varied sectoral interests. Represented interests reflect the purpose of the Bill given in the long title. Care should be taken when including industry groups, such as the Australian pork industry, who are not animal welfare focused organisations. They use animals for profit, presumably within the minimum standards in each state. An increase in animal welfare is a direct threat to their profit margin.

Indeed, advisory bodies should not have representatives whose role indicates they have a conflict of interest in relation to animals' best interests – the Bill is about animal welfare and the prevention of cruelty. We would hope that the balance between welfare and the economic value of animals is achieved legislatively, with the job of animal welfare left to an animal welfare focused committee.

### *Relationship between the Australian Animal Welfare Strategy and the Bill*

LANA also notes the recent Australian Government release of the Australian Animal Welfare Strategy (AAWS 2005). Part of the Strategy is the acknowledgement from the Federal Government that animals have an intrinsic value (apart from economic value) and that all Australians have a part to play in promoting and maintaining animal welfare. This acknowledgement of intrinsic worth is a notable advance from the Australian Government that creates a new basis for animal protection movement in Australia.

LANA notes that the Bill as it stands requires the states and territories to refer some powers to the Commonwealth legislature. Fortunately, the Strategy also envisages the Federal tier of Government taking a lead role in coordinating animal welfare development. This idea of national leadership fits in with the Bill's national scope. As the Senate Committee may be aware, currently many powers for the development of animal law rest with the states and territories, but that a national approach is possible and advantageous (eg. a national approach has worked well in the area of mental health, child protection, family law, and road safety, to name some examples).

In conclusion, this Bill takes a fundamental step towards a better, more caring and understanding society for all species in Australia. It is of vital importance to animals, and to the voting community that has concerns about protecting their interests. As Mohandas Gandhi put it, 'The greatness of a nation can be judged by the way its animals are treated'. In Australia, we still have an important milestone to reach in enacting national legislation.

We thank the Committee for consideration of our submission. If the Committee has any further questions of LANA please contact us on [ana@al-act.org](mailto:ana@al-act.org).

Yours sincerely,

Alexa Ridgway  
Member  
On behalf of LANA