



For all creatures great and small.

30 September 2005

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

Dear Sir/Madam

### **National Animal Welfare Bill 2005**

Thank you for the opportunity to provide comments on the provisions of the *National Animal Welfare Bill 2005*.

RSPCA Australia provides this submission on behalf of its eight state and territory member bodies. A community-based charity with wide-ranging support, the RSPCA has been established in Australia since 1871 and is Australia's only national animal welfare organisation. The RSPCA aims to prevent cruelty to animals by actively promoting their care and protection. To this end it operates shelters and clinics for the care of animals, enforces animal welfare legislation through its Inspectorates, and provides education on the care, protection and treatment of animals. The RSPCA also provides technical expertise on animal welfare matters to governments at both federal and state/territory levels.

This submission does not set out to provide detailed analysis of the content of the *National Animal Welfare Bill 2000*, (Bill) but instead provides general comments on the model proposed by the Bill and where it is placed in the context of other recent developments in animal welfare in Australia.

As the RSPCA strongly supports the concept of consistent animal welfare legislation across states and territories and would welcome the introduction of a system of nationally enforced laws to protect the welfare of animals, we therefore support the intent of the Bill. However the RSPCA believes it is unclear how, in practical terms, such a model could be successfully implemented.

It is noted that the Bill does not propose that the national legislation would replace animal welfare legislation at the state or territory level, but would operate concurrently. However it is not clear how decisions would be made on which legislation would take precedent in the event of a conflict – that is, which jurisdiction and agency would have ultimate authority?

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The system of national animal inspectors also needs further explanation. Is it envisaged that such inspectors will have the power to enforce both state/territory and federal legislation, or only the latter? If the inspectors have authority in all jurisdictions, then one would assume that this would negate the need for inspectors at the state/territory level.

In May 2004 the Primary Industries Ministerial Council endorsed the *Australian Animal Welfare Strategy* (AAWS) and the Australian Government has since committed \$6 million to the implementation of the Strategy.

A high priority objective of the AAWS is “to facilitate improved consistency of legislation across states and territories for improved and sustainable animal welfare outcomes.” Whilst discussion on the implementation of the AAWS is still at a very early stage, it has been suggested that one method of achieving a level of consistency in legislation is for state and territory governments to adopt a ‘model bill of essential elements’. Should this be achieved it would negate the need for a bill at the national level. However, the RSPCA would be wary that such a ‘model bill’ was not based on the ‘lowest common denominator’ in terms of existing state/territory legislation, but strove to achieve improved animal welfare outcomes nationwide.

The Commonwealth government co-ordinates the development of Model Codes of Practice for animal welfare in various production animal industries. Whilst these do provide industry with guidelines on standards, whether they are integrated into legislation, and therefore enforceable, varies from state to state. The Department of Agriculture, Fisheries and Forestry recently commissioned a report into the mechanisms for developing and reviewing the Codes and it is hoped that one outcome of this report, the *Neumann Report*, will be an agreement to make the Codes enforceable in all jurisdictions. The RSPCA believes that this would, at least for production animals, be a positive step in achieving consistency in animal welfare legislation, however again would caution that the Codes must strive for a high standard of welfare outcomes, rather than the lowest common denominator.

The RSPCA notes that the Bill addresses some specific concerns, such as labelling of animal products and live export. The RSPCA would agree that clear labelling in terms of production methods is crucial in allowing consumers to make informed decisions regarding the products they purchase. Whether this is achieved through an avenue such as an animal welfare bill, or another avenue, the RSPCA strongly supports the introduction of properly enforced legislation in this area.

In terms of live export, RSPCA Australia’s view is the export trade in animals for slaughter should be banned and replaced by a meat-only trade. However, in the absence of such a ban, the RSPCA supports strong regulation of the trade from on-farm stock selection to destination. The RSPCA believes that the recently developed *Australian Standards for the Export of Livestock, July 2005* does provide the potential for a much improved level of animal welfare. However this potential will only be realised if the standards are properly enforced. The RSPCA is concerned that mechanisms for effective enforcement of the standards have not been established and this needs to be addressed.

In summary, the RSPCA applauds the aim of implementing consistent and enforceable legislation to improve the welfare of animals across Australia, however believes that the model proposed in the Bill may not be feasible or effective in achieving this aim. Further, current developments such as the AAWS, the *Australian Standards for the Export of Livestock* and the *Neumann Report* have the potential to address some of the issues which the Bill sets out to address.

Please contact Jenny Hodges, Executive Officer, RSPCA Australia on 02 6282 8300 should you have any queries regarding this submission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H. Wirth', with a stylized flourish at the end.

Dr Hugh Wirth  
President  
RSPCA Australia