

20 July 2022

Biosecurity Tasmania
NRE Tasmania

GPO Box 44

Hobart TAS 7001

Via email: animalwelfarepublicsubmissions@nre.tas.gov.au



To whom it may concern,

Re: Draft Animal Welfare Act Amendment Bill 2022 - letter of support for Australian Alliance for Animals submission

Thank you for this opportunity to present a submission regarding the Draft Animal Welfare Act Amendment Bill 2022.

World Animal Protection is a global animal welfare organisation, with more than 70 years' experience campaigning for a world where animals live free from cruelty and suffering. We have offices in 12 countries and work across 47 countries, including Australia. World Animal Protection is also a key member of the Australian Alliance for Animals, and we therefore write in support of their submission. In particular, we would like to draw your attention to the following key issues and recommendations.

Animal Sentience:

A major deficiency in the current Bill is that it does not include a clear recognition of animal sentience. We would recommend including the recognition of animal sentience, and the inherent value of animals, as one of the key objects of the Act. We would note that other Australian and International jurisdictions have now moved to include animal sentience within similar legislation. The ACT included recognition of animal sentience in 2019, and Victoria is reviewing recommendations to include similar

provisions in their animal welfare legislation.¹ Similarly, New Zealand and countries across the European Union (EU) have formally recognised animal sentience in their legislation.²

Formally recognising animal sentience under the objects of the proposed legislation would not only bring Tasmania in line with best practice in other jurisdictions, but it would also help further our reputation as a high welfare market. Currently, Australia ranks quite poorly for animal welfare under World Animal Protection's Animal Protection Index, receiving a 'D' ranking following the last assessment in 2020.³ The API outlines the legislative approach in Tasmania and other states, whereby sentience is not clearly recognised as one key contributor to the low ranking.⁴

Failure to improve our reputation on animal welfare could also have negative implications for trade. Key trading partners including the European Union (EU) and the United Kingdom (UK) have raised concerns about lower animal welfare standards in Australia.⁵ The free-trade agreement between the UK and Australia now includes a dedicated chapter on animal welfare that recognises animal sentience.⁶ Similar agreements are currently being negotiated with other trading partners including the EU. Both these trading partners prioritise animal welfare and recognise animal sentience, and it is important that Tasmania, as a significant primary producer, upholds those standards within its legislation. One way of clearly signalling the importance of animal welfare to trading partners would be to include the explicit recognition of animal sentience in the objects of this proposed Bill.

Tasmanian Animal Welfare Authority and Ministerial Oversight of Animal Welfare:

¹ Animal Welfare Act 1992 (ACT), s.4A; Engage Victoria, Summary of Proposals A New Animal Welfare Act for Victoria (Directions Paper, October 2020) 2.

² Animal Welfare (Sentience) Bill (UK), s 2; Animal Welfare Amendment Act (No 2) 2015 (NZ), s 4.

³ World Animal Protection, 'Animal Protection Index: Australia' (website, 2020)

<https://api.worldanimalprotection.org/country/australia>

⁴ Ibid.

⁵ See, eg, Jess Davis, 'British, Australian food standards differences causing angst in free trade deal' (ABC Online, 11 June 2021) <https://www.abc.net.au/news/2021-06-11/british-australian-food-standard-differencescausing-angst/100205024>

⁶ Australia-United Kingdom Free-Trade Agreement, signed 17 December 2021 (not yet in force), art 25.1.

In addition, World Animal Protection sees significant value in the recommendation from the Alliance, to establish a Tasmanian Animal Welfare Authority, or an Independent Office of Animal Welfare (IOAW). World Animal Protection supports the establishment of statutory authority with responsibility for advising upon animal welfare and protection issues, and monitoring compliance with, and enforcement of, relevant legislation.

The authority could be responsible for oversight of enforcement provisions in the Bill currently under review, as well as accompanying legislation regarding the exhibition of animals, and livestock panel oversight. Currently, the oversight of animal welfare sits primarily with the Department of Natural Resources and Environment Tasmania (NRE Tas). While we appreciate the expertise held by this department, there is an inherent conflict as the NRE also has primary responsibility for ensuring the agriculture industry remains profitable. Key animal welfare issues may conflict with the need to prioritise profitability - including, for example, issues around the use of fast-growing broiler breeds, or the high stocking densities permitted in intensive farms. Studies reviewed in the Advance Australian Animal Welfare report found that the current 'regulatory framework produces structural incentives prioritising productivity goals over animal welfare', and further, that 'regulators identify more strongly with industry stakeholders than with animal welfare stakeholders and taking a primarily instrumental view of animal welfare.'⁷ Establishing an Independent Office of Animal Welfare would help to address some of these limitations within the existing regulatory framework. It would also strengthen the agriculture industry's social license within the community.

The Future Eye report revealed general public support for an Independent Office of Animal Welfare, stating that, 'the current regulatory environment has the potential to provoke significant outrage in the general public if the federal government is found by the general public to be unable to regulate on farm welfare issues that are becoming increasingly present in the national discourse.'⁸ The report proceeded to outline that public outrage at failure to adequately regulate the industry could lead to distrust of both the Government and the agriculture industry. While these reports were looking at national frameworks, we believe there is still a critical role for Tasmania in helping to establish a clear

⁷ Jennifer Ford, Advance Australian Animal Welfare (World Animal Protection Report, 29 February 2016) 17.

⁸ Future Eye, Australia's Shifting Mindset on Farm Animal Welfare (Report 2018) 15.

standard for independent oversight of animal welfare. As a key primary producer, Tasmania has the opportunity to demonstrate national leadership by showing the potential improvements to animal welfare that can be had, by facilitating independent oversight through an animal welfare authority. Finally, World Animal Protection recommends that Ministerial oversight of the animal welfare authority should sit with a dedicated Animal Welfare Minister that is not also the agriculture minister. Again, this will remove any real or perceived conflicts between ensuring the welfare of animals and promoting the profitability and efficiency of the agriculture sector. This could assist with regulatory compliance and overseeing the development and implementation of codes of practice.

Improve the Development of Animal Welfare Standards and Guidelines

World Animal Protection would like to see greater clarity around how standards are to be adopted, and how they will relate to the requirements within the legislation. Despite the significant role played by standards and guidelines, the legislation does not provide a clear process or any criteria for the establishment of these standards and guidelines. Unfortunately, the lack of clear criteria means that cruel practices could be permitted under the standards and guidelines, that do not align with the broader legislation. Currently, s 50 (3) of the draft bill states that regulations may exclude the operation of any provision under the Act, which can be used for example to facilitate exclusion of the general cruelty prohibition. We fully endorse the recommendation from the Alliance to look to the example provided by New Zealand, which has established a clear process and criteria for the adoption of standards and guidelines.⁹ Their framework provides a good example for Tasmania to integrate within this reform agenda.

If there are further opportunities for involvement in this legislative review process, please notify our organisation.

Yours sincerely,

⁹ Part 5 and s 183A of the New Zealand Animal Welfare Act 1999 (NZAWA).

A handwritten signature in black ink, appearing to read 'Ben Pearson', with a long horizontal flourish extending to the right.

Ben Pearson

Country Director

World Animal Protection Australia