

Submission to Draft Animal Welfare Act Amendment Bill 2022

This submission has been prepared by representatives of animal welfare organisations in Tasmania:

Dr Katrina Ward, Behaviour Verterinarian

Jan Davis, CEO, RSPCA Tasmania

Michael Sertori, CEO, Dogs' Homes of Tasmania

Carol Hughes, President, Dogs' Homes of Tasmania

Melissa Fraser, President, Tasmanian Dogwalking Clubs Inc.

Greg Irons. Founder/ Director, Bonorong Wildlife Sanctuary

Dr Megan Alessandrini, President, Companion Animal Network Australia

Organisations involved in preparing this submission:

RSPCA Tasmania, Dogs' Homes of Tasmania, Tasmanian Dog Walking Clubs Inc, Bonorong Wildlife Sanctuary, Companion Animal Network Australia.

Email contact

[REDACTED]

Please re-enter your email to confirm [REDACTED]

OR

[REDACTED]

Please re-enter your email to confirm [REDACTED]

What sector do you represent? (tick all that apply) *

Community Group

Environment NGO

Individual

Specify your own value:

Tasmanian animal welfare organisations

The Draft Animal Welfare Act Amendments Bill.

1-3 Short Title, Commencement, Principal Act

(including any issues of: Background, Objectives, Scope).

We note the title of the Bill. We propose an additional overarching amendment that addresses an omission in the draft and furthers the stated aim of moving to nationally and internationally consistent animal welfare legislation.

General comments

This group of leading animal welfare organisations in Tasmania notes that the Department of Natural Resources and Environment Tasmania (NRE) states it is aware there is significant public support for the inclusion of the concept of 'sentience' in the Animal Welfare Act. The group endorses the definition of sentience provided by NRE.

The sentience of animals is a foundation concept; it is not sufficient to address it in regulations and non-binding guidelines. Sentience of animals must therefore be addressed at the outset in the Animal Welfare Act 1993. It is readily understood and easily measured, consistent with the NRE definition.

Sentience in animals is widely evident and is the basis upon which all other animal welfare factors rely. Sentience is recognisable and can be measured by observing the behaviour of an animal in a range of circumstances. Examples include identifying how an animal responds to stimuli or when given options makes a choice that benefits it.

Formal recognition of the sentience of animals is fundamental to the regulation enforcement and management of animal welfare, the subject of this Animal Welfare Amendments Act Bill 2022. If regulation enforcement and management of animals are to be effectively undertaken, the sentience of the animals concerned is an essential consideration in all cases. A sentience statement can be included in each section, or more effectively the Act can commence with an overarching statement stipulating that sentience must be a consistently applied consideration in every circumstance in which humans and animals interact.

Recognition of the sentience of animals must be a primary focus and core assumption of the Animal Welfare Act and included in the first section to ensure the sentience status of animals is endorsed and enforced. An overarching statement defining and acknowledging the primary importance of sentience must be included at the beginning of the Animal Welfare Act 1993. This amendment needs to insert a statement that animals are sentient, defined as having the capacity *'to feel, or perceive, or be conscious, or have subjective experiences as distinct from the ability to reason'*, and hence all reasonable measures must be taken to ensure that animals are treated with compassion, mindful of their physical and mental wellbeing. This definition of sentience must be universally applied throughout the Act.

Sentience does not vary depending on the situation. An animal remains sentient whether it is involved in research or is considered a 'pest species', is being hunted or is being 'species controlled'. That animals are sentient beings must be a primary consideration in how an animal is treated in any human interaction including but not limited to: research, species management, production, entertainment, private ownership for companionship and service animals. The Animal Welfare Act 1993, Sections 6, 7 and 8 concern duty of care, management and cruelty respectively. Sections 10, 11 and 12 on 'baiting and shooting', 'rodeos' and 'traps' must all be subject to the requirement to exercise consideration of animal sentience. Each of these Sections must be subject to the overriding statement of sentience that we recommend is inserted at the beginning of the Act.

The Australian Capital Territory (ACT) Animal Welfare Act 1992 was recently amended to recognising and defining animal sentience. The legislated change to the ACT Act, provides suitable guidance for appropriate amendment to Tasmania's Animal Welfare Act 1993. This extract includes a clear definition and practical descriptions of how this reform can be applied:

"Section 3 of the Principal Act is amended by inserting (before the definitions are given):

This Act recognises that—

- (a) animals are sentient beings that are able to subjectively feel and perceive the world around them; and**
- (b) animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value; and**
- (c) people have a duty to care for the physical and mental welfare of animals.**

(2) This is to be achieved particularly by—

- (a) promoting and protecting the welfare of animals; and**
- (b) providing for the proper and humane care, management and treatment of animals; and**
- (c) deterring and preventing animal cruelty and the abuse and neglect of animals; and**
- (d) enforcing laws about the matters mentioned in paragraphs (a), (b) and (c)."**

If as stated on the NRE webpage there is a general commitment to move to nationally consistent animal welfare legislation this amendment to include sentience as a foundation concept at the beginning of the Act should be adopted. When coupled with the 5 Domains model which includes guidance on the evaluation of positive and negative impacts of human behaviour on animal welfare, the concept of sentience provides a

framework for ethical decision-making (1). This framework enables a basic, fundamental recognition of animals' requirements to achieve a decent life, or humane death.

- 1- David J Mellor, Ngaio J Beausoleil, Katherine E Littlewood, Andrew N McLean, Paul D McGreevy, Bidda Jones and Cristina Wilkins. "The 2020 Five Domains Model: Including Human-Animal Interactions in Assessments of Animal Welfare" in *Animals* vol. 10 iss. 10. 2020

The link to the article: <https://www.mdpi.com/2076-2615/10/10/1870>