



## About the Australian Alliance for Animals

The Australian Alliance for Animals is a national charity leading a strategic alliance of Australia's key animal protection organisations to achieve systemic change for animals. Through our six core member organisations, we have a combined supporter base of over two million people.

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*In the spirit of reconciliation, we acknowledge the Traditional Custodians of country throughout Australia and their enduring connections to land, sea and community. We pay respect to their Elders past and present.*

# Victoria's New Animal Care and Protection Laws Plan

14 October 2022

## Introduction

We commend the Victorian Government and the Legislative Reform team for producing an exceptional Plan for the state's new animal care and protection laws (the Plan). The Plan is clear and comprehensive and demonstrates a high level of strategic thought on what the future can hold for animal welfare in Victoria. Should it be implemented, the Plan will make Victoria a national leader in animal welfare law and regulation.

The Plan contains many positive features including:

- recognising animal sentience
- introducing decision-making principles that will apply across government
- introducing the minimum standard of care
- establishing three categories of cruelty
- establishing a framework for regulating high risk procedures and conduct
- consolidating the different categories of enforcement officers and modernising their powers
- expediting the process for rehoming seized animals
- establishing an expert advisory committee under the legislation

Together, these features will greatly improve the clarity, consistency and operation of the legislation and provide for more robust protections for animals.

However, the Plan does miss some important opportunities to further strengthen and future-proof Victoria's animal welfare legislative framework. The Plan does not propose to introduce regulation-making criteria, remove wide-ranging exceptions, or strengthen regulatory governance arrangements including through the establishment of an independent statutory authority to administer the legislation. We offer several recommendations for how the Plan can be improved to create a more robust framework with stronger governance and institutional arrangements.

We hope our comments will be helpful in achieving this objective and we look forward to reviewing the consultation Bill in due course. Should you have any questions about our submission, please contact Jed Goodfellow at [jed.goodfellow@allianceforanimals.org.au](mailto:jed.goodfellow@allianceforanimals.org.au)

## Contents

<b>INTRODUCTION.....</b>	<b>1</b>
<b>SPECIFIC COMMENTS ON THE PLAN .....</b>	<b>3</b>
1. PURPOSE OF THE LEGISLATION .....	3
2. DECISION-MAKING PRINCIPLES .....	3
3. REGULATIONS AND OTHER SUBORDINATE LEGISLATION .....	6
4. APPLICATION OF THE LEGISLATION .....	7
5. MINIMUM STANDARD OF CARE .....	8
6. CRUELTY OFFENCES .....	9
7. CONTROLLED PROCEDURES AND CONDUCT .....	10
8. ENFORCEMENT .....	10
9. CO-REGULATORY ARRANGEMENTS.....	11
10. EXPERT ADVISORY COMMITTEE .....	12
<b>ADDITIONAL INSTITUTIONAL REFORMS TO SUPPORT THE NEW LEGISLATION.....</b>	<b>13</b>
11. MINISTERIAL RECOGNITION OF ANIMAL WELFARE.....	13
12. VICTORIAN ANIMAL WELFARE AUTHORITY .....	13
<b>APPENDIX - RECOGNITION OF ANIMAL SENTIENCE.....</b>	<b>16</b>

## Specific comments on the Plan

### 1. Purpose of the legislation

We strongly support the proposed recognition of animal sentience in the purposes of the new legislation. Recognising animal sentience in this way is now a foundational component of modern animal welfare legislation in many countries around the world as the Plan identifies (see also Appendix identifying further countries and jurisdictions which have recognised animal sentience). It clarifies the true purpose of the legislation, why animal welfare matters, and will set the foundation for a more principled, consistent legislative regime. Expressly recognising sentience will also be increasingly important for trade and market access as major trading partners like the European Union seek greater assurances around the animal welfare credentials of their trade partners.

We also commend the Plan for addressing points of uncertainty around the practical effect of recognising animal sentience. We hope this will alleviate concerns among some stakeholders about what this legislative reform will mean, as well assist other Australian jurisdictions in their deliberations around recognising sentience.

We are however very concerned about the proposal to include reference to different forms of animal use in the purposes, including farming, recreational activities and hunting. Recognising animal sentience poses no threat to these activities. The Plan itself acknowledges that recognising animal sentience would “not give animals legal rights, nor would it prevent them from being owned or used for legal purposes.”<sup>1</sup> Therefore, referencing these animal use industries and activities in the purposes of the new Animal Care and Protection Act would be unnecessary, and would risk corrupting the interpretation and true meaning and spirit of the legislation, which could in turn undermine the benefits the legislative reforms are intended to achieve.

#### Alliance position

Support the proposed recognition of animal sentience but strongly oppose reference to animal use industries and activities in the Purposes provisions of the new legislation.

### 2. Decision-making principles

We support the proposal to include decision-making principles in the new legislation. One of the major deficiencies of the current animal welfare legislative approach is the lack of principled consistency leading to incoherent legislative regimes and great disparity in the standards of care

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<sup>1</sup> Victoria’s New Animal Care and Protection Laws Plan 2022, p.12

afforded to animals in different contexts of use. Decision-making principles that are intended to apply not only to decisions made under the new Animal Care and Protection Act, but across government, its ministries, and instrumentalities, will improve consistency across the board. This will show that the Victorian Government is serious about animal welfare and what it means to recognise animal sentience in a meaningful way. We also support the associated powers for the Minister to request information to confirm that public authorities have applied the principles in their decision-making.

While we note the precise drafting of the principles will be refined, we do believe there is considerable scope for strengthening what has been proposed. We provide comments on each principle in the table below:

Decision-making principle	Comment
Care requirements should be met for animals in the care or control of people	We expect this principle will reference the proposed minimum standard of care set out in the new legislation.
Unreasonable harm, pain or distress for animals should be avoided	'Unreasonable harm, pain or distress' is the proposed meaning of cruelty under the new legislation. This <i>must</i> be avoided. We suggest deleting 'unreasonable' so that the principle reads 'Harm, pain or distress for animals should be avoided.'
Where harm, pain or distress cannot be avoided it should be minimised	This should be the last principle after alternative options have been exhausted. It should also be strengthened by adding the following words to the end of the sentence: 'to the greatest extent possible.'
Alternatives that reduce harm, pain or distress should be considered.	Considering non-harm causing alternatives is a fundamental component of avoiding 'unnecessary' and 'unreasonable' harm to animals. This principle should be broadened to include alternatives that 'avoid' harm, pain and distress, and strengthened to 'must be considered'.

Overall, we believe there must be greater scrutiny placed on decisions that permit conduct which fails to meet the minimum standard of care or causes harm, pain or distress to animals. We believe that expressing the principles in the following way will achieve this:

1. The minimum standard of care requirements outlined in section [ ] of the Act should be met for all animals in the care or control of people
2. Harm, pain or distress for animals should be avoided

3. Failing to meet the minimum standards of care or causing harm, pain or distress to animals should only be permitted in circumstances where:
  - a. there are no other alternative means of achieving the intended outcome in a way that meets the minimum standards of care or avoids the harm, pain or distress;
  - b. all reasonable steps have been taken to reduce the harm, pain or distress as much as possible; and
  - c. the harm, pain or distress is proportionate to the outcome sought to be achieved<sup>2</sup> having regard to the sentience of animals and the purposes of the Act.

### Alliance position

Support the proposed inclusion of decision-making principles in the new legislation, their application across government, and the associated powers for the minister to request information to confirm that public authorities have applied the principles in their decision-making.

However, the principles should be strengthened to ensure appropriate scrutiny of decisions to permit conduct which causes harm, pain or distress to animals in the following way:

1. The minimum standard of care requirements outlined in section [ ] of the Act should be met for all animals in the care or control of people
2. Harm, pain or distress for animals should be avoided
3. Failing to meet the minimum standards of care or causing harm, pain or distress to animals should only be permitted in circumstances where:
  - a. there are no other alternative means of achieving the intended outcome in a way that meets the minimum standards of care or avoids the harm, pain or distress;
  - b. all reasonable steps have been taken to reduce the harm, pain or distress as much as possible; and
  - c. the harm, pain or distress is proportionate to the outcome sought to be achieved having regard to the sentience of animals and the purposes of the Act.

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<sup>2</sup> There is a significant body of case law dealing with the concept of proportionality in relation to animal cruelty, see *Ford v Wiley* (1889) 23 QBD 203 and subsequent cases outlined in Mike Radford, *Animal Welfare Law in Britain: Regulation and Responsibility* (Oxford University Press, 2001).

### 3. Regulations and other subordinate legislation

We support the proposal for the essential elements of the current codes of practice and the standards and guidelines to be converted into mandatory regulations under the new legislation. However, the Plan does not address the process for making the regulations, codes and standards (subordinate legislation), nor the criteria they must meet. The Plan simply states that the new Act would include a power for making regulations and references the *Subordinate Legislation Act 1994* which governs the making of regulations generally, including requirements for public consultation and regulation impact assessment.<sup>3</sup>

The Plan does anticipate the application of the decision-making principles to the development of regulations,<sup>4</sup> however, the principles, as currently proposed, do not prescribe any definitive criteria relating to the outcomes the subordinate legislation must meet. This lack of criteria potentially allows for the adoption of standards and practices that enshrine cruel and harmful practices that contradict the purposes and minimum standards of care outlined in the principal legislation.

Modern animal welfare law prescribes criteria for the adoption of animal welfare standards, guidelines and industry codes to ensure consistency and accountability in the process of development. We refer to Part 5 and s 183A of the New Zealand *Animal Welfare Act 1999* which set out in detail the process for how Codes of Welfare and regulations are to be made under the Act.

Part 5 outlines the involvement of the National Animal Welfare Advisory Committee in the preparation of the codes, public notification and consultation requirements, and factors that must be considered including consistency with the purpose of the legislation, public and stakeholder submissions, relevant scientific knowledge, and available technology. Proposed codes are also required to be tabled in the House of Representatives.

Section 183A states that regulations cannot prescribe standards that do not fully meet the legislation's duty of care obligations. Exceptions may be granted to avoid negative impacts on industry but only for a period of 10 years before the regulations must be brought into line with the Act's key duties and obligations.

Such provisions ensure the process for making codes of practice and other subordinate legislation, under which the welfare of millions of animals will be determined, is consistent and accountable, ultimately leading to a more robust and coherent legislative framework.

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<sup>3</sup> Victoria's New Animal Care and Protection Laws Plan 2022, p.21

<sup>4</sup> Victoria's New Animal Care and Protection Laws Plan 2022, p.24

Victoria's new animal welfare legislation should establish similar criteria to ensure that subordinate legislation adopted under the legislation is developed in an equally consistent and accountable manner, and does not contradict the purposes and minimum standard of care.

This could be framed in the following manner:

*Regulations made under this section must be based on:*

- (a) the decision-making principles set out in section [ ]*
- (b) good practice*
- (c) contemporary scientific knowledge and technology*
- (d) advice from the Animal Welfare Advisory Committee*

*and be consistent with the purposes and minimum standards of care set out in the Act.*

#### Alliance position

Support mandating essential elements of the codes of practice and standards and guidelines in regulations. However, the Act should include criteria that regulations must meet such as the following:

*Regulations made under this section must be based on:*

- (a) the decision-making principles set out in section [ ]*
- (b) good practice*
- (c) contemporary scientific knowledge and technology*
- (d) advice from the Animal Welfare Advisory Committee*

*and be consistent with the purposes and minimum standards of care set out in the Act.*

## 4. Application of the legislation

We strongly support the proposed expansion of the definition of 'animal' under the new legislation to include cephalopods without qualification.

As a general principle, the Alliance does not support exemptions or exceptions from animal welfare legislation. While we support the proposal to move away from the use of certain wide-ranging exemptions, the proposed exceptions are still very broad and require further refinement. The wide scope of the exceptions as currently proposed risks undermining the objectives of the reforms in creating a more consistent and coherent legislative regime. This risk



further reinforces the importance of ensuring the proposed decision-making principles are genuinely adhered to and provides further support for our recommended regulation-making criteria (set out in section 3) to be included in the new legislation.

The drafting of each proposed exception will require careful scrutiny and analysis. As a general rule, no exception should be granted in the absence of regulations prescribing the precise circumstances in which the exception applies.

In addition to this we strongly recommend that a general qualification be applied to all exceptions which requires the relevant conduct to be carried out 'in a way that caused no unnecessary harm, pain or distress to the animal.'

#### Alliance position

Support expanding the definition of 'animal' to include cephalopods without qualification.

Oppose the use of exemptions and exceptions in animal welfare legislation as a general principle.

Support the move away from wide-ranging exemptions.

The proposed exceptions require further refinement to ensure the precise circumstances in which they apply is clear and they are further qualified by a requirement that the relevant conduct is carried out 'in a way that caused no unnecessary harm, pain or distress.'

## 5. Minimum standard of care

We support the proposed minimum standard of care. This is a foundational component of modern animal welfare law providing for the substantive duties that humans owe to animals under their care and control. As such, the drafting of the minimum standard of care requires careful consideration and should reflect current scientific knowledge on the welfare needs of animals. We note the four proposed categories of standard (nutrition, physical environment, health, behavioural interactions) reflect the domains of animal welfare that ultimately affect the mental state of animals, consistent with the Five Domains Model of animal welfare.<sup>5</sup> This is positive and we trust the drafting in the subsequent bill will reflect the Five Domains as well.

The minimum standard of care should set a benchmark that flows throughout the legislative framework. Decision-making principles and regulation-making criteria should refer back to the minimum standards of care. An objective of the reform should be to bring all areas of animal use and interaction into as close alignment with the minimum standards of care as possible.

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<sup>5</sup> David Mellor (2017) Operational details of the Five Domains Model and its key applications to the assessment and management of animal welfare, *Animals* 7:60.

## Alliance position

Support the proposed minimum standard of care.

## 6. Cruelty offences

We support the proposed cruelty offences including the three categories of offence. However, we recommend the term 'unreasonable' be replaced with the term 'unnecessary' as this sets a higher bar, narrowing the circumstances in which causing harm, pain or distress to animals can be justified.

We also recommend the legislation provide further guidance to the courts on determining the element of necessity in this context. We refer to s 4(3) of the UK *Animal Welfare Act 2006*, which codifies well established principles of the common law regarding this question.<sup>6</sup> It outlines a range of relevant factors for the court to consider, including:

- whether the harm could reasonably have been avoided or reduced
- whether the conduct which caused the harm was for a legitimate purpose such as a purpose benefitting the animal or to protect a person, property or another animal
- whether the harm suffered was proportionate to the purpose of the conduct concerned, and
- whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

These factors are also broadly consistent with the decision-making principles.

## Alliance position

Support the different categories of cruelty offence but reframe the offence substituting "unreasonable" with the term "unnecessary", and include further guidance for the courts on how to determine when an act or omission causes unnecessary harm, pain or distress by outlining relevant considerations, including:

- whether the harm could reasonably have been avoided or reduced
- whether the conduct which caused the harm was for a legitimate purpose such as a purpose benefitting the animal or to protect a person, property or another animal

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<sup>6</sup> See *Ford v Wiley* (1889) 23 QBD 203 and subsequent cases outlined in Mike Radford, *Animal Welfare Law in Britain: Regulation and Responsibility* (Oxford University Press, 2001).

- whether the harm suffered was proportionate to the purpose of the conduct concerned, and
- whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

## 7. Controlled procedures and conduct

We support the proposed regulation of high risk and harmful procedures and conduct. Establishing a structured framework for the regulation of such activities is long overdue and will provide greater consistency and accountability for practices that cause, or are likely to cause, harm, pain or distress to animals.

### Alliance position

Support the proposed framework for regulating controlled procedures and conduct

## 8. Enforcement

We support the proposed consolidation of different classes of enforcement officer and approach of determining powers and responsibilities via the officers' instrument of appointment.

We also support the proposed consolidation and expansion of enforcement powers under the legislation, especially powers of proactive monitoring and intervention to prevent animal welfare breaches and suffering before it occurs. For these reasons we support the proposed establishment of Compliance Inspection Schemes. Such Schemes must provide for unannounced inspections. Having to provide several days notice before conducting a compliance inspection, as is required in some states, defeats the purpose of the power. We also recommend the Victorian Government adopts a policy of publicly reporting on Compliance Inspection Scheme activities to improve transparency.

Finally, we strongly support the proposed improvements for dealing with seized animals and expediting the process for transferring legal title to seized animals so that they may be rehomed in a shorter period of time.

### Alliance position

Support the consolidation of different classes of enforcement officers.

Support the expansion in enforcement powers, particularly those enabling proactive monitoring and intervention to prevent suffering.

Support the establishment of Compliance Inspection Schemes with powers for unannounced inspection, and public reporting on Compliance Inspection Scheme activities.

Support the proposed process for dealing with seized animals and transferring legal title to ensure they can be rehomed in a shorter period of time.

## 9. Co-regulatory arrangements

Robust compliance monitoring is a key component of modern animal welfare legislative regimes. While the Victorian Government will have powers to conduct compliance monitoring under the proposed Compliance Inspection Scheme framework, it is acknowledged that government resources will not be sufficient to proactively inspect all animal-based facilities on a regular periodic basis. Hence, we do see the potential benefits of co-regulatory arrangements to increase compliance inspection capacity and coverage.

However, our support for co-regulatory arrangements is contingent on a number of conditions:

1. Co-regulatory arrangements are not seen as a *substitute* but as a *supplement* to government compliance inspections.
2. Co-regulatory arrangements do not come at the expense of transparency around compliance inspections (current rates of transparency for government compliance activities are low in any event but this should be a priority area for the Victorian Government to improve under the new legislative regime, including public reporting on Compliance Inspection Scheme activities).
3. Government retains the role of investigating non-compliance and taking enforcement action.
4. The Government's policy for establishing the co-regulatory arrangements is publicly available with information about the independence of the controlling bodies, the approval of standards, the conduct of audits by the controlling bodies including their frequency and scope, reporting obligations in the event of noncompliance detection, and the audit of the controlling bodies by government.

### Alliance position

Acknowledge the benefits of co-regulatory arrangements for increasing compliance inspection capacity and coverage. Such arrangements should meet a number of conditions:

1. Co-regulatory arrangements are not seen as a *substitute* but as a *supplement* to government compliance inspections.

2. Co-regulatory arrangements do not come at the expense of transparency around compliance inspections (current rates of transparency for government compliance activities are low in any event but this should be a priority area for the Victorian Government to improve under the new legislative regime, including public reporting on Compliance Inspection Scheme activities).
3. Government retains the role of investigating non-compliance and taking enforcement action.
4. The Government's policy for establishing the co-regulatory arrangements is publicly available with information about the independence of the controlling bodies, the approval of standards, the conduct of audits by the controlling bodies including their frequency and scope, reporting obligations in the event of noncompliance detection, and the audit of the controlling bodies by government.

## 10. Expert advisory committee

We support the proposed establishment of an expert advisory committee under the new legislation. Independent expert advice is a critical component of developing informed animal welfare policy and standards. While the Plan proposes a role for the committee in the making of temporary declarations and Compliance Inspection Schemes, it does not propose a formal role for the committee in the making of regulations under the legislation. We recommend the committee's advice is formally recognised in the criteria for the making of regulations (see section 3).

We also recommend that the Act require the advice and reports of committee to be made public to improve transparency of the framework.

### Alliance position

Support the establishment of an expert advisory committee under the new legislation. However, the legislation should recognise the role of the committee in the making of regulations by requiring its advice to be considered in the process, and for such advice to be made public.

## Additional institutional reforms to support the new legislation

### 11. Ministerial recognition of animal welfare

The Plan envisages a prominent role for the responsible minister in making decisions under the legislation, applying the decision-making principles, and ensuring that other public authorities comply with the principles.

Responsibility for animal welfare is currently delegated to the Minister for Agriculture and there is no recognition of animal welfare within that ministerial title. This is problematic as agriculture ministers are primarily tasked with supporting agriculture and animal use industries which can at times conflict with promoting and improving animal welfare standards. In such circumstances, animal welfare is generally subordinated as a second order priority.

To increase the independence of animal welfare governance, the Victorian Government should recognise animal welfare within the title of a ministerial portfolio separate to the agriculture portfolio. Independent ministerial portfolios for animal welfare would elevate the importance of animal welfare and provide a more dedicated focus on the subject matter.

Over time, ministers responsible for animal welfare would develop a level of decision-making expertise appropriate for a subject matter as complex, specialised and significant as animal welfare. Separation from the agriculture portfolio would also allow greater capacity to appropriately weight animal welfare issues in policymaking.

The lack of ministerial recognition of animal welfare is not consistent with the level of interest and concern the Victorian community has for animal welfare. It is time for the delegation of ministerial responsibility to be modernised to appropriately reflect contemporary community expectations about the importance of animal welfare.

#### Alliance position

Recognise animal welfare in the title of a ministry separate to the agriculture portfolio.

### 12. Victorian Animal Welfare Authority

The Plan proposes a raft of new administrative and regulatory functions under the new legislation. The complexity of animal welfare regulatory services is going to increase substantially following the introduction of the legislation. In addition to this, the Victorian community is increasingly seeking greater assurances across all animal-based industries and will increasingly expect government to provide more robust standards, stronger compliance

monitoring and enforcement services, and greater transparency and public reporting on such services.

To meet these increasing demands, the new legislation should establish a Victorian Animal Welfare Authority to undertake key regulatory and administrative responsibilities under the new Act. We note that Animal Welfare Victoria already exists as a distinct branch within Agriculture Victoria. This reform would see Animal Welfare Victoria formally recognised in the new legislation as the administering authority, improving the independence and accountability of regulatory decision-making under the legislation.

Specific responsibilities for the Authority could include:

- overseeing the appointment and training of inspectors
- providing secretariat support for the Expert Advisory Committee
- administering the licensing regimes for certain animal activities
- administering the controlled procedures and conduct framework
- administering the Compliance Inspection Schemes
- determining animal forfeiture applications
- the approval of official forms for use under the Act
- the recognition of interstate prohibition orders
- publicly reporting on compliance and enforcement activities.

Under such an arrangement, Agriculture Victoria could continue to play an important role in the provision of technical advice and assistance, industry extension services, and informing the development of policy. Likewise, current entities like RSPCA Victoria would continue to play an enforcement role but they would report to the Animal Welfare Authority as opposed to Agriculture Victoria.

Establishing a Victorian Animal Welfare Authority not only makes sense from a regulatory perspective but will provide additional benefits of improving public confidence in the administration and enforcement of animal welfare law. Recent polling by Roy Morgan Research in March 2022 found that 74% of Australians supported the creation of an independent body to oversee animal welfare. Social research commissioned by the federal Department of Agriculture in 2018 also noted that members of the public raised concerns over the perception of conflicting interests when “the same regulatory body responsible for the promotion for the agricultural industry was also responsible for ensuring animal welfare standards.”<sup>7</sup> Such perceptions are only likely to increase unless more investment is made in meeting the expectations of the community. The establishment of a Victorian Animal Welfare Authority would send a strong signal that the Victorian Government takes animal welfare seriously and this would be supported by the community.

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<sup>7</sup> Futureye, *Australia’s Shifting Mindset on Farm Animal Welfare*, 2018, p.16.

## Alliance position

Establish an independent Victorian Animal Welfare Authority to administer the new legislation.



## Appendix - Recognition of animal sentience

Jurisdiction	Legislation	Uses 'sentient'	Wording/description	Comments/source
Australian Capital Territory (ACT)	Animal Welfare Act 1992 s 4A(1)(a)	Yes	<i>The main objects of this Act are to recognise that - (a) animals are sentient beings that are able to subjectively feel and perceive the world around them;</i>	<a href="https://www.legislation.act.gov.au/View/a/1992-45/current/html/1992-45.html">https://www.legislation.act.gov.au/View/a/1992-45/current/html/1992-45.html</a>
Brazil	Civil Code – Bill 351/2015 (approved at the Brazilian National Congress and awaits presidential approval)	No	Bill 351/2015 adds determination in the Civil Code that animals are not considered things, admitting that animals, although they are not recognised as natural persons, are not objects or things. However, there is no provision in the draft defining what the new status of animals would be.	Animal Protection Index <a href="https://api.worldanimalprotection.org/country/brazil">https://api.worldanimalprotection.org/country/brazil</a>
Austria	Civil Code of Austria Article 285a	No	<i>Animals are not things; they are protected by special laws. The provisions in force for the things apply to animals only if no contrary regulation exists</i>	Unofficial translation <a href="https://www.globalanimallaw.org/database/national/austria/">https://www.globalanimallaw.org/database/national/austria/</a>
Belgium	Belgium Civil Code Article 3.39	Yes	<i>Animals are sentient and have biological needs. The provisions relating to tangible things apply to animals, in compliance with the legal and regulatory provisions that protect them and public order.</i>	<a href="https://www.ejustice.just.fgov.be/cgi_lloi/change_lg.pl?language=fr&amp;la=F&amp;cn=2020020416&amp;table_name=loi">https://www.ejustice.just.fgov.be/cgi_lloi/change_lg.pl?language=fr&amp;la=F&amp;cn=2020020416&amp;table_name=loi</a>
Brussels	Civil Code	No	Animals will be categorized as “a living being endowed with sensitivity, interests of its own and dignity, that benefits from special protection.”	<a href="https://aldf.org/article/brussels-recognizes-animals-as-sentient-beings-distinct-from-objects/">https://aldf.org/article/brussels-recognizes-animals-as-sentient-beings-distinct-from-objects/</a>
Chile	Law 20380 on the Protection of Animals of 2009 Article 2	Yes	<i>animals should be 'respected and protected as living sentient beings that are part of nature'</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/chile">https://api.worldanimalprotection.org/country/chile</a> <a href="https://vlex.cl/vid/ley-n-proteccion-animales-277500587">https://vlex.cl/vid/ley-n-proteccion-animales-277500587</a>

Colombia	Civil Code, amended by Law 1774 of 2016 Article 1	Yes	Establishes that ' <i>animals as sentient beings are not things</i> ' and that they will receive ' <i>special protection against suffering and pain</i> '	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/colombia">https://api.worldanimalprotection.org/country/colombia</a> <a href="https://www.globalanimallaw.org/downloads/database/national/colombia/LEY-1774-DEL-6-DE-ENERO-DE-2016.pdf">https://www.globalanimallaw.org/downloads/database/national/colombia/LEY-1774-DEL-6-DE-ENERO-DE-2016.pdf</a>
Czech Republic	Civil Code, Act No 89/2012 § 494	No	<i>A living animal has a special meaning and value already as a sense-gifted living creature. A living animal is not a thing, and the provisions on things apply mutatis mutandis to a living animal only to the extent that it does not contradict its nature.</i>	Unofficial translation: <a href="https://www.globalanimallaw.org/downloads/database/national/czech-republic/Civil-Code.pdf">https://www.globalanimallaw.org/downloads/database/national/czech-republic/Civil-Code.pdf</a>
Denmark	Animal Welfare Act 2021 § 1	Yes	<i>The law aims to promote good animal welfare, including the protection of animals, and promote respect for animals as living and sentient beings. The law is also intended to protect animal ethics.</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/denmark">https://api.worldanimalprotection.org/country/denmark</a> <a href="https://www.globalanimallaw.org/downloads/database/national/denmark/bekendtgoelse-af-dyvevaernsloven.pdf">https://www.globalanimallaw.org/downloads/database/national/denmark/bekendtgoelse-af-dyvevaernsloven.pdf</a>
European Union	Treaty on the Functioning of the European Union (TFEU) (formerly the Lisbon Treaty) Article 13	Yes	<i>In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.</i>	<a href="https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_2&amp;format=PDF">https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_2&amp;format=PDF</a>
France	French Civil Code Article 515-14	Yes	Recognises that animals are ' <i>living beings gifted with sentience</i> '	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/france">https://api.worldanimalprotection.org/country/france</a> <a href="https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000030250342/">https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000030250342/</a>

France	Law 76-629 of 1976 on the Protection of Nature Article 9	Yes	<i>Every animal being a sentient being must be placed by its owner in conditions compatible with the biological imperatives of its species.</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/france">https://api.worldanimalprotection.org/country/france</a> <a href="https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000684998?init=true&amp;page=1&amp;query=76-629&amp;searchField=ALL&amp;tab_selection=all">https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000684998?init=true&amp;page=1&amp;query=76-629&amp;searchField=ALL&amp;tab_selection=all</a>
Germany	German Civil Code (BGB) Section 90 (a)	No	<i>Animals are not things. They are protected by special statutes. They are governed by the provisions that apply to things, with the necessary modifications, except insofar as otherwise provided.</i>	<a href="https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p0267">https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p0267</a>
Iceland	Act No. 55/2013 on Animal Welfare Article 1	Yes	<i>The objective of this Act is to promote animal welfare, which entails ensuring that they do not suffer distress, hunger or thirst, fear or suffering, pain, injuries or disease, considering that animals are sentient beings. Another objective of the Act is to allow animals to express their natural behaviour to the fullest.</i>	<a href="https://www.government.is/lisalib/getfile.aspx?itemid=d1718344-68cf-11e8-9429-005056bc4d74">https://www.government.is/lisalib/getfile.aspx?itemid=d1718344-68cf-11e8-9429-005056bc4d74</a>
Lithuania	The Law on the Care, Keeping and use of Animals 3 October 2012 No XI-2271 Article 1	Yes	<i>This Law shall lay down the remit of state and municipal authorities in ensuring the welfare and protection of animals as sentient beings, the responsibilities of natural and legal persons and other organisations and branches thereof (hereinafter: the 'person') in the area of animal protection and welfare, the welfare and protection of homeless animals, measures to reduce the population of stray animals, requirements for the humane treatment of animals to protect animals against cruel treatment, torture and other adverse impact and to ensure human safety.</i>	<a href="http://extwprlegs1.fao.org/docs/pdf/lit28122.pdf">http://extwprlegs1.fao.org/docs/pdf/lit28122.pdf</a>
Aguascaliente (Mexico)	Animal Protection Act (2001 – last reformed 2019) Article 1	No	<i>The purpose of this Law is to protect animals from any act of cruelty with which they are martyred or mistreated and to guarantee their well-being, considering that all living beings are beings that feel, that they have a function within</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/mexico">https://api.worldanimalprotection.org/country/mexico</a>

			<i>ecosystems, and that respect for them has multiple benefits to the human being.</i>	<a href="https://congresoags.gob.mx/agenda_legislativa/leyes/descargarPdf/243">https://congresoags.gob.mx/agenda_legislativa/leyes/descargarPdf/243</a>
Chihuahua (Mexico)	Animal Welfare Law (2010 – last reform 2017) Article 3	No	Defines an 'animal' as an ' <i>organic being that lives, feels and moves on its own impulse.</i> '	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/mexico">https://api.worldanimalprotection.org/country/mexico</a> <a href="https://www.congresochoihuahua2.gob.mx/biblioteca/leyes/archivosLeyes/1260.pdf">https://www.congresochoihuahua2.gob.mx/biblioteca/leyes/archivosLeyes/1260.pdf</a>
Coahuila (Mexico)	Law of Protection and Treatment of Animals (2013 – last reformed 2017) Article 4 I	No	<i>Animal: Every living being, not human, that has its own mobility, that feels and reacts to pain and to the environmental stimuli</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/mexico">https://api.worldanimalprotection.org/country/mexico</a> <a href="https://congresocoahuila.gob.mx/transparencia/03/Leyes_Coahuila/coa197.pdf">https://congresocoahuila.gob.mx/transparencia/03/Leyes_Coahuila/coa197.pdf</a>
Hidalgo (Mexico)	Law for the Protection and Decent Treatment of Animals (2005 – last reform 2018) Article 3 I	No	<i>Animals: Every living, non-human being that feels and reacts to pain and moves voluntarily</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/mexico">https://api.worldanimalprotection.org/country/mexico</a> <a href="http://www.congreso-hidalgo.gob.mx/biblioteca_legislativa/leyes_cintillo/Ley%20de%20Proteccion%20y%20Trato%20Digno%20para%20los%20Animales.pdf">http://www.congreso-hidalgo.gob.mx/biblioteca_legislativa/leyes_cintillo/Ley%20de%20Proteccion%20y%20Trato%20Digno%20para%20los%20Animales.pdf</a>
Mexico City	The Constitution of Mexico City (updated 2017) Article 18	Yes	<i>This Constitution recognises animals as sentient beings and should therefore be treated with dignity.</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/mexico">https://api.worldanimalprotection.org/country/mexico</a> <a href="http://www.secretariadeasuntosparlamentarios.gob.mx/leyes_y_codigos.html">http://www.secretariadeasuntosparlamentarios.gob.mx/leyes_y_codigos.html</a>
Michoacán de Ocampo (Mexico)	Law of Rights and Protection for Animals (2018)	Yes	<i>The State through this Law recognizes that non-human animals are sentient beings who experience different physical and emotional sensations, reason why they are recognized as object of protection of the present Law, erecting on natural or</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/mexico">https://api.worldanimalprotection.org/country/mexico</a>

Article 2			<i>legal persons the obligation to procure their protection, respect and well-being, in accordance with the ethical principles contained in this Law, its Regulations and other applicable provisions.</i>	<a href="http://congresomich.gob.mx/file/LEY-DE-DERECHOS-Y-PROTECCI%C3%93N-PARA-LOS-ANIMALES-REF-28-DE-AGOSTO-DE-2019.pdf">http://congresomich.gob.mx/file/LEY-DE-DERECHOS-Y-PROTECCI%C3%93N-PARA-LOS-ANIMALES-REF-28-DE-AGOSTO-DE-2019.pdf</a>
Veracruz (Mexico)	Animal Protection Act (2010 – last reform 2016) Article 4 I	No	Defines animals as ‘being alive with the ability to move on its own, experience sensitivity and emotions and conduct behaviours aimed at their survival and those of their species.’  <i>Animal: Living being with the ability to move by its own means, experience sensitivity and emotions and perform behaviors aimed at their survival and those of their species.</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/mexico">https://api.worldanimalprotection.org/country/mexico</a> <a href="https://www.legisver.gob.mx/leyes/LeyesPDF/LPANIMALES04022020F.pdf">https://www.legisver.gob.mx/leyes/LeyesPDF/LPANIMALES04022020F.pdf</a>
Moldova	Civil Code 2002 Article 287	No	<i>Animals (1) Animals are not considered things. They are protected by special laws.</i>	Unofficial translation <a href="https://www.globalanimallaw.org/downloads/database/national/moldova/moldova.pdf">https://www.globalanimallaw.org/downloads/database/national/moldova/moldova.pdf</a>
Netherlands	Animals Act 2011 (in force since 2013) Article 1.3	Yes	<i>Recognition of the intrinsic value as referred to in the first paragraph is understood to mean recognition of the self-esteem of animals, being sentient beings. When setting rules by or pursuant to this Act, and taking decisions based on those rules, full account is taken of the consequences that these rules or decisions have for this intrinsic value of the animal, without prejudice to other legitimate interests. In any case, it is provided that the infringement of the integrity or welfare of animals is prevented beyond what is reasonably necessary and that the care that the animals reasonably require is ensured.</i>	Unofficial translation <a href="https://wetten.overheid.nl/BWBR0030250/2013-01-01">https://wetten.overheid.nl/BWBR0030250/2013-01-01</a>
Netherlands	Dutch Civil Code Book 3 General Property Law, General Provisions, section 1 definitions, Article 2a1	No	States that ‘animals are not things’.	<a href="http://www.dutchcivillaw.com/civilcodebook033.htm">http://www.dutchcivillaw.com/civilcodebook033.htm</a> <a href="https://wetten.overheid.nl/BWBR0005291/2015-08-27#Opschrift">https://wetten.overheid.nl/BWBR0005291/2015-08-27#Opschrift</a>

New Zealand	Animal Welfare Act 1999 Long title	Yes	An Act— to reform the law relating to the welfare of animals and the prevention of their ill-treatment; and, in particular,— to recognise that animals are sentient:	<a href="https://www.legislation.govt.nz/act/public/1999/0142/latest/DLM49664.html">https://www.legislation.govt.nz/act/public/1999/0142/latest/DLM49664.html</a>
Oregon	Offenses Against General Welfare and Animals ORS 167.305	Yes	The Legislative Assembly finds and declares that: (1) Animals are sentient beings capable of experiencing pain, stress and fear;	<a href="https://oregon.public.law/statutes/ors_167.305">https://oregon.public.law/statutes/ors_167.305</a>
Peru	Animal Protection and Welfare Law 30407 2016 Articles 1, 14	Yes	The state establishes the necessary conditions to provide protection to domestic or wild vertebrate animal species and to recognise them as sentient animals, which deserve to enjoy good treatment by human beings and live in harmony with their environment.  'all species of domestic and wild vertebrate animals kept in captivity' are 'sentient beings'	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/peru">https://api.worldanimalprotection.org/country/peru</a> <a href="https://www.globalanimallaw.org/downloads/database/national/peru/30407.pdf">https://www.globalanimallaw.org/downloads/database/national/peru/30407.pdf</a>
Poland	Animal Protection Act (1997 - last amended 2017) Article 1(1)	No	The animal as a living creature, capable of suffering, is not a thing.	<a href="https://www.animallaw.info/statute/poland-cruelty-polish-animal-protection-act">https://www.animallaw.info/statute/poland-cruelty-polish-animal-protection-act</a>
Quebec	Animal Welfare and Safety Act Q 2015, c B-3.1 Long title	Yes	As animals are sentient beings that have biological needs	<a href="https://www.legisquebec.gouv.qc.ca/en/document/cs/B-3.1">https://www.legisquebec.gouv.qc.ca/en/document/cs/B-3.1</a>
Quebec	Civil Code of Quebec 1991 898.1	Yes	Animals are not things. They are sentient beings and have biological needs.  In addition to the provisions of special Acts which protect animals, the provisions of this Code and of any other Act concerning property nonetheless apply to animals.	<a href="https://www.legisquebec.gouv.qc.ca/en/document/cs/CCQ-1991">https://www.legisquebec.gouv.qc.ca/en/document/cs/CCQ-1991</a>
Russia	Federal Law No. 498- Φ3 'On Responsible	No	States that the treatment of animals should be based on the following 'moral principles and principles of humanity': that	Animal Protection Index:

	Handling of Animals and on Amending Certain Legislative Acts of the Russian Federation' adopted on 17 December 2018 Article 4		animals should be treated as creatures capable of experiencing emotions and physical suffering; that the fate of the animal is a human responsibility; that the population should be educated in moral and humane attitudes toward animals, and that animal welfare is a scientifically-based combination of moral, economic and social interests of a person, society and the state.	<a href="https://api.worldanimalprotection.org/country/russia">https://api.worldanimalprotection.org/country/russia</a>
Spain	Civil Code (new amendments were passed in 2021) Article 333	Yes	To recognise animals are " <i>living beings endowed with sentience</i> rather than ' <i>things</i> ,'" specifically " <i>moveable property.</i> "  1. <i>Animals are living beings endowed with sensitivity. Only the regime will be applicable of goods and of things to the extent that it is compatible with their nature and with the provisions for their protection</i>	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/spain">https://api.worldanimalprotection.org/country/spain</a> <a href="https://www.globalanimallaw.org/downloads/database/national/spain/animal-sentience-spanish-law.pdf">https://www.globalanimallaw.org/downloads/database/national/spain/animal-sentience-spanish-law.pdf</a>
Catalonia (Spain)	Civil Code of Catalonia Art. 511-1 (3)	No	<i>The animals, which are not considered as things, are under the special protection of the laws. Only apply to them the rules of goods in accordance with their nature.</i>	Unofficial translation: <a href="https://www.globalanimallaw.org/database/national/spain/">https://www.globalanimallaw.org/database/national/spain/</a>
Catalonia (Spain)	Royal Decree 22/2003, amending Royal Decree 3/1988	Yes	Recognises animals as being physically and psychologically sentient beings.	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/spain">https://api.worldanimalprotection.org/country/spain</a>
Andalusia (Spain)	Royal Decree 11/2003	No	Recognises that animals may experience feelings such as pleasure, fear, stress, anxiety, pain or happiness.	Animal Protection Index: <a href="https://api.worldanimalprotection.org/country/spain">https://api.worldanimalprotection.org/country/spain</a>
Serbia	Law on Animal Welfare (Official Gazette of the Republic of Serbia", No. 41/2009) Article 2	No	<i>Animal welfare, which is regulated by this law, refers to animals that can sense pain, suffering, fear and stress</i>	<a href="https://www.globalanimallaw.org/downloads/database/national/serbia/Serbia-Law-on-Animal-Welfare-2009.pdf">https://www.globalanimallaw.org/downloads/database/national/serbia/Serbia-Law-on-Animal-Welfare-2009.pdf</a>

Slovakia	Civil Code (updated 2018)	No	Updated the definition of 'animals' to reflect that they are living beings, not things	<a href="https://aldf.org/article/brussels-recognizes-animals-as-sentient-beings-distinct-from-objects/">https://aldf.org/article/brussels-recognizes-animals-as-sentient-beings-distinct-from-objects/</a>
Sweden	Animal Welfare Act 2018 Chapter 1 Section 1 (and the governmental bill)	No	Chapter 1, Section 1 of the Act mandates that animals shall be 'respected'. <i>This Act aims to ensure good animal welfare and promote good animal welfare and respect for animals.</i> (unofficial translation) The governmental bill states that treating animals with respect means to acknowledge that animals are living sentient beings with needs that must be met. It also explicitly states that animals have value, regardless of the use humans have for them.	<a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/djurskyddslag-20181192_sfs-2018-1192">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/djurskyddslag-20181192_sfs-2018-1192</a> Animal Protection Index; <a href="https://api.worldanimalprotection.org/country/sweden">https://api.worldanimalprotection.org/country/sweden</a>
Switzerland	Swiss Civil Code Article 641(a)	No	1- <i>Animals are not objects.</i> 2- <i>Where no special provisions exist for animals, they are subject to the provisions governing objects.</i>	<a href="https://fedlex.data.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/24/233_245_233/20180101/en/pdf-a/fedlex-data-admin-ch-eli-cc-24-233_245_233-20180101-en-pdf-a.pdf">https://fedlex.data.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/24/233_245_233/20180101/en/pdf-a/fedlex-data-admin-ch-eli-cc-24-233_245_233-20180101-en-pdf-a.pdf</a>
Switzerland	Animal Welfare Act 2005 Articles 1, 3	No	<i>The purpose of the Act is to protect the dignity and welfare of animals (Article 1), and dignity is the inherent worth of the animal that must be respected when dealing with it (Article 3).</i>	<a href="https://www.globalanimallaw.org/downloads/database/national/switzerland/Tierschutzgesetz-2005-EN-2011.pdf">https://www.globalanimallaw.org/downloads/database/national/switzerland/Tierschutzgesetz-2005-EN-2011.pdf</a>
Tanzania	Animal Welfare Act 2008 s 4(b)(i)	Yes	<i>With a view to giving effect to the fundamental principles of National Livestock Policy and Animal Welfare, every person exercising powers under, applying or interpreting this Act shall have regard to- ...</i> <i>(b) Recognising that- (i) an animal is a sentient being</i>	<a href="https://www.globalanimallaw.org/downloads/database/national/tanzania/tan85327.pdf">https://www.globalanimallaw.org/downloads/database/national/tanzania/tan85327.pdf</a>
United Kingdom	Animal Welfare (Sentience) Bill 2021	Yes	<i>A Bill to make provision for an Animal Sentience Committee with functions relating to the effect of government policy on the welfare of animals as sentient beings.</i>	This Bill is currently in the House of Commons and has not reached Royal Assent <a href="https://bills.parliament.uk/bills/2867">https://bills.parliament.uk/bills/2867</a>