

24 March 2023

Hon Susan Elizabeth Close MP
Minister for Climate, Environment and Water
GPO Box 11071
Adelaide SA 5001

Via email: OfficeOfTheDeputyPremier@sa.gov.au

Dear Minister,

Review of the Animal Welfare Act 1985 (SA)

Thank you for the opportunity to comment on the review of the *Animal Welfare Act 1985 (SA)*. We represent six of Australia's leading animal protection organisations with a combined supporter base of over 2 million people, many of whom reside in South Australia.

This review provides an important opportunity to bring South Australia into line with the standards of modern and contemporary animal welfare law.

Over the past decade, there have been significant advancements in our scientific understanding of the welfare of animals and their sentience, and community expectations about the treatment of animals has evolved accordingly.

Polling by Roy Morgan Research in March 2022 found that:

- 98% of Australians consider animal welfare to be important
- 94% support laws that ensure animals are provided with a good quality of life
- 97% support laws that ensure animals are protected from cruel treatment
- 80% support government doing more to protect animal welfare
- 74% support the creation of an independent body to oversee animal welfare
- 85% support animal welfare laws reflecting community expectations and best-available science.¹


We offer eleven key recommendations for how the Act could be improved to create a more robust animal welfare framework, with stronger governance and institutional arrangements, consistent decision-making principles, and a formal role for independent expert advice.

The recommendations include recognising animals as sentient beings with intrinsic value, establishing a South Australian Animal Welfare Authority, strengthening the process for making

animal welfare standards and guidelines and improving decision-making on animal welfare by government.

We also provide brief responses and comments on each of the review's online survey questions.

Although it is encouraging to see the South Australian Government initiating animal welfare law reform, this review process presents a unique opportunity to set the bar higher to meet the animal welfare standards South Australians expect.

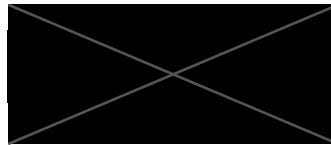
We hope our comments will be helpful in achieving this objective and look forward to reviewing the Government's proposed revisions to the Act in due course. Should you wish to discuss this submission in further detail, please contact Dr Meg Good 



Yours sincerely,



Dr Jed Goodfellow
Co-Director
Australian Alliance for Animals



Dr Meg Good
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Australian Alliance for Animals



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.

Learn more about our work on our website: www.allianceforanimals.org.au

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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.

South Australia Animal Welfare Act Review 2023

24 March 2023

Introduction

The Australian Alliance for Animals welcomes the South Australian Government's invitation to provide feedback on the review of the *Animal Welfare Act 1985 (SA)* (the AWA). This review provides an important opportunity to bring South Australia into line with the standards of modern and contemporary animal welfare law. Over the past decade, there have been significant advancements in our scientific understanding of the welfare of animals and their sentience, and community expectations about the treatment of animals has evolved accordingly.

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We offer eleven key recommendations for how the Act could be improved to create a more robust animal welfare framework, with stronger governance and institutional arrangements, consistent decision-making principles, and a formal role for independent expert advice.

The recommendations include recognising animals as sentient beings with intrinsic value, establishing a South Australian Animal Welfare Authority, strengthening the process for making animal welfare standards and guidelines and improving decision-making on animal welfare by government. We also provide brief responses and comments on each of the review's online survey questions. Although it is encouraging to see the South Australian Government initiating animal welfare law reform, this review process presents a unique opportunity to set the bar higher to meet the animal welfare standards South Australians expect.

We hope our comments will be helpful in achieving this objective and look forward to reviewing the Government's proposed revisions to the Act in due course.

¹ Roy Morgan Research, Attitudes to Animal Welfare (Poll, March 2022).

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Recommendations

Recommendation 1

Amend the Act to include express recognition of the sentience of animals and their intrinsic value within a new objects clause.

Recommendation 2

Establish under the Act an independent statutory South Australian Animal Welfare Authority with responsibility for administering the legislation.

Recommendation 3

Introduce additional requirements for the making and adoption of animal welfare standards and codes, requiring them to be based on contemporary scientific knowledge/technology, community expectations and advice from the Animal Welfare Advisory Committee, as well as consistent with Part 3 of the Act, and tabled in Parliament. Animal welfare standards/codes should also be mandatorily reviewed within 10 years to ensure compliance with these requirements.

Recommendation 4

Recognise under the revised Act the role of independent expert advice by requiring the inclusion of members with expertise relevant to the administration of the Act and make the committee's advice and reports public to improve transparency.

Recommendation 5

Reframe the test under s 13 to include further guidance for the courts on how to determine when an act or omission causes unnecessary harm 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
- 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.

Recommendation 6

Introduce a minimum standard of care section based on the Five Domains Model of animal welfare.

Recommendation 7

Amend the Act to ensure that CCTV is required for all slaughter facilities in the state.

Recommendation 8

Amend the Act to include public reporting obligations for DEW and RSPCA SA relating to their compliance monitoring and enforcement activities, including requiring DEW to report to parliament on such activities.

Recommendation 9

Introduce legislation to ban recreational duck shooting.

Recommendation 10

Create a regulatory regime to adequately regulate dog breeding and prohibit puppy farming, including the introduction of a cap of ten fertile female dogs.

Recommendation 11

Include whole-of-government decision-making principles in the revised legislation. The minister should also be granted associated powers to request information to confirm that public authorities have applied the principles in their decision-making.

We propose the following expression:

1. The minimum standard of care requirements outlined in 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. Where scientific evidence demonstrates that a practice causes adverse welfare outcomes it should be prevented or phased out
4. Failing to meet the minimum standards of care or causing harm, pain or distress to animals should only be permitted in circumstances where:
 - 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;
 - all reasonable steps have been taken to reduce the harm, pain or distress as much as possible; and
 - 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.

Opportunities for reform

1. Recognition of sentience

An objects clause should be inserted into the Act, recognising (amongst other matters) the sentience of animals subject to the legislation.

It is advisable for animal welfare legislation to be guided by a set of comprehensive objectives which outline the key purposes the legislation seeks to achieve. This is the norm throughout Australian state/territory animal welfare legislation, with objects clauses generally specifying that the purpose of the legislation is to prevent cruelty to animals, provide community education, and promote animal welfare.

An objects clause should be inserted into the legislation recognising that animals are sentient beings with intrinsic value. By recognising animal sentience, the legislation will provide guidance on *why* protecting the welfare of animals is important. Modern societies have enacted animal welfare laws *because* animals are sentient.

There are four key benefits to explicitly recognising sentience under the Act, as set out below.

1.1 Improving legislative consistency

One of the core deficiencies of the AWA concerns the arbitrary nature of the standards of care afforded to different species of animals based on the context in which they are used. The current AWA lacks a consistent underlying principle to guide the interpretation and application of the Act and its subordinate instruments. This results in standards of care which are significantly determined by the most influential stakeholder groups at the time of drafting, rather than by reference to animal welfare science and the needs of animals.

This in turn leads to an incoherent legislative structure in which subordinate legislation (including regulations and animal welfare standards and guidelines) contradicts the duties and offences outlined in the enabling legislation. Not only is this undesirable from a legislative drafting perspective, but it is a key contributor to the uncertainty, confusion, and general dissatisfaction many people have with our animal welfare laws today. The review process presents an opportunity to address this deficiency.

Recognising animal sentience as a cornerstone principle of the legislation is the first step towards creating a more principled, consistent, and coherent legislative framework; one in which respect for the sentience of animals runs through the entire legislative regime, informing the interpretation and application of the Act and the administrative decisions and standards and guidelines made under it (see section 3 of this submission for further comments on making animal welfare standards and guidelines).

1.2 Sentencing offenders

Legislative purposes are used by judges and magistrates to inform the interpretation of legislation, particularly in cases of ambiguity. In the absence of express recognition of animal sentience, the Act provides no further guidance as to the reasons why promoting animal welfare and preventing cruelty are important. Without such guidance, judicial officers are left to form their own conclusions, which can vary from an instrumental view (where animal welfare matters only to the extent that it benefits humans) to an intrinsic view (where animal welfare matters because it matters to the animal).

These differing interpretations inform the way animal cruelty offences are conceptualised by judges and magistrates, including their relative seriousness, which in turn can affect sentencing outcomes. Traditionally, judicial officers have lent towards the instrumental view where animal cruelty matters are seen as simple misdemeanours; a form of anti-social, deviant conduct that should be discouraged but is nevertheless at the lower end of the scale of seriousness, meriting relatively minor penalties.

The animal is seen not as a victim of the offending conduct, but simply as an element of the offence. This risks trivialising serious offences of animal cruelty that are of great concern to the community. Simply increasing maximum penalties will not solve this problem, as judges and magistrates still retain ultimate discretion in determining what penalties are applied in a given case. If animal cruelty offences are conceptualised as minor offences, maximum penalties will not be applied, no matter how heinous the offending conduct may be.

Recognising animal sentience in the objects of the legislation signals to judicial officers the underlying reasons why promoting animal welfare and preventing cruelty is important. This can in turn encourage judicial officers to view the offences in a different light; one in which abused animals are seen as victims of the offending conduct, leading to more informed sentencing decisions that better reflect the community's views on the seriousness of animal cruelty offences.

1.3 International reputation

Recognising animal sentience is also important for Australia's international reputation. As more countries include recognition of animal sentience in their animal welfare laws, the absence of such recognition in Australia becomes increasingly apparent. As of this year, at least 19 jurisdictions have included such recognition (see Appendix for a full list of jurisdictions). Following its departure from the EU, the United Kingdom enacted the *Animal Welfare (Sentience) Act 2022* to ensure it continues to recognise animal sentience. The Act establishes a committee to report to government on the impact of various government policies on "the welfare of animals as sentient beings."²

² *Animal Welfare (Sentience) Act 2022* (UK), s.2.

Other Australian jurisdictions are also moving in this direction. The first Australian jurisdiction to recognise animal sentience in law was the ACT in 2019.³ The Victorian Government also flagged its intention to recognise animal sentience in the review of its POCTAA,⁴ and the WA Government recently endorsed a recommendation to amend the objects of the *Animal Welfare Act 2002* “to expressly recognise that animals are living beings, able to perceive, feel, and have positive and negative experiences.”⁵ While this does not include the word ‘sentience’, it is in essence, the definition of sentience.

The lack of express legislative recognition of animal sentience has affected Australia’s international ranking on animal welfare. Australia was recently given a ‘D’ grade under the World Animal Protection Index,⁶ the only index of its kind in the world, which many NGOs, multi-national food companies, institutional investors, and government advisors draw on for guidance on a nation’s animal welfare record.

As an advanced and economically prosperous nation with significant animal-based industries, it is unfortunate that Australia’s ranking is so low compared with equivalent nations. Recognising animal sentience is one important step towards improving our international reputation.

1.4 Trade and market access

Australia’s low animal welfare ranking will increasingly have consequences for trade and market access. The Australian Government is currently negotiating a Free Trade Agreement (FTA) with the EU and recently concluded an FTA with the UK. Each of these markets is extremely sensitive to animal welfare, evidenced by the insistence of both EU and UK officials on including prominent animal welfare provisions in the respective agreements.

The Australia-UK FTA was signed on 17 December 2021 and contains a dedicated chapter on animal welfare (Article 25.1).

The opening clause of the chapter states the following:

1. *The Parties recognise that animals are sentient beings. They also recognise the connection between improved welfare of farmed animals and sustainable food production systems.*

The EU has also foreshadowed its desire for animal sentience to be recognised in the agreement it is negotiating with the Australian Government. Evidently, recognising animal sentience is now part of Australia’s trade policy. Expressly recognising animal sentience under

³ *Animal Welfare Act 1992* (ACT), s.4A.

⁴ ‘Victorians in Favour of New Animal Welfare Act’, *Premier of Victoria* (Web Page, 29 April 2021) <<https://www.premier.vic.gov.au/victorians-favour-new-animal-welfare-act>>.

⁵ ‘Review of the Animal Welfare Act 2002 – Government Response’, *Department of Primary Industries and Regional Development WA* (Web Page, 2021) 3 <<https://www.agric.wa.gov.au/animalwelfare/review-animal-welfare-act-2002-government-response>>.

⁶ World Animal Protection, ‘Australia’, *Animal Protection Index* (Web Page, 2020) <<https://api.worldanimalprotection.org/country/australia>>.

the AWA would provide further assurances to trading partners that South Australia takes animal welfare seriously and has enacted modern animal welfare laws that reflect contemporary scientific knowledge and community expectations.

Recognising animal sentience is a central feature of modern animal welfare law. It will improve the functioning of the legislation and will position South Australia well for meeting future community and trade expectations.

Recommendation 1

Amend the Act to include express recognition of the sentience of animals and their intrinsic value within a new objects clause.

2. Establish a South Australian Animal Welfare Authority

Effective administrative and enforcement arrangements are key components of modern animal welfare law. Animal welfare regulation is becoming more complex and specialised as community demand continues to grow for greater assurances across all animal-based industries.

The South Australian community 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 Act should establish an independent statutory Animal Welfare Authority to undertake key regulatory and administrative responsibilities under the Act.

South Australia has multiple enforcement entities for the AWA including the Police, RSPCA SA, departmental wardens, and livestock animal health officers and biosecurity officers from Primary Industries and Regions South Australia (PIRSA).

The Department for Environment and Water (DEW) currently has ultimate administrative responsibility for the legislation. Although it is commendable that South Australia has separated the administrative responsibility for the AWA from PIRSA, there is still a need for an independent Animal Welfare Authority within the regulatory regime.

Due to the increasing complexity of animal welfare law and regulation, administration and enforcement requires a focused, dedicated, and independent approach. This is best delivered through the establishment of an independent statutory authority dedicated to animal welfare. Recently the Federal Government recognised the benefit of this approach by adopting a policy to establish an independent Inspector-General of Animal Welfare.

Accordingly, we recommend the Act be amended to establish an independent Animal Welfare Authority with responsibilities for:

- overseeing the appointment and training of inspectors
- supporting the Animal Welfare Advisory Committee
- administering the licensing regimes for research establishments
- participating in the development and adoption of animal welfare standards and guidelines
- administering standards and guidelines compliance monitoring programs
- 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.

The Act should set out the objectives, roles, functions, powers and responsibilities of the Authority. Under such an arrangement, DEW would continue to play an important role in the provision of technical advice and assistance and informing the development of policy, but it would not be wholly responsible for the day-to-day administration of the legislation. Likewise, current entities such as RSPCA SA would continue to play their enforcement role but, instead of reporting to DEW, they would report to the Animal Welfare Authority.

Although the portfolio location of the Authority would be a matter for the government of the day, the Authority should report to the Minister who has responsibility for animal welfare, and this ministerial portfolio should include animal welfare in the title of the ministry. The enabling legislation should safeguard the Authority from political interference by protecting its independence, for example by prohibiting the Minister from directing the Authority in the performance of its duties under law.⁷

Much of the funding for the Authority could be sourced via a reallocation of existing resources within DEW as the proposed responsibilities and functions of the Authority are drawing from those already provided for under the AWA. That said, animal welfare regulatory and compliance services are chronically underfunded and are in need of substantial increased investment. In South Australia, we recommend a necessary investment of \$4-6 million annually to adequately fund the Animal Welfare Authority and administration of the AWA.⁸ An appropriately resourced Authority could focus enforcement efforts and capabilities, increase the level of sophistication and specialisation in regulatory services and improve cross-agency reporting and consistency.⁹

Establishing a South Australian Animal Welfare Authority not only makes sense from a regulatory perspective but will come with additional benefits of improving public confidence in the

⁷ 'Building a Fairer Australia for Animals', *Australian Alliance for Animals* (Report, 2022) 54 <www.fairgoforanimals.org.au>.

⁸ Ibid 55.

⁹ Ibid 52.

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.

Such perceptions are only likely to increase unless more investment is made in meeting the expectations of the community. The establishment of a South Australian Animal Welfare Authority would send a strong signal that the South Australian Government takes animal welfare seriously and this would be supported by the community.

Recommendation 2

Establish under the Act an independent statutory South Australian Animal Welfare Authority with responsibility for administering the legislation.

3. Improve the development of animal welfare standards and codes

Animal welfare standards and codes comprise an integral part of the AWA's legislative framework, governing the welfare of millions of animals in South Australia - far more than the number of animals that benefit from the general welfare provisions outlined under the AWA. Accordingly, what is written in the prescribed standards and codes is arguably more important for animal welfare outcomes than the content of the principal legislation.

Despite the central role played by the standards and codes in achieving the proposed legislative purposes, the AWA is silent on the process and criteria for their creation and adoption. Although SA is to be commended for being the only state to mandate compliance with national Codes of Practice/Animal Welfare Standards and Guidelines, sections 42A and 44 fail to provide any criteria or guidance on the process for making and adopting the codes, standards and regulations.

The lack of criteria and guidance allows for the adoption of standards and practices that may enshrine cruel and harmful practices and contradict the purposes of the legislation. Best practice modern animal welfare law establishes decision-making 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* (NZAWA) which set out in detail the process for how Codes of Welfare and regulations are to be made under the NZAWA.

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 principal Act's key duties and obligations.

Such provisions ensure the process for making industry codes and standards, under which the welfare of millions of animals will be determined, is consistent and accountable, which ultimately leads to a more robust and coherent legislative framework. The Act should establish similar decision-making criteria to ensure that standards and guidelines adopted under the AWA are developed in an equally consistent and accountable manner.

We recommend that the Act be amended to include the following criteria:

Animal welfare standards/codes must be:

- (a) based on good practice, contemporary scientific knowledge and technology, community expectations, and advice from the Animal Welfare Advisory Committee, and;**
- (b) not inconsistent with the objects, principles and duties prescribed in Part 3 of the Act, and;**
- (c) reviewed within 10 years to ensure the standards/codes continue to comply with (a) and (b).**

In addition to this, the Act should include a requirement for the standards and codes to be tabled in Parliament.

While some livestock welfare standards are created at a national level in consultation with all state and territory jurisdictions, this is not a barrier to establishing decision-making and procedural criteria in SA, as national standards still need to be adopted under South Australian law. Decision-making criteria prescribed under SA legislation could be satisfied through the national process or by the SA Government taking any additional steps required to satisfy the Act's requirements prior to adoption.

Establishing a formalised standard-setting framework that includes the elements discussed above would have the following key benefits:

- Greater certainty and transparency about process and decision-making
- Stronger buy-in and participation by stakeholders and the community
- Higher levels of acceptance of the outcomes of the process
- More robust, evidence-based animal welfare standards.¹⁰

¹⁰ Ibid 69.

To accompany these amendments, we also propose the removal of s 43, as it would no longer be necessary due to the consistency requirements imposed under sub-section (b) above of the proposed criteria.

Recommendation 3

Introduce additional requirements for the making and adoption of animal welfare standards and codes, requiring them to be based on contemporary scientific knowledge/technology, community expectations and advice from the Animal Welfare Advisory Committee, as well as consistent with Part 3 of the Act, and tabled in Parliament. Animal welfare standards/codes should also be mandatorily reviewed within 10 years to ensure compliance with these requirements.

4. Ensure adequate expertise in membership of the Animal Welfare Advisory Committee

Independent expert advice is a critical component of developing informed animal welfare policy and standards. The AWA outlines the membership composition of the South Australian Animal Welfare Advisory Committee (AWAC) under s 6. Although members are drawn from a diversity of institutions, the Committee would benefit from the members with specific expertise relevant to the administration of the Act. For example, including members with expertise in the areas of animal welfare advocacy, animal welfare science, public policy and law. At present, there is a presumption that members representing the various organisations and industries listed under s 6 will possess the requisite expertise. Although this may be the case in many instances, it would be preferable for the Act to expressly require a balanced membership with an appropriate expertise base.

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

Recommendation 4

Recognise under the revised Act the role of independent expert advice by requiring the inclusion of members with expertise relevant to the administration of the Act and make the committee's advice and reports public to improve transparency.

5. Further guidance on animal cruelty

The review also provides an opportunity to improve the drafting of the offence of animal ill treatment under s 13. The offence is currently drafted in terms of unreasonably causing an

animal unnecessary harm. However, limited guidance is provided to the courts on how to determine when harm caused to an animal is unreasonable or unnecessary. Further, the prohibition fails to frame the test in terms of necessity – asking whether the harm to the animal was necessary under the particular circumstances.

We refer to s 4(3) of the UK *Animal Welfare Act 2006*, which codifies well established principles of the common law in determining the question of necessity of harm. 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.

The inclusion of such considerations under the AWA would provide guidance to the courts in determining whether harm caused to an animal is unnecessary, in turn promoting greater consistency in the interpretation and application of the legislation.

Recommendation 5

Reframe the test under s 13 to include further guidance for the courts on how to determine when an act or omission causes unnecessary harm 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
- 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.

6. Minimum standard of care

Including a duty of care for animals is a foundational component of modern animal welfare law. It provides 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 recommend any minimum standard of care be based on the Five Domains Model of animal welfare.¹¹

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 current review should be to bring all areas of animal use and interaction into as close alignment with the minimum standards of care as possible.

Recommendation 6

Introduce a minimum standard of care section based on the Five Domains Model of animal welfare.

7. Closed-circuit television for all slaughter facilities

We recommend that the AWA mandate the use of closed-circuit television (CCTV) for all animal slaughter facilities in the state. Slaughter facilities are one of the highest risk points in the production chain for animal welfare. For this reason, there is already a high level of uptake of CCTV within the red meat processing industry, with the majority of abattoirs having already installed CCTV in both pre- and post-slaughter areas.

CCTV in slaughter facilities is also becoming an issue for trade and market access as Australia negotiates trade agreements with other nations. Australia's lack of CCTV in slaughter facilities became a point of contention in the recent UK-Australia Free Trade Agreement negotiations with UK officials raising concerns about Australia's animal welfare standards.

This will also be a key consideration for European officials in the ongoing negotiation of the EU-Australia Free Trade Agreement. Requiring CCTV in all slaughter facilities within the state would facilitate trade and market access for SA businesses as well as providing assurances to South Australians that animal welfare is taken seriously and is monitored closely in slaughter facilities within the state.

Recommendation 7

Amend the Act to ensure that CCTV is required for all slaughter facilities in the state.

¹¹ David J Mellor, 'Operational Details of the Five Domains Model and its Key Applications to the Assessment and Management of Animal Welfare' (2017) 7(8) *Animals* 60.

8. Disclosure requirements

As a general principle, we support transparency and accountability in the enforcement of animal welfare law. Agencies and organisations charged with administration of the Act should be subject to mandatory disclosure requirements to provide detailed information to the public about the number of compliance monitoring inspections carried out (including rates of non-compliance detected), directions issued, prosecutions commenced, and the nature of those prosecutions.

DEW should also be required to report to parliament on such matters. Greater transparency about compliance and enforcement activities serves to increase community confidence as it provides assurances that compliance with the Act is being monitored and transgressions are being dealt with appropriately.

Recommendation 8

Amend the Act to include public reporting obligations for DEW and RSPCA SA relating to their compliance monitoring and enforcement activities, including requiring DEW to report to parliament on such activities.

9. Ban recreational duck shooting

Recreational duck shooting is an outdated and cruel practice, which South Australia should immediately prohibit under the AWA. Public survey data demonstrates that South Australians do not support the practice.¹² Due to the nature of shotguns, wounding rates are extremely high with scientific estimates indicating that between 14% to 33% of birds are wounded but not retrieved.¹³

These estimates are consistent with a radiographical study in Victoria over a 20-year period which reported that between 6% and 19% of trapped ducks had embedded shots.¹⁴ The inevitably high wounding rates has also led the Australian Veterinary Association to recommend the practice be banned.¹⁵ Three Australian jurisdictions (WA, NSW and Qld) have already

¹² RSPCA SA reports that research conducted in South Australia in 2020 found that "once respondents learned of the high rate of birds wounded but not killed outright, almost three quarters wanted duck and quail hunting stopped (ReachTEL, 2020)": 'Duck Shooting', RSPCA South Australia (Web Page) <<https://www.rspcasa.org.au/the-issues/duck-hunting/>>.

¹³ FI Norman and DGM Powell, 'Rates of Recovery of Bands, Harvest Patterns and Estimates for Black Duck, Chestnut Teal, Grey Teal and Mountain Duck Shot During Victorian Open Seasons, 1953-77' (1981) 8 *Australian Wildlife Research* 659.

¹⁴ FI Norman 'The Incidence of Lead Shotgun Pellets in Waterfowl (Anatidae and Rallidae) Examined in South-Eastern Australia Between 1957 and 1973' (1976) 3(1) *Australian Wildlife Research* 61.

¹⁵ 'Waterfowl Hunting', Australian Veterinary Association (Policy, 2023) <<https://www.ava.com.au/policy-advocacy/policies/hunting-and-fishing/waterfowl-hunting/>>.

banned recreational duck shooting in recognition of the cruelty involved and the increasing lack of public support.

Recent footage taken in March 2023 at the opening of SA's duck shooting season (reported by RSPCA SA)¹⁶ demonstrated shooters:

- Leaving wounded ducks in the water, while continuing to shoot or while retrieving decoys
- Letting their dogs play with wounded ducks before moving to retrieve them
- Holding wounded ducks up for their dogs to snap at/become excited by
- Twirling ducks around, with the birds flapping helplessly for some time before dying
- Twirling ducks around briefly then dropping them, still alive, on to a pile of shot ducks and resuming shooting
- Handing a wounded duck to a child to kill, and the child then twirling it around ineffectively
- Shooting a bird of a prohibited species (ie: not allowed to be targeted/killed), then stomping it into the mud.

These reports provide an insight into the reality of practices on the wetlands, which are clearly unacceptable for both duck welfare and species conservation. The cruelty associated with duck shooting is inherent to the activity given the nature of the killing method used.

South Australia must follow the lead taken by WA, NSW and Qld and ban recreational duck shooting immediately.

Recommendation 9

Introduce legislation to ban recreational duck shooting.

10. Ban puppy farming

South Australia should ban the unacceptable practice of puppy farming through the imposition of regulations similar to the approach adopted in Victoria.¹⁷

The passage of the [Domestic Animals Amendment \(Puppy Farm and Pet Shops\) Act 2017 \(Vic\)](#) now means that Victorians who own between three and ten fertile female dogs and breed to sell are classified as 'recreational breeders'. Recreational breeders must be a member of an

¹⁶ 'Shattered Wings, Legs & Beaks – Duck Shoot Begins', *RSPCA South Australia* (Web Page, 2023) <<https://www.rspcasa.org.au/shattered-wings-legs-beaks-duck-shoot-begins/>>.

¹⁷ The following information regarding the Victorian dog breeding regulatory regime relies heavily on information provided by Alliance core member Voiceless: 'Puppy Farming', *Voiceless, the animal protection institute* (Web Page, 2021) <<https://voiceless.org.au/hot-topics/puppy-farming/>>.

organisation such as Dogs Victoria and abide by their organisation's code of ethics (or equivalent).

Breeders who keep between three and ten fertile female dogs to breed to sell, but are not a member of an applicable organisation, must register with their local council as a 'breeding domestic animal business' (or 'DAB') and abide by the Victorian Code of Practice. Breeders with eleven or more fertile female dogs must first register with their local council as a DAB and then seek ministerial approval to become a 'commercial dog breeder'.

As a condition of approval by the Minister for Agriculture, commercial dog breeders are allowed to keep a maximum of fifty fertile female dogs within their business and are subject to the Victorian Code of Practice for the Operation of Breeding and Rearing Businesses.

In South Australia, we recommend removing this ministerial discretion and imposing a strict cap of ten fertile female dogs. To address the issue of breeder organisation self-regulation, we further support the system outlined under the [Companion Animals Amendment \(Puppy Farms\) Bill 2021](#) (NSW).

In Victoria, pet stores are also now banned from selling or otherwise giving away dogs and cats unless they are sourced from registered shelters, pounds or foster carers. In an effort to increase traceability, anyone selling or rehoming a dog in Victoria must enrol in the 'Pet Exchange Register', which is maintained by Animal Welfare Victoria; a government agency within the Department of Agriculture. Sellers are then issued a 'source number', which they must include in any pet sale advertisements. This allows prospective buyers to search the Pet Exchange Register to check that the source number is valid.

South Australia should consider adopting a similar regulatory regime for dog breeding to ensure that puppy farms are effectively banned in the state.

Recommendation 10

Create a regulatory regime to adequately regulate dog breeding and prohibit puppy farming, including the introduction of a cap of ten fertile female dogs.

11. Whole-of-government decision-making principles

We propose the inclusion of whole-of-government decision-making principles in the revised 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 afforded to animals in different contexts of use.

Decision-making principles that are intended to apply not only to decisions made under the AWA, but across government, its ministries, and instrumentalities, will improve consistency across the board. This will show that the SA Government is serious about animal welfare and what it means to recognise animal sentience in a meaningful way.

We also recommend associated powers for the Minister to request information to confirm that public authorities have applied the principles in their decision-making. Such a scheme has recently been foreshadowed by the Victorian Government in its review of the Prevention of Cruelty to Animals Act 1986.¹⁸

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 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. Where scientific evidence demonstrates that a practice causes adverse welfare outcomes it should be prevented or phased out
4. Failing to meet the minimum standards of care or causing harm, pain or distress to animals should only be permitted in circumstances where:
 - 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;
 - all reasonable steps have been taken to reduce the harm, pain or distress as much as possible; and
 - 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.

Recommendation 11

Include whole-of-government decision-making principles in the revised legislation. The minister should also be granted associated powers to request information to confirm that public authorities have applied the principles in their decision-making.

We propose the following expression:

¹⁸ Victorian Government, 'Victoria's New Animal Care and Protection Laws Plan', *Engage Victoria*, (Government Plan, 2022) <<https://engage.vic.gov.au/new-animal-welfare-act-victoria>>.

5. The minimum standard of care requirements outlined in the Act should be met for all animals in the care or control of people
6. Harm, pain or distress for animals should be avoided
7. Where scientific evidence demonstrates that a practice causes adverse welfare outcomes it should be prevented or phased out
8. Failing to meet the minimum standards of care or causing harm, pain or distress to animals should only be permitted in circumstances where:
 - 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;
 - all reasonable steps have been taken to reduce the harm, pain or distress as much as possible; and
 - 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.

Responses to survey questions

Question	Response	Comment
1. Do you agree that the current purpose of the Act provides a good understanding of the general aims and principles of the legislation?	Strongly disagree	<p>The reason for this is that effective modern animal welfare legislation should include a comprehensive 'objects' section which outlines the key purposes the legislation is designed to achieve.</p> <p>In particular, the Act fails to acknowledge the sentience and intrinsic value of animals. Such recognition would be most appropriate in the objects section of the legislation. See section 1 above for further detail.</p>
2. Should the Act include specific objects?	Yes	<p>The reason for this is that effective modern animal welfare legislation should include a comprehensive 'objects' section which outlines the key purposes the legislation is designed to achieve.</p> <p>In particular, the Act fails to acknowledge the sentience and intrinsic value of animals. Such recognition would be most appropriate in the objects section of the legislation. See section 1 above for further detail.</p>
3. Do you agree that the definition of 'animal' included in the Act is appropriate?	Strongly disagree	<p>The reason for this is that the definition of 'animal' under the Act is very limited.</p> <p>Under the Act, 'animal' should be defined to include all live sentient beings (excluding humans), including fish and species of Cephalopoda and Malacostraca (such as octopus and lobsters).</p>
4. Do you agree that the definition of 'harm' in the Act provides adequate protections for the welfare of animals when used in the context of ill treatment?	Disagree	<p>Although the definition is potentially broad enough to capture mental states of distress, ideally the definition of 'harm' under the Act would expressly include reference to states of mental or psychological distress.</p>
5. Do you agree that the definition of 'serious	Definitely agree	<p>The reason for this is that the definition of 'serious harm' under the Act is comprehensive in</p>

<p>harm' in the Act provides adequate protections for the welfare of animals when used in the context of ill treatment?</p>		<p>nature, and pending amendment to the ordinary definition of 'harm' in line with the comments above, it will include states of serious mental harm.</p>
<p>6. Are there any other terms that should be included or amended in the 'interpretation' section of the Act to provide greater clarity in understanding or applying the Act?</p>	<p>Yes</p>	<p>The term 'sentience' should be defined in the interpretation section, as per the recommendation above to include the term within a new objects clause.</p> <p>An inclusive definition of 'person in charge' should be considered as a replacement for the term 'owner' and this should include the phrase 'custody or control' instead of 'custody and control' so as to broaden its application.</p>
<p>7. Do you agree that the administrative arrangements and functions of the Animal Welfare Advisory Committee, established by the Act, support the promotion of animal welfare?</p>	<p>Neither agree or disagree</p>	<p>It is positive that the Animal Welfare Advisory Committee is recognised under the legislation. However, the Act should expressly require certain expertise to be reflected in the membership of the Committee, including:</p> <ul style="list-style-type: none"> • Veterinary/animal welfare science experts • Legal experts • Ethics and public policy experts • Animal welfare advocacy experts • Animal production experts. <p>See section 4 above for further detail.</p>
<p>8. Do you agree that the Act adequately prohibits the ill treatment of animals through the activities described in Section 13?</p>	<p>Strongly disagree</p>	<p>Section 13 needs to be amended to broaden the concept of animal ill treatment and restrict the use of qualifying terms like 'unreasonably' and 'unnecessary'.</p> <p>It should also include acts or omissions that are 'likely to cause' harm, and provide guidance to the court on how to determine whether the harm caused was necessary or unnecessary in the circumstances. See section 5 above for further detail.</p>
<p>9. Do you agree that the Act sets out</p>	<p>Disagree</p>	<p>It is recommended that the Act create an express 'duty of care' for people in charge of</p>

<p>appropriate requirements for owners' care of their animals?</p>		<p>animals, which sets out enforceable minimum standards of care reflecting the Five Domains of Animal Welfare model.</p> <p>The Act should also include guidance on what is considered appropriate to fulfil the duty. See section 6 above for further detail.</p>
<p>10. Do you agree that the prohibited activities (Section 14) and items (Section 14a) listed in the Act adequately protect animals, that may be subjected to these activities, from harm?</p>	<p>Disagree</p>	<p>It is recommended that the Act prohibit a much broader range of harmful activities, including but not limited to:</p> <ul style="list-style-type: none"> • Using/possessing glue traps, opera house traps, pronged collars and bows/arrows to kill animals • Involvement in rodeos • Using animals in circuses • Poisoning animals.
<p>11. Do you agree that the provisions of Part 4 relating to the use of animals for teaching and research enable the ethical, humane and responsible use of animals for teaching and research?</p>	<p>Disagree</p>	<p>In accordance with the recommendations of RSPCA South Australia, we recommend:</p> <ul style="list-style-type: none"> • Mandatory reporting of number, species, research purpose, levels of severity and outcomes for the animals, as well as publication of Annual Reports • Prohibition of the use of both the Forced swim test (FST) and the Forced inhalation test (FIT).
<p>12. Do you agree that the structures and functions of Animal Ethics Committees provide appropriate arrangements and oversight for the use of animals for teaching and research?</p>	<p>Disagree</p>	<p>The structure of AECs should be amended to increase balance and expertise in line with the recommendations of RSPCA South Australia.</p> <p>All AEC members should be required to complete training in both the Five Domains and in non-animal alternatives.</p>
<p>13. Do you agree that the compliance powers set out in Part 5 of the Act are appropriate for the administration and enforcement of</p>	<p>Disagree</p>	<p>Inspectors should be granted further powers under the Act, including but not limited to:</p> <ul style="list-style-type: none"> • The power to enter a dwelling without a warrant for the purposes of preventing

<p>the Act, regulations and codes of practice?</p>		<p>the concealment or destruction of evidence</p> <ul style="list-style-type: none"> • The power to apply to a Court for an order restricting or prohibiting a person from having custody of animals in the absence of prosecution proceedings • Broader powers for routine compliance inspections including unannounced inspections.
<p>14. Do you agree that the penalties and expiations for contraventions are appropriate to discourage offending under the Act?</p>	<p>Disagree</p>	<p>The legislation should impose stronger penalties for offences under the Act, both to increase deterrence and better reflect community views.</p> <p>We also recommend including an automatic ban on animal ownership for people convicted of serious animal cruelty offences.</p>
<p>15. Do you agree that the provisions of the Act that enable this model of shared enforcement are appropriate?</p>	<p>Neither agree or disagree</p>	<p>We acknowledge the potential benefits of co-regulatory arrangements to increase enforcement capacity and coverage. However, to ensure consistency in enforcement approach, a central statutory Animal Welfare Authority should be established to oversee the training and appointment of inspectors from the different organisations. See section 2 above for further detail.</p>

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>	https://www.legislation.act.gov.au/View/a/1992-45/current/html/1992-45.html
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 https://api.worldanimalprotection.org/country/brazil
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 https://www.globalanimallaw.org/database/national/austria/
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>	https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2020020416&table_name=loi
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.”	https://aldf.org/article/brussels-recognizes-animals-as-sentient-beings-distinct-from-objects/
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: https://api.worldanimalprotection.org/country/chile https://vlex.cl/vid/ley-n-proteccion-animales-277500587

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: https://api.worldanimalprotection.org/country/colombia https://www.globalanimallaw.org/downloads/database/national/colombia/LEY-1774-DEL-6-DE-ENERO-DE-2016.pdf
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: https://www.globalanimallaw.org/downloads/database/national/czech-republic/Civil-Code.pdf
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: https://api.worldanimalprotection.org/country/denmark https://www.globalanimallaw.org/downloads/database/national/denmark/bekendtgorelse-af-dyvevaernsloven.pdf
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>	https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_2&format=PDF
France	French Civil Code Article 515-14	Yes	Recognises that animals are ' <i>living beings gifted with sentience</i> '	Animal Protection Index: https://api.worldanimalprotection.org/country/france https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000030250342/

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: https://api.worldanimalprotection.org/country/france https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000684998?init=true&page=1&query=76-629&searchField=ALL&tab_selection=all
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>	https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p0267
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>	https://www.government.is/lisalib/getfile.aspx?itemid=d1718344-68cf-11e8-9429-005056bc4d74
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>	http://extwprlegs1.fao.org/docs/pdf/lit28122.pdf
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: https://api.worldanimalprotection.org/country/mexico

			<i>ecosystems, and that respect for them has multiple benefits to the human being.</i>	https://congresoags.gob.mx/agenda_legislativa/leyes/descargarPdf/243
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: https://api.worldanimalprotection.org/country/mexico https://www.congresochihuahua2.gob.mx/biblioteca/leyes/archivosLeyes/1260.pdf
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: https://api.worldanimalprotection.org/country/mexico https://congresocoahuila.gob.mx/transparencia/03/Leyes_Coahuila/coa197.pdf
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: https://api.worldanimalprotection.org/country/mexico http://www.congreso-hidalgo.gob.mx/biblioteca_legislativa/leyes_cintillo/Ley%20de%20Proteccion%20y%20Trato%20Digno%20para%20los%20Animales.pdf
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: https://api.worldanimalprotection.org/country/mexico http://www.secretariadeasuntosparlamentarios.gob.mx/leyes_y_codigos.html
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: https://api.worldanimalprotection.org/country/mexico

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>	http://congresomich.gob.mx/file/LEY-DE-DERECOS-Y-PROTECCI%C3%93N-PARA-LOS-ANIMALES-REF-28-DE-AGOSTO-DE-2019.pdf
Veracruz (Mexico)	Animal Protection Act (2010 – last reform 2016) Article 4 I	No	Defines animals as ' <i>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> ' <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: https://api.worldanimalprotection.org/country/mexico https://www.legisver.gob.mx/leyes/LeyesPDF/LPANIMALES04022020F.pdf
Moldova	Civil Code 2002 Article 287	No	<i>Animals</i> <i>(1) Animals are not considered things. They are protected by special laws.</i>	Unofficial translation https://www.globalanimallaw.org/downloads/database/national/moldova/moldova.pdf
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 https://wetten.overheid.nl/BWBR0030250/2013-01-01
Netherlands	Dutch Civil Code Book 3 General Property Law, General Provisions, section 1 definitions, Article 2a1	No	States that ' <i>animals are not things</i> '.	http://www.dutchcivillaw.com/civilcodebook033.htm https://wetten.overheid.nl/BWBR0005291/2015-08-27#Opschrift

New Zealand	Animal Welfare Act 1999 Long title	Yes	An Act— <i>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:</i>	https://www.legislation.govt.nz/act/public/1999/0142/latest/DLM49664.html
Oregon	Offenses Against General Welfare and Animals ORS 167.305	Yes	<i>The Legislative Assembly finds and declares that: (1) Animals are sentient beings capable of experiencing pain, stress and fear;</i>	https://oregon.public.law/statutes/ors/167.305
Peru	Animal Protection and Welfare Law 30407 2016 Articles 1, 14	Yes	<i>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'</i>	Animal Protection Index: https://api.worldanimalprotection.org/country/peru https://www.globalanimallaw.org/downloads/database/national/peru/30407.pdf
Poland	Animal Protection Act (1997 - last amended 2017) Article 1(1)	No	<i>The animal as a living creature, capable of suffering, is not a thing.</i>	https://www.animallaw.info/statute/poland-cruelty-polish-animal-protection-act
Quebec	Animal Welfare and Safety Act Q 2015, c B-3.1 Long title	Yes	<i>As animals are sentient beings that have biological needs</i>	https://www.legisquebec.gouv.qc.ca/en/document/cs/B-3.1
Quebec	Civil Code of Quebec 1991 898.1	Yes	<i>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.</i>	https://www.legisquebec.gouv.qc.ca/en/document/cs/CCQ-1991
Russia	Federal Law No. 498- Ø3 'On Responsible	No	States that the treatment of animals should be based on the following ' <i>moral principles and principles of humanity</i> ': 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.	https://api.worldanimalprotection.org/country/russia
Spain	Civil Code (new amendments were passed in 2021) Article 333	Yes	To recognise animals are "living beings endowed with sentience rather than 'things,'" specifically "moveable property." 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: https://api.worldanimalprotection.org/country/spain https://www.globalanimallaw.org/downloads/database/national/spain/animal-sentience-spanish-law.pdf
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: https://www.globalanimallaw.org/database/national/spain/
Catalonia (Spain)	Royal Decree 22/2003, amending Royal Decree 3/1988	Yes	Recognises animals as being physically and psychologically sentient beings.	Animal Protection Index: https://api.worldanimalprotection.org/country/spain
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: https://api.worldanimalprotection.org/country/spain
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>	https://www.globalanimallaw.org/downloads/database/national/serbia/Serbia-Law-on-Animal-Welfare-2009.pdf

Slovakia	Civil Code (updated 2018)	No	Updated the definition of 'animals' to reflect that they are living beings, not things	https://aldf.org/article/brussels-recognizes-animals-as-sentient-beings-distinct-from-objects/
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.	https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/djurskyddslag-20181192_sfs-2018-1192 Animal Protection Index; https://api.worldanimalprotection.org/country/sweden
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>	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
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>	https://www.globalanimallaw.org/downloads/database/national/switzerland/Tierschutzgesetz-2005-EN-2011.pdf
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>	https://www.globalanimallaw.org/downloads/database/national/tanzania/tan85327.pdf
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 https://bills.parliament.uk/bills/2867