

Inquiry into the Animal Care and Protection Amendment Bill 2022

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1 June 2022

Mr Chris Whiting
Chair, State Development and Regional Industries Committee
Parliament House, George Street
BRISBANE QLD 4000

By Online Submission: <https://qldparlcomm.snapforms.com.au/form/sdric---animal-care-and-protection-amendment-bill-2022>

Dear Mr Whiting,

**Animals Australia's Submission regarding the
*Animal Care and Protection Amendment Bill 2022***

Thank you for the opportunity to provide feedback regarding the inquiry into the *Animal Care and Protection Amendment Bill 2022* (**the Bill**).

Animals Australia is a peak animal protection organisation in Australia. On behalf of our individual members and supporters we are pleased to be able to provide this submission.

Animals Australia's formal submission is by way of full formal endorsement and adoption of the (**attached**) submission made by the Australian Alliance for Animals (**the Alliance**).

The Alliance represents six of Australia's leading animal protection organisations – which includes Animals Australia. The Alliance represents a combined supporter base of over 2 million people, many of whom reside in Queensland.

Please contact me if you require additional information or references.

Yours sincerely,

Glenys Oogjes
Chief Executive Officer
Animals Australia Federation

[Redacted signature area]



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1 June 2022

Mr Chris Whiting
Chair, State Development and Regional Industries Committee
Parliament House, George Street
BRISBANE QLD 4000

Via Parliamentary Committees website

Dear Mr Whiting

Animal Care and Protection Amendment Bill 2022

Thank you for the opportunity to comment on the *Animal Care and Protection Amendment Bill 2022*. 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 Queensland.

The introduction of the *Animal Care and Protection Act 2001* under the Beattie Labor Government was ground-breaking. The Act ushered in a new, more proactive approach to animal care and protection by establishing the concept of a 'duty of care' to animals. This made Queensland a national leader in animal welfare legislation at the time of its introduction.

However, much has changed in the proceeding 21 years. 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 this year 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

The stated objective of the Bill is to 'modernise Queensland's animal welfare laws to reflect modern scientific knowledge, community attitudes and expectations.' It is our considered view that the Bill falls short of this objective in that it continues to permit practices that are not based on modern scientific knowledge or community attitudes and expectations. There are, however, opportunities to strengthen the Bill to create a more robust animal welfare framework including consistent decision-making principles, stronger governance and institutional arrangements, and a formal role for independent expert advice.

Recognising animals as sentient beings in the purposes of the legislation, establishing a Queensland Animal Welfare Authority, formalising the role of the Animal Welfare Advisory Board, and strengthening the process for making codes of practice to ensure they are based on contemporary science and consistent with the duties enshrined within the Act, will greatly enhance the Act.

This is a once in 20-year review of Queensland's animal welfare laws. It should be ambitious and set the bar high to serve Queenslanders well for the next decade and beyond. Our attached comments and recommendations are made with that purpose in mind. We hope they are of assistance to the review and we look forward to reviewing the Committee's report in due course.

Yours sincerely,



Dr Jed Goodfellow

Co-Director

Australian Alliance for Animals

¹ Roy Morgan Research, Attitudes to Animal Welfare, March 2022



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.



Animal Care and Protection Amendment Bill 2022

1 June 2022

Introduction

The *Animal Care and Protection Bill 2022* contains some positive improvements to the *Animal Care and Protection Act 2001* but it misses a number of other important opportunities to bring Queensland into line with standards of modern and contemporary animal welfare law. The Bill maintains the basic deficiencies of the traditional animal welfare legislative approach in carving out entire categories of animals from the protective reach of the duty of care requirements and cruelty prohibitions through the use of wide-ranging exemptions. This creates a two-tiered system of animal welfare under which standards are determined not by consistent science-based criteria but by the use to which animals are put.

The stated objective of the Bill is to 'modernise Queensland's animal welfare laws to reflect modern scientific knowledge, community attitudes and expectations.' It is our considered view that the Bill falls short of this objective. We offer nine recommendations for how the Bill can be improved to create a more robust animal welfare framework that includes consistent decision-making principles, stronger governance and institutional arrangements, and a formal role for independent expert advice.

Recognising animals as sentient beings in the purposes of the legislation, establishing a Queensland Animal Welfare Authority to administer the Act, formalising the role of the Animal Welfare Advisory Board, and strengthening the process for making codes of practice to ensure they are based on contemporary science and consistent with the duties enshrined within the Act, will greatly enhance the Act.

Wholesale legislative reviews of this kind do not occur often. The Queensland Government should be setting the bar higher to meet the standards of animal welfare that will be expected by Queenslanders over the course of the next decade and beyond. We hope our comments will be helpful in achieving this objective.



Recommendations

Recommendation 1

Amend the Bill to include express recognition of the sentience of animals and their intrinsic value in the purposes of the Act, as follows:

3 Purposes of Act

The purposes of this Act are to do the following –

- a) *recognise that animals are sentient beings with intrinsic value*

Recommendation 2

That the Bill establish a Queensland Animal Welfare Authority with responsibility for administering the legislation.

Recommendation 3

That the Bill recognise the role of independent expert advice by establishing the Animal Welfare Advisory Board, its functions, and membership, under the Act, and making its advice and reports public to improve transparency.

Recommendation 4

Introduce additional requirements for the making of codes of practice, including that they are based on *contemporary* scientific knowledge and technology, advice from the Animal Welfare Advisory Board, and are not inconsistent with sections 17 and 18 of the Act.

Recommendation 5

Include further guidance for the courts on how to determine when an act or omission amounts to unjustifiable, unnecessary or unreasonable pain 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

Amend the Bill to:

- mandate the use of appropriate pain relief when spaying cattle, and
- require a review of the accreditation scheme within two years or as soon as non-surgical alternatives are available, whichever is sooner.

Recommendation 7

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

Recommendation 8

Include a process for civil proceedings to be brought under the legislation with appropriate safeguards to supplement state enforcement efforts and increase compliance with the legislation.

Recommendation 9

Amend the Bill to include public reporting obligations on DAF relating to its compliance monitoring and enforcement activities, including reporting to parliament on such activities.

Specific comments

1. Recognising animal sentience in the purposes of the Act

The amendment Bill proposes no change to the purposes of the Act despite this being a significant topic of consultation. In particular, the Bill does not include the recognition of animal sentience in the purposes of the Act, despite 427 submissions calling for sentience to be explicitly recognised.¹

The current purposes refer to:

- promoting the responsible care and use of animals
- providing standards of care that achieve a balance between welfare and the interests of persons whose livelihood is dependent on animals and that allow for advancements in scientific knowledge and changes in community expectations
- protecting animals from unjustifiable, unnecessary or unreasonable pain

¹ Review of the Animal Care and Protection Act 2001, Consultation Outcomes Report, p.36.



- ensuring that the use of animals for scientific purposes is accountable, open and responsible.

While each of these purposes is important, the legislation fails to provide further guidance on the reasons why protecting the welfare of animals is important.

Ultimately, the sentience of animals is the reason why their welfare matters. It is the reason why modern societies have enacted animal welfare laws. While we acknowledge that the Act implicitly recognises animal sentience through reference to the definition of 'pain' including 'distress and mental or physical suffering', this does not have the same interpretive value as explicit recognition in the purposes of the legislation.

In light of its foundational role, animal sentience should be expressly recognised in the purposes of the new legislation. Doing so is not only logical but also has practical utility. Four key benefits to explicitly recognising sentience in the ACPA are set out below.

1.1 Improving legislative consistency

As noted above, one of the core deficiencies of current Australian animal welfare legislation, including the ACPA, 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 ACPA lacks a consistent underlying principle to guide the interpretation and application of the Act and its subordinate instruments. Standards of care are generally determined not by reference to animal welfare science and what animals need but by the most influential stakeholder groups at the time of drafting. This in turn leads to an incoherent legislative structure in which subordinate legislation (including regulations and codes of practice) contradicts the duties and offences outlined in the legislation that enables it. 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 Bill presents an opportunity to address this deficiency. Recognising animal sentience as in the ACPA as a cornerstone principle of the legislation is the first step to 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 codes made under it (see section 4 of this submission for further comments on making codes of practice below).

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, an outcome which was recognised in the Consultation Outcomes Report:

*'a large proportion of participants felt the maximum penalties under the ACPA, though the highest in Australia, are not effective because sentences for serious animal welfare offences do not reflect these maximum penalties.'*²

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 purposes of the legislation signals to judicial officers the underlining reasons for 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 has introduced an *Animal Sentience Bill* to ensure it continues to recognise animal sentience. The Bill also establishes a committee to

² Review of the Animal Care and Protection Act 2001, Consultation Outcomes Report, p.6.



report to government on the impact of various government policies on “the welfare of animals as sentient beings.”³

Other Australian jurisdictions are also moving in this direction. The first Australian jurisdiction to recognise animal sentience in law was the ACT in 2019.⁴ The Victorian Government has also flagged its intention to recognise animal sentience in the current review of its POCTAA,⁵ and the WA Government has 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.”⁶ 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 in the World Animal Protection Index,⁷ 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 around the world.

1.4 Trade and market access

This low 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.*

³ *Animal Welfare (Sentience) Bill* (UK), s.2, <https://bills.parliament.uk/bills/2867>

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

⁵ Premier of Victoria, Victorians in favour of new Animal Welfare Act, 29 April 2021, <https://www.premier.vic.gov.au/victorians-favour-new-animal-welfare-act>

⁶ Department of Primary Industries and Regional Development WA, Government response to the Report of the Independent Review of the Animal Welfare Act 2002, p.3, <https://www.agric.wa.gov.au/animalwelfare/review-animal-welfare-act-2002-government-response>

⁷ Animal Protection Index, Australia, World Animal Protection, 2020, <https://api.worldanimalprotection.org/country/australia>



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 in the ACPA would provide further assurances to trading partners that Queensland 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 Queensland well for meeting future community and trade expectations.

Recommendation 1

Amend the Bill to include express recognition of the sentience of animals and their intrinsic value in the purposes of the Act, as follows:

3 Purposes of Act

The purposes of this Act are to do the following –

- a) *recognise that animals are sentient beings with intrinsic value*

2. Establish a Queensland 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 demand from the community for greater assurances in all animal-based industries continues to grow. The community will increasingly expect governments 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 Bill should establish an Animal Welfare Authority to undertake key regulatory and administrative responsibilities under the Act.

Queensland has multiple enforcement entities for the ACPA including the Police, the RSPCA, and the Department of Agriculture and Fisheries (DAF), which currently has ultimate administrative responsibility for the legislation. While DAF has strong technical capacity in livestock production, it is not an appropriate custodian for the state's animal welfare law and policy because of the inherent tensions that arise with its broader organisational agenda of promoting the profitability and productivity of the state's livestock industries.

DAF is ultimately an industry promoting agency. It is an industry enabler and service provider. The primary performance measures utilised by the Department relate to increases in



productivity and gross value of primary production.⁸ To be clear, no criticism is made of this objective. There is a legitimate role for government in promoting the productivity of industry, which, if done appropriately, is in the public interest. Problems arise, however, when industry-promoting departments are delegated with regulatory responsibilities that conflict, or have the potential to conflict, with their industry-promoting agenda. As the Australian Productivity Commission noted in the context of animal welfare regulation:

*Representing the interests of the industry that a government department is tasked with addressing is not of itself a concern, it is consistent with its objective. However, issues can arise when that department is also responsible for implementing a regulation that has broader community interests that may conflict with those of the industry.*⁹

While animal welfare and farm productivity may be mutually compatible on basic measures of welfare, such as the provision of sufficient food and water or protection from predation, there are many instances where improvements to animal welfare may come at a cost to productivity and profitability. Examples include reducing stocking densities in intensive livestock operations, replacing extreme confinement systems with larger group housing or free-range systems, administering pain relief during invasive husbandry procedures, or increasing the availability and provision of veterinary services. All of these factors improve animal welfare but can impact industry productivity and profitability. As the Productivity Commission noted, 'animal welfare and production and profitability do not always go hand-in-hand.'¹⁰

When a department is responsible for managing policy on animal welfare standards within livestock industries, including critical issues like housing systems and stocking densities, and at the same time is responsible for meeting KPIs of increasing the productivity and gross value of those very same industries, it is faced with conflicting priorities. Of course, government departments often have to balance competing interests and responsibilities. This is not unusual but problems arise when there is a significant disparity in the level of priority placed on each competing responsibility, making it difficult, if not impossible, to arrive at a reasonable balance.

As public sector governance expert Professor Eric Biber has noted, government agencies will systematically underperform on secondary goals that conflict with the achievement of their primary goals.¹¹ In particular, agencies will pursue short term economic goals that are easy to measure at the expense of more elusive social goals in the public interest.¹² Growth in the productivity and gross value of Queensland livestock industries can be readily quantified and is

⁸ Department of Agriculture and Fisheries, Strategy 2021-2025.

⁹ Productivity Commission, Regulation of Australian Agriculture, No.79, 2017, p.225

<https://www.pc.gov.au/inquiries/completed/agriculture#report>

¹⁰ Ibid, 203.

¹¹ Eric Biber, 'Too Many Things to Do: How to Deal with the Dysfunctions of Multiple-Goal Agencies' (2009) 33 *Harvard Environmental Law Review* 1.

¹² Ibid.



easy to measure. Improvements in animal welfare outcomes, and community confidence in such, are not so easy to measure. Accordingly, DAF maintains a strong focus on promoting industry growth and productivity, but KPIs for improving animal welfare outcomes appear to be lacking. While the current 2021-2025 Strategic Plan does include the objective of meeting 'high standards of animal welfare', it fails to include any KPIs for how to measure this objective.

Animal welfare law and regulation is becoming increasingly complex and specialised. Administration and enforcement requires a focused, dedicated, and independent approach which is best delivered through the establishment of an independent statutory authority dedicated to animal welfare. This has recently been recognised by the federal Australian Labor Party in adopting a policy to establish an independent Inspector-General of Animal Welfare.¹³

We recommend the Bill be amended to establish an independent Animal Welfare Authority with responsibilities for:

- overseeing the appointment and training of inspectors
- supporting the Animal Welfare Advisory Board
- administering the licensing regimes for research establishments
- participating in the development and adoption of codes of practice
- administering code 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.

Under such an arrangement, DAF would continue to play an important role in the provision of technical advice and assistance, industry extension services, and informing the development of policy, but it would not be wholly responsible for the administration of the state's animal welfare laws and policy. Likewise, current entities such as the RSPCA would continue to play their enforcement role but, instead of reporting to DAF, they would report to the Animal Welfare Authority.

The portfolio location of the Authority would be a matter for the government of the day. As agriculture portfolios will be faced with the same competing responsibilities, allocating the Authority to the agriculture portfolio would be problematic. While the enabling legislation could protect the Authority's independence to some extent, ideally it would be situated within a portfolio that did not give rise to the same competitive tensions.

Much of the funding for the Authority could be sourced via a reallocation of existing resources within DAF as the proposed responsibilities and functions of the Authority are drawing from

¹³ Australian Labor Party, Strengthening Animal Welfare, accessed 30 May 2022, <https://www.alp.org.au/policies/strengthening-animal-welfare>



those already provided for in the ACPA. That said, animal welfare regulatory and compliance services are chronically underfunded and are in need of substantial increased investment.

Establishing a Queensland Animal Welfare Authority not only makes sense from a regulatory perspective but will come with 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.”¹⁴ This was also noted in many submissions to the review (227) which supported the establishment of an ‘Independent office of Animal Protection’ to address a ‘perceived conflict of interest for the Department of Agriculture and Fisheries in regulating and enforcing animal welfare in animal-use industries while fostering those industries’ economic productivity.’¹⁵ Such perceptions are only likely to increase unless more investment is made in meeting the expectations of the community. The establishment of a Queensland Animal Welfare Authority would send a strong signal that the Queensland Government takes animal welfare seriously and this would be supported by the community.

Recommendation 2

That the Bill establish a Queensland Animal Welfare Authority with responsibility for administering the legislation.

3. Recognise the Queensland Animal Welfare Advisory Board in the Act

Independent expert advice is a critical component of developing informed animal welfare policy and standards. If the Bill is to achieve its objective of modernising the ACPA to reflect contemporary scientific knowledge, the role of expert advice should be recognised by the Bill and enshrined within the Act.

Currently, s. 211 of the Act provides the Minister for Agriculture with a discretionary power to ‘establish an animal welfare advisory committee or another body to advise the Minister on animal welfare issues.’ The Minister has currently established an ‘Animal Welfare Advisory Board’ and the Department of Agriculture has published detailed terms of reference, which

¹⁴ Futureye, Australia’s Shifting Mindset on Farm Animal Welfare, 2018, p.16.

¹⁵ Review of the Animal Care and Protection Act 2001, Consultation Outcomes Report, p.37



outline the role of the Board.¹⁶ They include providing 'expert and impartial advice to the Minister on animal welfare and animal ethics matters to improve the welfare of animals in Queensland within the scope of the ACPA' taking into consideration 'any relevant matters such as good practice, national and international trends, practicalities, industry capability, public opinion, scientific knowledge and animal ethics.'

The establishment of the Animal Welfare Advisory Board is positive, but its role should be recognised in the ACPA itself. Failing to recognise the Advisory Board in the ACPA means its ongoing existence is subject to the discretion of the minister of the day. While the current minister may value the independent expert advice of the Board, the next minister may not. The role of independent expert advice in policy development should not be subject to political whim but enshrined within the Act as a central pillar of Queensland's approach to animal welfare standards.

Several other states and territories have recognised the role of animal welfare advisory committees within their legislation. South Australia, Tasmania, the Northern Territory and the ACT all establish animal welfare advisory bodies under their Animal Welfare Acts, and NSW, Victoria, and WA have all flagged that they will follow suite in their current legislative reviews.¹⁷ This would make Queensland the only state in the country not to recognise an independent animal welfare advisory body within its animal welfare legislation, contrary to the objective of modernising the ACPA in line with contemporary scientific knowledge.

Recognising the Animal Welfare Advisory Board within the ACPA would require a relatively simple amendment to the Bill to establish the Board, its functions, and membership within the legislation drawing on its current terms of reference. We would also recommend that the advice and reports of the Advisory Board be made public to improve transparency of this framework.

Recommendation 3

That the Bill recognise the role of independent expert advice by establishing the Animal Welfare Advisory Board, its functions, and membership, under the Act, and making its advice and reports public to improve transparency.

¹⁶ Available at: <https://www.daf.qld.gov.au/business-priorities/biosecurity/animal-biosecurity-welfare/welfare-ethics/animal-welfare-advisory-board#:~:text=The%20function%20of%20the%20AWAB,%2C%20policy%2C%20strategies%20and%20programs>

¹⁷ See, Part 9, Animal Welfare Bill 2022 (NSW) Exposure Draft; Victorian Government, A New Animal Welfare Act for Victoria, Discussion Paper; and WA Government, Response to Report of the Independent Review of the Animals Welfare Act 2002.



4. Improving the development of codes of practice

Industry codes comprise an integral part of the legislative framework, governing the welfare of hundreds of millions of animals in Queensland - far more than the number of animals that will benefit from the duty of care provisions outlined in the ACPA. This is due to the operation of s.40 of the Act which exempts any act done in accordance with a prescribed code from the application of the duty of care and cruelty offences. Accordingly, what is written in the prescribed codes will arguably be more important for animal welfare outcomes than what is written in the principal legislation itself.

Despite the central role played by the codes in achieving the proposed legislative purposes, the ACPA is silent on the process and criteria for the making and adoption of such codes. Section 13 of the ACPA simply states that a regulation may make codes of practice about animal welfare and provides a non-exhaustive list of topics about which codes can be made. The lack of criteria around making codes of practice allows for the adoption of standards and practices that may enshrine cruel and harmful practices and contradict the purposes of the legislation.

The Bill goes some way to acknowledging this deficiency by proposing to amend s.13 to ensure the codes are 'based on good practice and scientific knowledge.' While recognising the role of science in the development of codes is positive, the proposed amendment provides limited guidance as to what this means in practice.

Modern animal welfare law establishes decision-making criteria for the adoption of industry codes to ensure consistency and accountability in the process of development. On this point, 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 the consistency with the purpose of the Act, 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 duty of care obligations set out in the Act. 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 duties and obligations.

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



We recommend that clause 4 of the Bill be amended to include the following additions:

13 Making codes of practice

- (1) A regulation may make codes of practice about animal welfare that are:
 - (a) based on good practice, contemporary scientific knowledge and technology, and advice from the Animal Welfare Advisory Board; and
 - (b) not inconsistent with sections 17 and 18 of the Act.

In addition to this, the Bill should include a requirement for the 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 Queensland, as national standards still need to be adopted under Queensland law to be granted legal status. Decision-making criteria prescribed in Queensland legislation could be satisfied through the national process or by the Queensland Government taking any additional steps required to satisfy the Act's requirements prior to adoption.

Recommendation 4

Introduce additional requirements for the making of codes of practice, including that they are based on contemporary scientific knowledge and technology, advice from the Animal Welfare Advisory Board, and are not inconsistent with sections 17 and 18 of the Act.

5. Further guidance on animal cruelty

The Bill also provides an opportunity to improve the drafting of the offence of animal cruelty in s.18. The offence is currently drafted as causing an animal pain that 'in the circumstances, is unjustifiable, unnecessary or unreasonable.' However, the offence provides limited guidance to courts on how to determine when pain caused to an animal is unjustifiable, unnecessary or unreasonable.

On this point, we refer to s.4(3) of the UK *Animal Welfare Act 2006*, which codifies well established principles of the common law in determining this question. 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 will provide guidance to courts in determining whether harm caused to an animal is unnecessary and in turn promote greater consistency in the interpretation and application of the legislation.

Recommendation 5

Include further guidance for the courts on how to determine when an act or omission amounts to unjustifiable, unnecessary or unreasonable pain 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. Approved cattle procedures accreditation scheme

While we support the introduction of the approved cattle procedures accreditation scheme, we believe the scheme must be strengthened by requiring the use of pain relief for painful surgical procedures and ensuring that surgical spaying of cattle is replaced by alternative methods as soon as they are available.

When the agreement was made in 2016 to amend the Act to include spaying using the Willis dropped-ovary technique (WDOT),¹⁸ the development of a non-surgical alternative was some years away. In 2022, research into long-lasting hormonal contraceptives for female cattle is well advanced, and an effective annual vaccine is likely to be commercially available in the near future. When this occurs, surgical spaying will no longer be necessary and should no longer be permitted. Given this development, we recommend that a requirement is added to review the provisions relating to the accredited persons in 2 years to ensure that this technique is replaced as soon as a non-surgical alternative is available.

While the WDOT procedure continues to be used, the accreditation scheme should be closely regulated to ensure the procedure is performed competently and with pain relief.

¹⁸ See, Animal Care and Protection Amendment Bill 2022, Explanatory Notes, p.8.



The accreditation scheme proposed in the Bill does not require the use of pain relief for spaying cattle, despite clear evidence that spaying causes pain. This leaves the cattle industry heavily exposed to social licence risks. Allowing painful husbandry practices to continue without the use of pain relief, where pain relief products are available, is contrary to the Bill's objective of modernising the legislation to reflect contemporary scientific knowledge, community attitudes and expectations.

Scientific research demonstrates that spaying cattle via the WDOT procedure causes acute pain for 6-8 hours, with ongoing pain/discomfort for at least 3 days post-procedure and 'should not be conducted without measures to manage the associated pain and stress.'¹⁹ This was further confirmed by a more recent paper which also found that 'the administration of meloxicam is suggested as an effective, currently available method for improving the welfare of cattle undergoing [WDOT] spaying'²⁰:

*The findings from this study indicate that the WDOT spaying of cattle does negatively impact animal welfare with behavioural responses indicative of discomfort and pain for at least 6 h following the procedure. Various behavioural changes were observed in the time spent lying, standing, walking, eating and ruminating, as well as displays of repetitive head movement, head tucking, self licking, back arching, tail stiffness, and repetitive tail movement. The cattle that received meloxicam immediately after spaying exhibited a reduced incidence of behaviours indicative of pain, whereas the cattle that received TA [Trisolphen] during spaying exhibited behaviours indicative of pain. The results on the ability of TA to minimise haemorrhage locally were not conclusive. This is the first study to examine the effects of analgesia on the welfare outcomes of cattle undergoing spaying. The findings suggest that pain can be relieved during the acute post-operative period through the use of meloxicam.*²¹

Systemic analgesia can be readily administered to cattle through the use of buccal (oral) and injectable forms of meloxicam. These products can be administered by a registered veterinarian or a trained accredited lay operator under written veterinary instructions.

The scientific evidence demonstrates that pain relief should be provided when spaying cattle. This should be reflected in the Bill by making it a requirement that appropriate pain relief is provided during spaying and that non-surgical alternatives are adopted as soon as they become

¹⁹ Petherick J et al. 2013 Evaluation of the impacts of spaying by either the dropped ovary technique or ovariectomy via flank laparotomy on the welfare of Bos indicus beef heifers and cows, *Journal of Animal Science* Vol 91:1, 382-394.

²⁰ Yu A et al. 2020 Preliminary investigation to address pain and haemorrhage following the spaying of female cattle, *Animals* 10(2), 249.

²¹ Ibid.



available. Legislating for this to occur without the requirement for pain relief, when pain relief products are available, is unconscionable.

This would mean the Bill will not meet its objectives of modernising the ACPA to reflect contemporary scientific knowledge, community attitudes and expectations. Public polling conducted by Roy Morgan Research in March 2022 found that 95% of Australians supported laws requiring the use of pain relief for painful surgical procedures on animals.²² Following community concern, the Victorian Government has also recently required appropriate pain relief to be provided during the mulesing of sheep, a similarly invasive husbandry practice that causes equivalent pain to that of spaying.

Recommendation 6

Amend the Bill to:

- mandate the use of appropriate pain relief when spaying cattle, and
- require a review of the accreditation scheme within two years or as soon as non-surgical alternatives are available, whichever is sooner.

7. CCTV for all slaughter facilities

We support the introduction of CCTV for slaughter facilities and the proposed notification requirements, however, these requirements should not be limited to horses and should be broadened out to apply to all slaughter facilities in the state. Slaughter facilities are one of the highest risk points in the production chain for animal welfare. These risks are just as prevalent in cattle, sheep, poultry, pig and other slaughter facilities as they are in knackerries. While the Meramist abattoir was recently the subject of a significant media exposé, any other slaughter facility in the state could come under similar scrutiny and investigation in the future.

As the Bill's Explanatory Notes states:

CCTV surveillance at livestock processing establishments is an emerging standard that promotes better practice and increased public trust in the meat processing industry. The Martin Inquiry advocated the use of CCTV as a useful tool for: detecting and addressing systemic animal welfare issues that may otherwise go undetected; sets an expectation that animal welfare is a priority; holds employees to account; and provides useful information to make improvements in the way that animals are handled at the facilities.

²² Roy Morgan Research, Attitudes to Animal Welfare, March 2022



Furthermore, CCTV may act as a deterrent to poor practices and is an important tool in the investigation of offences.²³

However, the Explanatory Notes also state that 'the power to prescribe by regulation other livestock slaughter facilities, is considered justified as the amendment will provide the flexibility to adopt CCTV requirements and reporting and record-keeping obligations as community expectations about the need for these requirements in other slaughter facilities evolves.'²⁴ We believe that community expectations have already evolved, and there is an expectation that all slaughter facilities would be monitored with CCTV accessible by relevant animal welfare authorities. Indeed, 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 Queensland businesses as well as providing assurances to Queenslanders that animal welfare is taken seriously and is monitored closely in slaughter facilities within the state.

Recommendation 7

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

8. Introduce a civil proceedings process under the Act

We note the Bill is proposing to restrain the commencement of prosecution proceedings under the Act by requiring authorisation from the chief executive of DAF. This is an inappropriate restriction on the right to initiate proceedings under the Act. Standing to bring actions under the Act should be broadened, not curtailed in this manner.

The role of third-party private litigants has been recognised in other legislative settings of public interest including Australian consumer law and environmental protection legislation as a

²³ Animal Care and Protection Amendment Bill 2022, Explanatory Notes, p.20.

²⁴ Animal Care and Protection Amendment Bill 2022, Explanatory Notes, p.18.



legitimate and effective means of supplementing state enforcement efforts to increase compliance with the law.

Provisions for civil proceedings should be introduced into the Bill to facilitate this important enforcement mechanism. Appropriate safeguards can be built into the process to ensure the provisions are only used for appropriate and legitimate purposes. As an example, civil proceedings may be taken under the Victorian *Environment Protection Act 2017* only by:

- *persons whose interests are affected by a contravention of the legislation; or*
- *a person who otherwise has the leave of the Court to bring an application, which will only be granted if the court is satisfied that:*
 - *the application would be in the public interest; and*
 - *the person had requested in writing that the EPA take enforcement or compliance action, but the EPA failed to take enforcement or compliance action within a reasonable time.*

Together with the general risks associated with adverse costs orders, these provisions provide appropriate safeguards to ensure that such proceedings could only be undertaken by those with a legitimate purpose. We recommend clause 33 of the Bill be removed and substituted with similar civil proceedings provisions to enable greater enforcement of the legislation.

Recommendation 8

Include a process for civil proceedings to be brought under the legislation with appropriate safeguards to supplement state enforcement efforts and increase compliance with the legislation.

9. Disclosure requirements

As a general principle, we support transparency and accountability in the enforcement of animal welfare law and therefore support the Bill's proposed disclosure requirements for the RSPCA. However, this should not be limited to the RSPCA. Compliance monitoring and enforcement activities are not reported on DAF's website. Statistics such as the number of compliance monitoring inspections carried out (including rates of non-compliance detected), directions issued, and prosecutions commenced should be part of DAF's disclosure requirements as well. DAF 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 9

Amend the Bill to include public reporting obligations on DAF relating to its compliance monitoring and enforcement activities, including reporting to parliament on such activities.

10. Other matters

We would also like to express our support for other components of the Bill, including:

- the increased penalties for breach of duty offences
- the ban on pronged collars
- the ban on tail docking cows
- the recognition of interstate prohibition orders
- training and conflict of interest declarations of inspectors
- expanded powers of entry to provide relief to an animal; and
- the amendment to the *Racing Integrity Act 2016* to include safeguarding the welfare of racing animals in the functions of the Racing Integrity Commission.

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	animals should be ' <i>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-dyregaernsloven.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 'organic being that lives, feels and moves on its own impulse.'	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 ‘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: https://api.worldanimalprotection.org/country/mexico https://www.legisver.gob.mx/leyes/LeyesPDF/LPANIMALES04022020F.pdf
Moldova	Civil Code 2002 Article 287	No	1.5 Animals 1.6 (1) Animals are not considered things. They are protected by special laws.	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 ‘animals are not things’.	http://www.dutchcivillaw.com/civilcodebook033.htm https://wetten.overheid.nl/BWBR0005291/2015-08-27#Opschrift

New Zealand	Animal Welfare Act 1999 Long title	Yes	<i>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:</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/pol-and-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- Φ3 'On Responsible	No	<i>States that the treatment of animals should be based on the following 'moral principles and principles of humanity': that</i>	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- Animals are not objects. 2- Where no special provisions exist for animals, they are subject to the provisions governing objects.	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