

FAQs – Draft Animal Welfare Bill 2022

Why has the Government developed the Draft Animal Welfare Bill 2022?

The NSW Government is delivering our commitment to reform our animal welfare laws in consultation with the community.

As part of the NSW Animal Welfare Action Plan, the NSW Government is modernising the policy and legislative framework in NSW. The science behind animal welfare has evolved since the laws were introduced around 40 years ago, and so have community expectations. The existing laws have been modified and added to over the years, resulting in the unnecessarily complex and prescriptive system in place today.

The Draft Animal Welfare Bill 2022 aims to streamline and strengthen animal welfare laws, to make them easier to understand and follow.

What is the Draft Animal Welfare Bill 2022 based on?

The reform is being driven by feedback from the people of NSW, with the process providing multiple opportunities for everyone to have their say on what the laws should be.

From February to June 2020, public feedback was sought on an Issues Paper on the existing framework. Over 1,100 submissions and survey responses were received from a wide range of community members and stakeholders.

From 3 August to 17 September 2021, the NSW Animal Welfare Reform – Discussion Paper was published for feedback. Almost 4,800 submissions were received demonstrating the high level of interest from right across the community.

The Government has reviewed all the stakeholder feedback and used it to develop the Draft Animal Welfare Bill 2022. A Consultation Outcomes Report has also been published which summarises all the feedback received on the Discussion Paper.

Why have you published the Draft Animal Welfare Bill 2022?

The NSW Government has consulted the community and key stakeholder groups throughout the animal welfare reforms over the last two years.

The release of the Draft Animal Welfare Bill 2022 provides another opportunity for everyone to have their say on the new animal welfare laws before they are brought to Parliament.

The Draft Animal Welfare Bill 2022 is now being considered by the Inquiry into Animal Welfare Policy in New South Wales. More information about the Inquiry is available on the [Parliament of NSW website](#).

Does the Animal Welfare Bill 2022 impact fishing or hunting in NSW?

The Draft Animal Welfare Bill 2022 will not impact fishing or hunting in NSW.

Under existing NSW animal welfare laws, you can fish and hunt in a manner that inflicts no unnecessary pain. This will continue to be the case under provisions in the Draft Animal Welfare Bill 2022.

The Draft Animal Welfare Bill 2022 contains specific exemptions related to hunting and fishing, and specifies that conducting these activities in a manner that inflicts no unnecessary harm does not constitute an animal welfare offence. There is also an exemption which specifies that it is not an offence to use live fish, cephalopods and decapod crustaceans as bait or as a lure.

The exemptions ensure that the new laws, including the expanded definition of animal and the definition of harm, do not impact on normal fishing and hunting practices.

How will the minimum care requirements work for different species?

The minimum care requirements explain the basic obligations of people looking after animals. For example, this includes providing appropriate food, drink and shelter; providing timely veterinary treatment; and providing appropriate exercise and living environments.

The minimum care requirements have been designed to provide a clear explanation of the outcomes expected for animals in a person's care. It has been designed to be flexible, and recognise that the basic needs of animals vary between species and the circumstances and not every potential situation can be detailed in legislation.

The Draft Animal Welfare Bill 2022 includes specific guidance around what should be taken into account when considering what was 'appropriate' including the species and the circumstances. This supports clear and consistent enforcement, in a way that is sensitive to the facts of individual cases.

Are you changing who can bring forward animal cruelty prosecutions?

No. The Draft Animal Welfare Bill 2022 retains the existing provisions which limit who can commence prosecutions. Only authorised officers – meaning authorised officers from approved charitable organisations (RSPCA NSW and Animal Welfare League NSW), authorised officers from the NSW Government (e.g. exhibited animals and animal research authorised officers), and NSW Police will be able to commence prosecutions under the new laws.

These groups have the powers under the new laws to investigate allegations of offences. These groups enforce animal welfare laws and run prosecutions on the basis that they have both specialised skills and knowledge of both animal welfare and judicial processes. Limiting the agencies who can commence prosecutions ensures a

consistent approach to prosecutions, which is the most effective and efficient approach to dealing with animal welfare cases.

The Draft Animal Welfare Bill 2022 also retains the existing provision that allows for another person with the Minister or the Secretary's consent to commence prosecutions.

How will the term psychological suffering work in the definition of cruelty?

The Draft Animal Welfare Bill 2022 recognises psychological suffering as a component of "harm" inflicted on an animal. Explicitly recognising psychological suffering is consistent with current animal welfare science and clarifies what is already implied under the existing animal welfare laws – for example a person can be considered to be committing an act of cruelty if they torment, terrify or torture an animal or unreasonably or unnecessarily inflict pain, which includes suffering and distress.

Are you banning normal farming practices?

No. The Draft Animal Welfare Bill 2022 retains the existing provisions which specify that routine husbandry practices are permitted when conducted without causing unnecessary harm. The details of these routine husbandry practices will be prescribed in the Regulation and subject to public consultation.

How does the Draft Animal Welfare Bill 2022 address puppy factories?

The Draft Animal Welfare Bill 2022 sets the high-level legal principles and framework for the new laws. Issues specific to particular industries or forms of animal use – like companion animals breeding – are primarily addressed at the Regulation and Standards stage.

In NSW, the primary document for specifically regulating companion animals breeding is the Animal Welfare Code of Practice: Breeding dogs and cats (Breeding Code).

In November 2021, the NSW Government has released the NSW DPI Consultation Paper: Licensing and regulation of cat and dog breeding (Breeding Consultation Paper) to seek community feedback on specific issues relating to the regulation of companion animals breeding. Feedback received on the Breeding Consultation Paper is currently being analysed.

More detail on the Breeding Consultation Paper is available on the [NSW DPI website](#).

What will be in the Draft Regulations and when will they be released for consultation?

The Draft Regulations are currently under development and will be published for community and stakeholder feedback, consistent with the NSW Government's commitment to consulting at all stages of the animal welfare reform process.

The Draft Regulation will provide further details on matters outlined in the Draft Animal Welfare Bill 2022. For example, the regulation will include details relating to:

- the circumstances in which certain restricted procedures can be performed
- the prescribed routine husbandry practices
- the mandatory Standards (which will carry across the existing mandatory Codes) and who must comply with them
- content to be included in the annual reports of the approved charitable organisations
- matters relating to the operation of the animal research and exhibited animals licensing schemes, such as:
 - the licence application process
 - licence conditions
 - fees and charges related to licensing schemes
 - processes for suspending or cancelling licences.

Please note that these are examples only and not the complete list of provisions to be contained in the regulations.