

Community Consultation Report

2023 Review of the *Animal Welfare Act 1985*

SOUTH AUSTRALIA



Government
of South Australia

Department for
Environment and Water

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Executive Summary

The South Australian Government is updating the *Animal Welfare Act 1985* (the Act) to bring it in line with community expectations. To do this, the Department for Environment and Water (DEW) is delivering a multi-stage process to review and improve the Act. Stage 1 of the review has involved consultation to understand if the Act meets the community's expectations and how it could be improved.

We received 1,022 responses to the survey that included multiple choice questions and opportunities for comment. This consultation report (the report) provides a summary of what we heard as part of stage 1 consultation. Most responses were from individuals, however some responses represented industry associations or membership organisations. In addition, some advocacy organisations published recommended responses to the survey and raised specific animal welfare issues, which were replicated by individuals.

This report provides the key statistics and a summary of the main themes that were received for each of the questions asked in the survey.

It should be noted that comments have been summarised as stated and this paper does not include any commentary on the Government's response to the proposals. In addition, for some topics, respondents called for changes or powers in the Act that already exist. Some proposed changes were also out of scope of the Act itself and may be better suited to other legislative reform or regulatory changes. These comments and suggestions have been included without amendment to illustrate the sentiment of the responses.

Key themes from consultation included:

- Strong support for the Purpose of the Act to include duty of care and positive animal welfare
- Support for the inclusion of Objects in the Act to assist in understanding the intent of the legislation and help courts interpret provisions of the Act
- Strong support for the Act to recognise that animals are sentient, have an intrinsic value, and people have a responsibility for their care
- There was strong support that the definition of 'animal' in respect to the Act should include fish, cephalopods and decapods

- That the definitions of 'harm' and 'serious harm' and 'ill treatment' should explicitly include psychological harm as well as physical harm.
- Concern that current intervention and/or prosecution can only occur after harm occurs, and consideration should be given to including mechanisms for preventing harm before it occurs
- Support for owners having a 'duty of care' to at least meet the minimum standards of care, but also that the Act should promote much higher animal welfare standards
- There were suggestions for additions to be made to the 'Prohibited Activities and Items'
- The need for tighter controls on the use of animals in teaching and research
- There were suggestions for improvements for Animal Ethics Committees, such as membership and decision making processes
- There were some suggested changes to the representation of the Animal Welfare Advisory Committee
- The need for compliance powers to be significantly increased and better resourced
- An increase in penalties and expiations, as well as the introduction of more expiable offences
- There was support for the current model of shared enforcement, as well as other models proposed

All the feedback received will be used to identify how the Act could be improved to better meet community expectations and bring it in line with contemporary knowledge on the welfare of animals. Further stakeholder consultation is expected to be an integral to stage 2 of the review process.

Introduction

Background

The *Animal Welfare Act 1985* (the Act) aims to promote the welfare of animals in South Australia. It is the primary piece of legislation concerned with animal welfare in our state and informs how animals must be treated.

Last updated in 2008, the South Australian Government is reviewing the Act to ensure the laws governing the welfare of animals stay up-to-date with community expectations.

The first step in the review sought input from the community about whether the Act met their expectations in relation to animal welfare and how the Act could be improved.

How we engaged

A **consultation paper** was prepared for stage 1 community consultation. It provided a brief overview of the Act, its purpose, and the ways it promotes animal welfare. The paper then provided context for each question in the survey.

A survey, available on the South Australian Government's YourSAy website, was utilised to gather feedback and included questions relating to each Part of the Act. Participants were able to choose whether to complete the survey in full or provide a general written comment only. 678 (66%) respondents answered each question about the Act, with the remaining 34% providing a general text comment only.

An accompanying communications campaign promoted the consultation through traditional media outlets, social media, and direct stakeholder engagement.

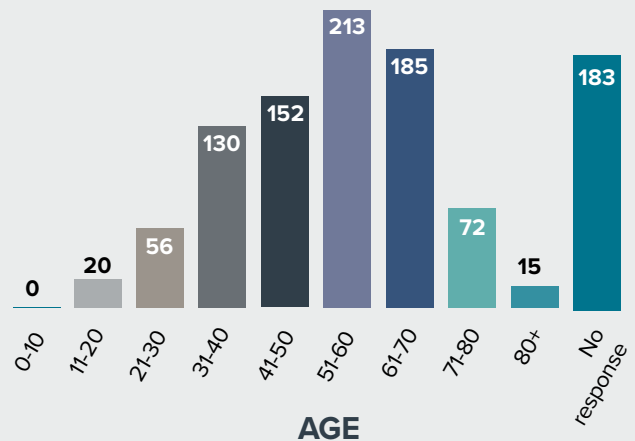
The YourSAy consultation was open for 2 months (30 January to 26 March 2023). 1,022 responses to the survey were received during that time.



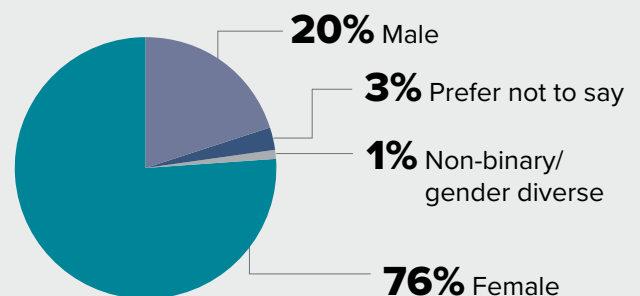
Who we heard from

Submissions were made by a wide spectrum of the community.

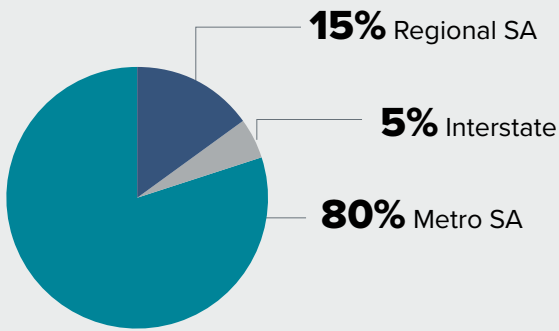
Respondents by age



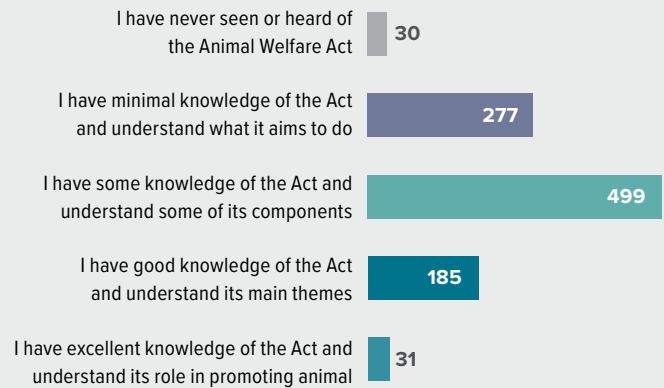
Respondents gender



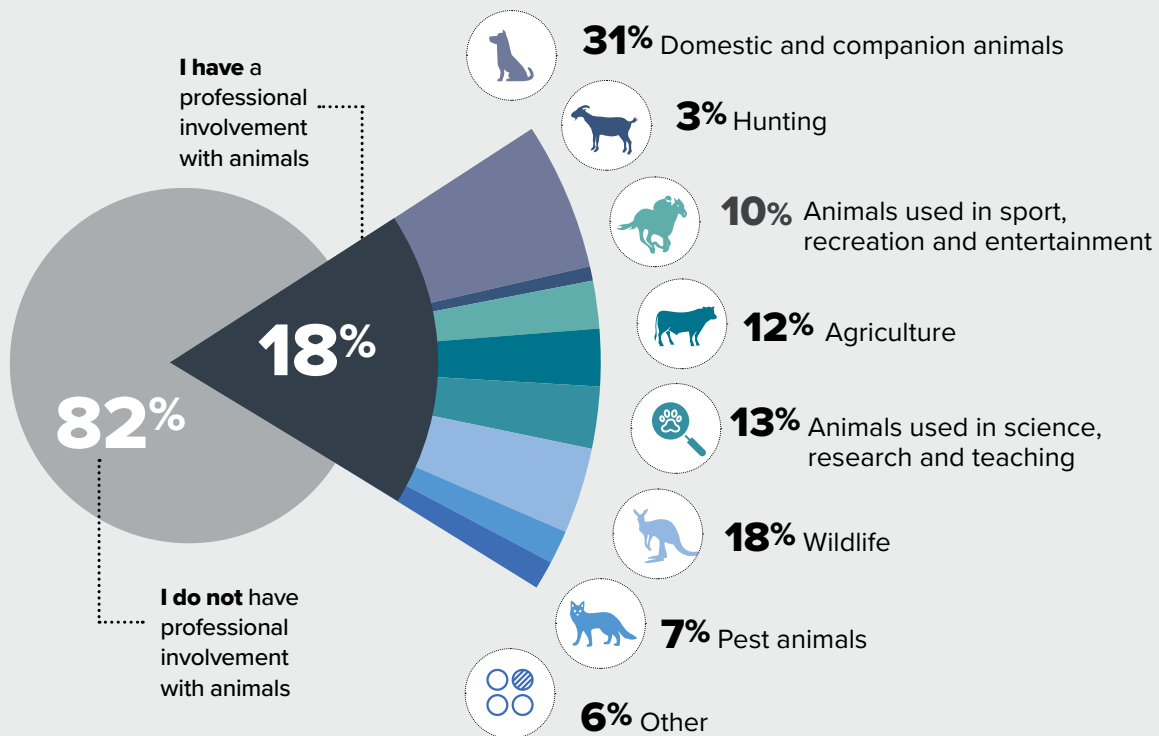
Respondents location



Respondents Act knowledge



Professional involvement with animals



Next steps

A series of reforms are being considered as a result of this consultation. These reform opportunities represent the beginning of a conversation rather than the endpoint. Stage 2 of this review will include consultation to refine what changes to the Act might look like and to work through the impacts on individuals, stakeholders and on animals themselves.

1. Intent of the Act

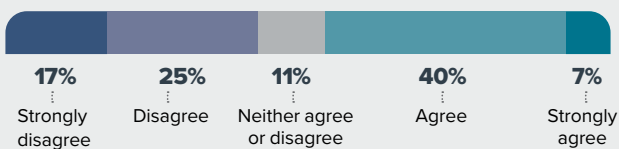
The current form of the Act has a ‘Purpose’ taken from its long title which is ‘An Act for the promotion of animal welfare: and for other purposes’. The Act does not currently have ‘Objects’. When the Act was written and later revised in 2008, objects were often not included, whereas in more recent legislation, they are more often included. The Purpose and Objects can be helpful for understanding the intent of the legislation and help courts interpret provisions of the Act.

Purpose of the Act

We asked:

Do you agree that the current purpose of the Act provides a good understanding of the general aims and principles of the legislation?

47%
supportive of
current purpose



594 people responded to the multiple-choice part of the question, with 47% supporting the current Purpose.

Approximately half of those who responded provided written comments about the Purpose of the Act. A dominant theme from the responses was that the word ‘promotion’ of animal welfare was not strong enough. Many felt that word made animal welfare appear ‘aspirational’ rather than setting a required standard for the treatment of animals, and suggested words such as ‘ensure’ animal welfare or ‘provide for’ animal welfare. Another suggestion was to ensure the ‘humane treatment of animals’.

Another dominant theme was that whilst the name of the Act and its purpose were about animal welfare, the current content of the Act does not have a focus on welfare, but on defining and prohibiting cruelty. Many people thought that modernising the Act would include a proactive approach to animal welfare and care, such as expecting a ‘duty of care’. Many mentioned that animals are sentient, and that there is a responsibility to ensure that animals do not suffer emotionally or psychologically. A clear message in the comments was that somewhere in the Act the sentience of animals must be acknowledged.

A significant criticism of the Act was that intervention and prosecution can only occur after harm has occurred. There was a strong appeal for the ability to prevent harm before it occurs. There was substantial support for the purpose of the Act being to both prevent cruelty and ensure the welfare of animals.

“ *The Purpose of the act should be to promote the welfare of animals, however currently it is very focused on prohibiting cruelty.* ”

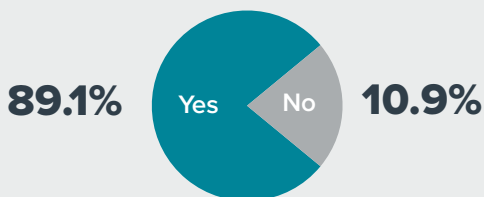
“ *The Purpose should provide for the welfare, safety and health of animals.* ”



Objects of the Act

We asked:

Should the Act include specific 'Objects'?



430 people responded to the multiple-choice part of the question, and of those, 89% thought objects should be included. 292 provided comments on what the objects might be, or themes they should reflect.

One of the most common themes from the comments was that animals should be recognised as sentient beings. This was reflected in several questions in the survey, however some specified that having this as an Object of the Act would be very appropriate.

Many responses said that animals should be recognised as having intrinsic value and therefore should be afforded an adequate quality of life. Following on from this, people thought that humans have a duty of care for the animals

they are responsible for, and that this should be reflected as an Object of the Act. Establishing minimum standards of care was also advocated for. There was strong support that animal welfare should not just be confined to just physical condition, but to psychological as well.

Prevention of cruelty was also suggested to be included as an Object. Some people felt that the name of the Act indicated it only focussed on 'animal welfare', and that it should specified that the prevention of cruelty is a key objective of the Act.

Several people said that the Five Domains of animal welfare could be used as the basis for Objects of the Act. These are: nutrition, environment, health and fitness, behaviour/behavioural interactions, and mental state.

“ Recognise that people have a duty of care for the physical and mental welfare of animals.

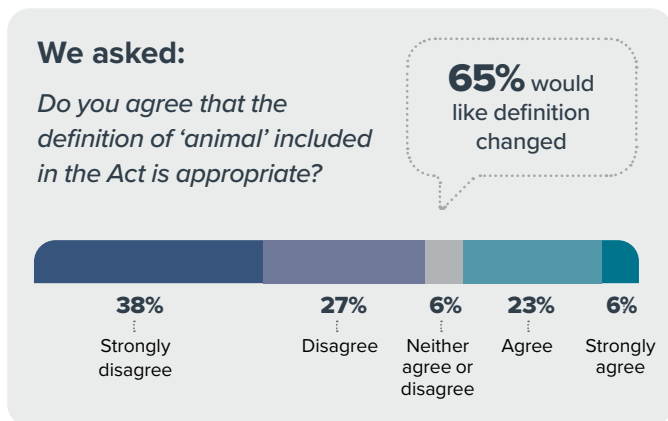
“ There should be more recognition of all animal sentience to strengthen the animal welfare act.

2. Definitions and Interpretation

In legislation, certain words are defined to assist in interpreting the meaning of the Act and the application of certain terms. In the Act, this occurs in the ‘Interpretation’ section. In the survey, we asked people what they thought about the current definition of ‘animal’, ‘harm’, and ‘serious harm’ and if they thought any other terms should be defined.

Definition of animal

In the Act, ‘animal’ is currently defined as ‘a member of any species of the sub-phylum vertebrata except a human being or a fish (and includes any prescribed animal)’.

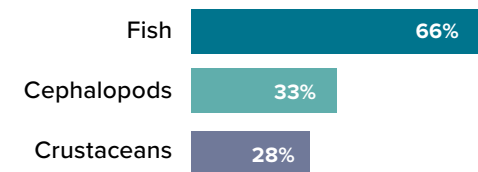


649 people responded to the multiple-choice part of the question, and 425 wrote comments about it. This was the highest rate of written comments to any question. 65% of people disagreed or strongly disagreed with the current definition. In relation to specific inclusion of fish, cephalopods, and crustaceans, 66% said fish should be included, 33% for cephalopods, and 28% for crustaceans.

Many said that the definition should be broadened even further, with 21% mentioning invertebrates, some of which are related to cephalopods and crustaceans, but also other marine and terrestrial invertebrates. Approximately 8% of people would like ‘all animals’ or the ‘whole animal kingdom’ to be included.

Several comments also indicated that the definition of animal should relate to the ability of the animal to feel pain or have feelings in general. The word ‘sentience’ was mentioned by 23% of responders, whilst others referred to words such as pain, distress, suffering, having a nervous system etc. Approximately 10% of people also thought that unborn/unhatched animals that are over halfway through their development or gestation should be included.

Percentage of people who wanted definition to include:



“ Should be defined by anything with cognitive ability and any form of nervous system.

“ Add fish, crustaceans and cephalopods to the Act’s definition of ‘animal’.

“ It should be the inclusion of every known sentient being.



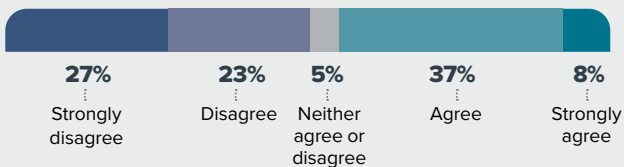
Definition of harm

In the Act 'harm' currently means 'any form of damage, pain, suffering or distress (including unconsciousness), whether arising from injury, disease or any other condition'.

We asked:

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?

50% do not support current definition



651 people responded to the agree/disagree part of the question, and 372 wrote comments about the definition of harm. There were 2 very dominant themes in the responses to the question:

- harm must include not only physical harm but psychological as well, and
- there should be mechanisms that prevent harm before it occurs.

40% mentioned the term 'psychological' or 'mental', or discussed other concepts such as emotions, distress, and fear. People strongly advocated that the definition include psychological harm and said that this was required to bring the Act in line with contemporary expectations and current thinking about animal welfare and quality of life.

The second main theme was criticism of the current situation in which intervention and/or prosecution can only be taken after harm has occurred. There were strong calls from 11% of people responding to this question for preventing harm before it occurred. There were suggestions that animals could be determined to be 'at risk' of being harmed if situational circumstances did not change.

Another topic that received a significant number of comments was that harm should include not providing adequate care. People used terms such as:

- omission of duty of care
- neglect and negligence
- lack of providing for basic freedoms
- not enabling animals to exhibit normal behaviours.

“ Psychological harm, extreme fear and mental well-being should be considered.

“ The definition of harm needs to include mental distress.

“ ‘Likely to cause harm’ should be an offence to help prevent cruelty before it occurs.

Definition of serious harm

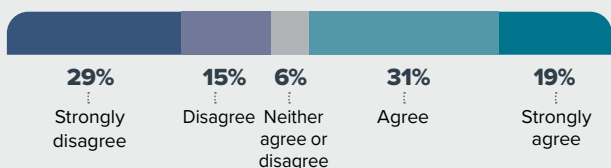
In the Act 'serious harm' currently means:

- harm that endangers an animal's life; or
- harm that results in an animal being so severely injured, so diseased or in such physical condition that it would be cruel not to destroy the animal; or
- harm that consists of, or results in, serious and protracted impairment of a physical or mental function.

We asked:

Do you agree that the definition of 'serious harm' in the Act provides adequate protections for the welfare of animals when used in the context of ill treatment?

50% support the current definition



621 people responded to the multiple-choice part of the question, and 277 wrote comments about the definition of serious harm. The responses to this question largely reflected the themes put forward about the definition of 'harm' such as preventing harm before it occurs and including psychological harm. Many of the responses talked about the need to intervene before a situation involving 'harm' escalated to 'serious harm'.

There were several responses that called for the ability to intervene based on the 'likelihood' of harm occurring.

It was suggested that there should be consideration of cumulative actions or omissions that are likely to be detrimental to an animal and therefore enable intervention.

Whilst the definition of serious harm currently does include the term 'mental function', there was still strong feedback to explicitly reference psychological impacts as well as terms such as 'emotion' and 'pain'.

The theme about intention was further explored in this question such as whether harm was caused by neglect, or intentional abuse. Some called for a graded level of offences and penalties in relation to intention, such that deliberately causing suffering could carry higher offences.

Several responses felt that the definition of serious harm needed to be expanded. The current definition includes 'harm that endangers an animal's life or that necessitates euthanasia', or that results in 'serious and protracted impairment of a physical or mental function'. Some felt that this definition could possibly exclude some situations from being considered as 'serious harm' that were not of a 'protracted' nature but could, for example, involve cruelty of a very severe nature, and should be considered a serious offence.

“ Add a new offence - acts or omissions likely to cause harm.

“ Serious harm should include mental and emotional stress of an animal not just physical.

Other terms to be defined

We asked:

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?

334 people responded to the multiple-choice part of the question. Of these 70% said yes. 225 comments were provided about what terms should be included or amended.

A term that people commonly wanted to be redefined was 'owner'. A high number of people preferred the term 'person

in charge' or 'having responsibility for the care of an animal'. Many also suggested changing 'custody **and** control' to 'custody **or** control' to expand the definition. Another common theme was that the terms 'sentience' and 'psychological' be added and defined in the interpretation section.

Other terms that commonly were suggested include:

- animal welfare
- duty of care
- care
- humane
- puppy farms
- abandon
- suffering



3. The Animal Welfare Advisory Committee

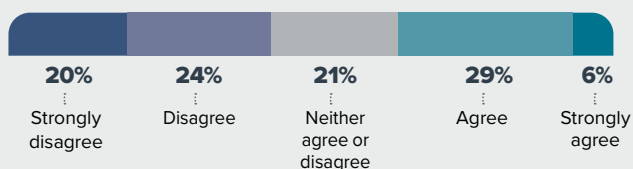
The Act establishes the Animal Welfare Advisory Committee (AWAC) to provide the Minister with independent advice in matters relating to animal welfare. The Act sets out requirements for its membership, administration, and functions.

Administrative arrangements and functions of the Animal Welfare Advisory Committee

We asked:

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?

44% are not supportive of current arrangements



544 people responded to the multiple-choice part of the question, and 242 provided comments.

44% of respondents disagreed that the administrative arrangements and functions of AWAC supported the promotion of animal welfare.

While 35% agreed, the majority of comments provided indicated a level of concern and/or criticism. This tended to be focussed on the belief that AWAC was not effective in significantly improving animal welfare due to the prevalence of animal welfare abuse. Several people noted that:

- they had not ever heard of AWAC
- AWAC should be more visible in the community
- AWAC's activities/advice should be made more publicly available.

The representation of AWAC was the primary theme of the responses to the question. A significant number of people raised concern about potential conflict of interest in having representation from industries that are being regulated and had concerns about vested interests. Several respondents thought that:

- there should be less industry representatives
- all representatives should be solely animal welfare focussed
- the committee should be comprised of a larger number of experts with a broader range of skill sets.

There were several suggestions of areas of expertise that AWAC should include, such as an ethicist, a legal practitioner, an animal behaviourist, and a representative for companion animals.

Some suggested a review of the process for appointment of members, particularly around the mix of Ministerial appointed positions and those nominated by the prescribed organisations. There were suggestions that an open public nomination process would be preferable, with expertise-based selection criteria used to select candidates.

There were also calls for further independence.

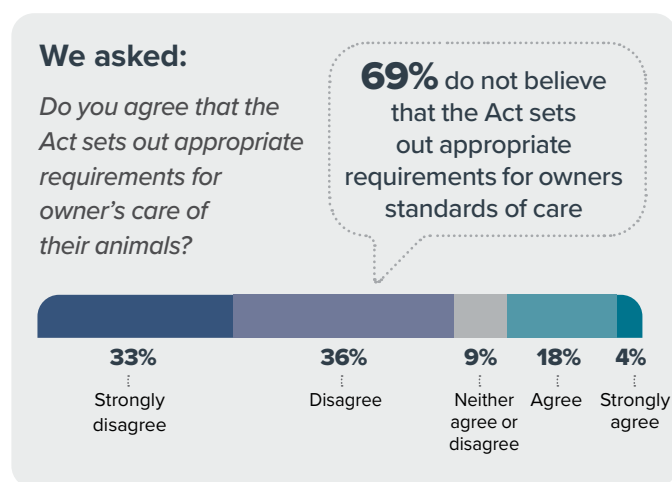


4. Ill treatment of animals

The Act defines actions that constitute ‘ill treatment’ of an animal. In addition to actions that deliberately cause harm, ill treatment also includes not providing adequate care, not avoiding or reducing the possibility of harm coming to the animal, or abandoning the animal, or neglect.

Responsibilities of owners and minimum standards of care

In the prevention of harm, animal owners have responsibilities under the Act to provide ‘adequate’ food, water, living conditions and exercise. Currently, the Act and regulations do not impose ‘positive care’ requirements on owners to their animals. For example, the Act does not stipulate that those responsible for animals should provide them with a certain level of care.



619 people responded to the multiple-choice part of the question, and 391 provided comments as explanation or examples regarding owner’s care of their animals.

The dominant feedback questioned what was meant by the word ‘adequate’ and highlighted the need to define ‘minimum standards of care’. Numerous responses called for the preparation of a set of standards of care. This would assist in identifying what falls below that minimum requirement, so it is not the responsibility of the courts to try to determine in an offence has taken place.

Respondents wanted standards that included not just the most basic needs such as food, water, and shelter, but to also cater for psychological needs, provision of a clean and comfortable living environment, and provision of treatment for illness, disease or injury. It was recognised that these standards would need to allow for variation across species and breeds, and that expertise to establish these would need to be drawn from a range of specialty areas.

Another theme was that whilst minimum standards were needed, that the Act should promote much higher animal welfare standards, with concepts such as ‘positive animal welfare’ and of animals thriving rather than just surviving. Other themes that had been mentioned in other questions were also raised here, such as duty of care and incorporating the Five Domains of animal welfare into the Act.

The lack of understanding of an animal’s requirements by their owners, particularly in relation to domestic pets, was also discussed. The need for education was identified, and some suggested that potential owners of animals should need to demonstrate an appropriate level of knowledge before becoming owners, much like a licencing system.

“ Adequate needs to be clearly defined.

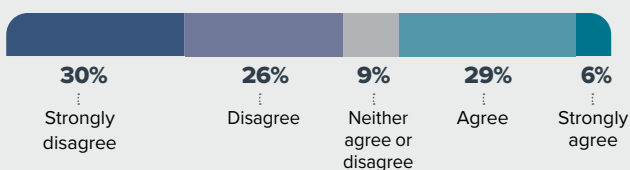
“ There basic needs for each species should be set out. This would make assessment by inspectors more straightforward and stand up better in court.

Adequacy of Act to prohibit ill treatment

We asked:

Do you agree that the Act adequately prohibits the ill treatment of animals through the activities described in Section 13?

56% think the act does not adequately prohibit ill treatment



624 people responded to the multiple-choice part of the question, and 364 wrote comments to provide explanation or give examples. One of the key themes from responses, as with previous parts of the Act, was that ill treatment needed to include psychological harm as well as physical.

Another theme that was discussed in detail was around the ‘intent’ of the ill treatment. Whilst all harm needs to be taken extremely seriously, there were many comments that deliberate acts of cruelty (compared to, for example, negligence or lack of means) should be subject to harsher penalties.

Many called for the definition of ‘standards of care’ and that any treatment of animals outside of these minimum standards should be considered as ill treatment. These included factors such as adequate food and water, comfort from heat or cold, exercise, enrichment, provision of veterinary care, and enabling an animal to exhibit its natural behaviours. There were many concerns raised about practices that occur in the farming of animals, and it was suggested that animal industries should better reflect modern community expectations for the treatment of animals.

“ There are too many instances where inhumane treatment, cruelty and neglect happen and there are inadequate consequences to act as deterrents

“ Racing of greyhounds, horses and any other animal for sporting purposes should be considered as ill treatment

Prohibited activities and items

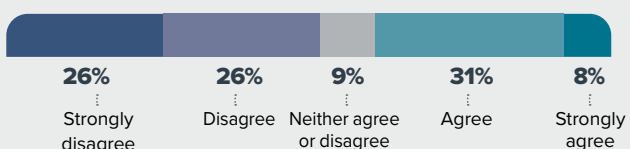
The Act prohibits some activities and items intended to cause the death of an animal by another animal, because of human action. For example, these activities include organised animal fights and live baiting in greyhound racing. Prohibited items include equipment used in these activities such as cock-fighting spurs, lures, or baits.

595 people responded to the multiple-choice part of question, and 271 provided an explanation or gave examples about prohibited activities. People were generally supportive of the prohibited activities and items that were listed but said that they need to be expanded. Another theme was about the difficulties in achieving successful prosecutions in relation to prohibited items and activities.

We asked:

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?

52% think improvements could be made regarding prohibited activities and items



The activities and items commonly suggested to be included in the Act were:

- Greyhound racing
- Duck hunting
- Puppy farms
- Animals used for entertainment
- Prong collars

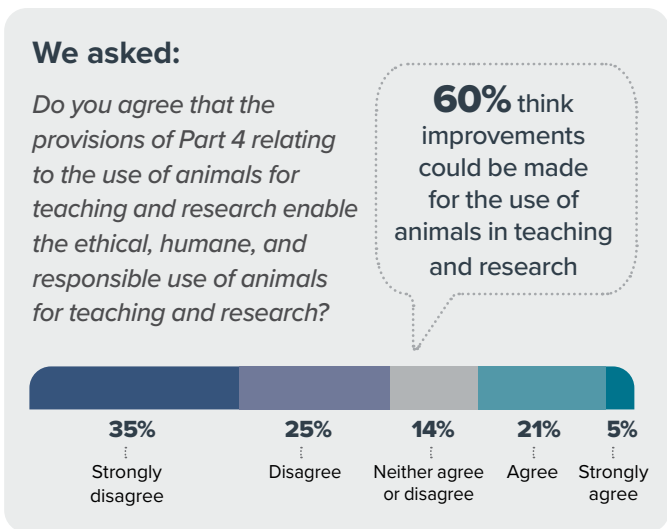
Other activities and items that were also frequently mentioned included:

- Horse racing
- Kangaroo hunting
- Electric collars
- Mulesing
- Bow hunting
- Use of poisons
- Steel jaw and glue traps
- Snares
- Rodeos
- Live transport

5. Animals used in teaching and research

The Act sets out requirements relating to using animals in teaching and research. This includes the requirement to be licensed to undertake any research involving animals. It provides guidance as to how licences may be issued and the conditions that may be applied to teaching and research licences. The Act also establishes the governance arrangements for Animal Ethics Committees. This includes their role in assessment, approval and administration of applications to use animals in teaching and research, which is guided by the *Australian code for the care and use of animals for scientific purposes*.

Adequacy of Act to protect animals used for teaching and research



549 people responded to the multiple-choice part of the question, and 293 provided an explanation or gave examples about the use of animals for research and teaching. Most people responding to this question were opposed to animals being used in research in any capacity. Many considered that with the advances in modern technology in medicine, that experimentation on animals should not be necessary, and that other alternatives should be possible. Others accepted that in some situations it might be necessary but should be a last resort

and subject to strict controls. Some queried whether the findings from research on animals were transferable to humans, and therefore could be unnecessary. There were concerns that using animals for research that had already been done should not be allowed.

There was a strong call for public reporting, as this is not currently a requirement in South Australia. Suggested reporting criteria included species, numbers of animals, research purpose, severity of outcomes and resulting publications.

The feedback in relation to using animals in teaching was mixed, perhaps due to a lack of clarity about what types of uses the question referred to. For those commenting on animals being brought into classroom situations, generally children connecting with animals and learning about their care and welfare was seen as valuable.

“ There’s no ethical way to use animals in teaching or research

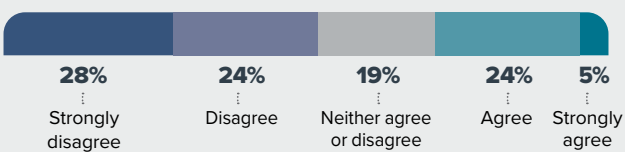
“ Animals involved in teaching and research should not be exempt from the protection of this Act

Animal Ethics Committees

We asked:

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?

52% are not supportive of current arrangements



539 people responded to the multiple-choice part of the question, and 223 provided an explanation or gave examples about the use of animals for research and teaching.

The 'Australian code for the care and use of animals for scientific purposes (8th edition) (the Code)' requires the decisions of the Animal Ethics Committee (AEC) to consider how the proposed research has addressed the '3 Rs'. These are: the *Replacement* of animals with other methods; the *Reduction* in the number of animals used; and the *Refinement* of techniques used to minimise the adverse impact on animals. Many people discussed issues around the

requirement of AECs to follow the Code in relation to the '3 Rs'. A significant number of respondents suggested that AECs did not adequately take these into consideration in making decisions.

A dominant theme was around the membership of the AECs. People had concerns that where members that were affiliated with the licensee applying for the research project there was potential for a conflict of interest, such as feeling a pressure to approve projects. Many called for all AEC members to be completely independent of the licensees. Training of members was also commonly mentioned, to ensure they have a sound understanding of their role, and to maintain an up-to-date knowledge in relevant areas.

The majority of other comments related to similar themes that also came through in the previous question, which was about reporting and transparency. Many people reiterated that they wanted the use of animals for scientific purposes banned completely.

“What is the point of creating laws to protect animals if you can still use them for scientific purposes

“There should be a requirement that full consideration of all alternative non-animal study methods have been explored



6. Compliance and enforcement

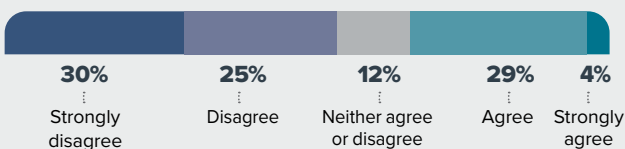
The Act sets out how it can be enforced, such as who is authorised to enforce the Act and what powers they have to do this. This first question asked generally about what people think of the compliance powers of the Act. Subsequent questions asked more specifically about penalties and expiations, and shared enforcement or co-regulation.

Compliance powers

We asked:

Do you agree that the compliance powers set out in Part 5 of the Act are appropriate for the administration and enforcement of the Act, regulations, and codes of practice?

55% think current compliance powers are not appropriate



565 people responded to the multiple-choice part of the question, and 301 provided an explanation or gave examples about compliance powers.

In the comments, the most dominant themes related to there being insufficient powers and resources to adequately enforce the Act. Respondents expressed very strongly that powers were not enough to enable inspectors to act in many cases and that they were often ‘hamstrung’ to intervene. Some suggested that powers should be broader to enable inspectors to:

- seize animals that are being neglected or mistreated immediately
- conduct random unannounced checks
- issue on-the-spot fines.

There was significant support for inspectors to be able to issue interim orders while prosecution is taking place. Many respondents said that there were simply not enough appointed inspectors in the state to adequately undertake the work required, and that more funding was required.

There was much commentary about who should be undertaking compliance. There was both support and criticism of the RSPCA. Several comments said that the RSPCA as a ‘charity’ or ‘animal rescue organisation’ should not be tasked to undertake a compliance function. Some suggested that SAPOL should have a much stronger role in animal welfare compliance, others that it should solely be a government responsibility. There was some concern about the safety of officers undertaking the role, and that they should be provided adequate training.

“ *It should be easier for inspectors to be able to inspect and act on reports of cruelty.* ”

“ *There is currently not enough compliance resources.* ”

“ *Inspectors should have greater power to seize animals* ”

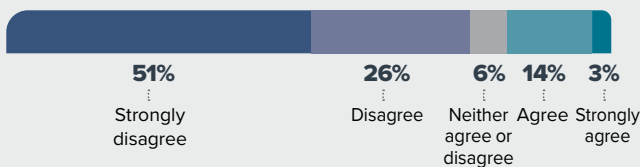


Penalties and expiations

We asked:

Do you agree that the penalties and expiations for contraventions are appropriate to discourage offending under the Act?

77% think current penalties and expiations are not appropriate



598 people responded to the multiple-choice part of the question, and 402 provided an explanation or gave examples about penalties and expiations.

The responses to this question showed that people overwhelmingly thought that the penalties and expiations, and their enforcement, were extremely insufficient to protect animals. People wanted more expiations introduced, as currently very few offences can be expiated. Most respondents wanted higher deterrents to prevent harm, including much higher financial penalties, jail time, and life-long bans on owning animals. There were also suggestions that higher penalties should apply to corporations compared to individuals.

A significant number of respondents were less concerned about the legislated powers, but rather their lack of being

enforced by the judiciary. Comments expressed a high level of frustration about people who have been cruel or caused harm to animals getting a perceived ‘slap on the wrist’, and that courts seemed unwilling to impose sufficient penalties. Several respondents also wanted interstate prohibition orders, penalties and expiations to be recognised in South Australia so offenders can’t simply move interstate and continue offending.

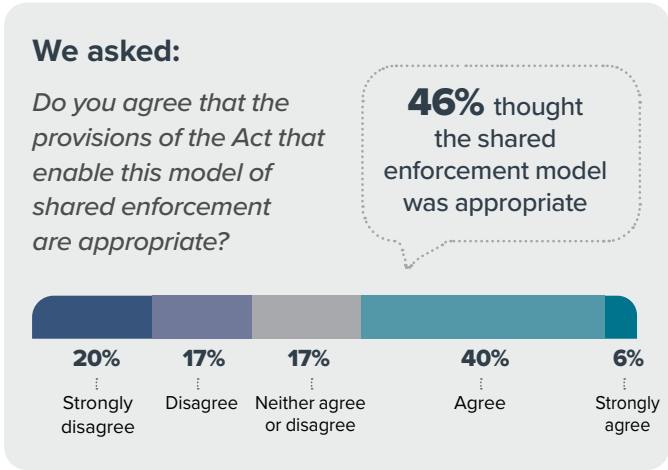
Other comments centred around education, both of a general nature, educating the community on animal welfare and animal care, as well as mandatory education for those that have been prosecuted. There were suggestions that there should be a national register of offenders of those banned from owning animals. Finally, there were many that said the revenue collected from fines should be directed back into initiatives that support animal welfare.

“ Not harsh enough to discourage offending

“ Our community expects that the punishment will reflect the nature and gravity of offences

“ Penalties and expiations are not a deterrent if they are not imposed

Shared enforcement



557 people responded to the multiple-choice part of the question, and 238 provided an explanation or gave examples about shared enforcement.

More respondents supported the model of shared enforcement than were opposed to it. Drawing on expertise across sectors was seen as being valuable in the shared enforcement model. Some potential disadvantages were put forward such as possible inconsistencies, miscommunication and ‘shuffling responsibility’.

Other enforcement models were suggested:

- SAPOL would be the most appropriate body to enforce animal welfare as they are regarded in the community as having the most authority
- all inspectors should be government employees, mainly due to the employment standards and accountability that is in place for the public sector.

These 2 enforcement models were the primary suggestions in the commentary, however other less common models were suggested. These included:

- an independent authority to coordinate standards and enforcement
- compliance should be carried out by established animal advocacy groups
- general members of the community could be trained and authorised to assist with work that was seen as under-resourced.

A frequent comment was that the Act should include protections for whistle-blowers.

“ *Police provide the most effective form of law enforcement* ”

“ *Each organisation has expertise that is valuable when assessing animal abuse and neglect* ”

“ *Animal Welfare inspectors should be government employees with the financial backing of the government* ”



7. Other feedback

The survey concluded with a free text essay question. This provided participants a forum to discuss topics that may have not been specifically related to the survey questions or that included topics that respondents wished to discuss further.

We asked:

Are there any other areas of the Act or regulations that could be improved to: promote animal welfare in South Australia, and / or better meet community expectations of animal welfare in South Australia?

There were 771 written responses received to this question. The responses varied in detail from one-word answers through to several pages of comments. Many of the comments reiterated the prevailing themes from the question responses throughout the survey. Points were also raised that covered items that are already within the Act and are currently regulated for. There were numerous responses that had been replicated by individuals that were taken from animal welfare advocacy organisation websites. These were copied and pasted or paraphrased into the open text response. It is worth noting that these responses all covered very similar subjects. Lastly, some used this section to purely make their opinion around certain topics known but did not recommend any changes.

The primary theme in the responses was support for banning duck hunting. 22% of responses called for a ban. The second most mentioned item called for increasing penalties and harsher punishments for people causing harm to animals. This was mentioned by 20% of respondents and the language around this was ardent. The next most popular discussion topics were that all animals should be recognised as sentient and that aquatic animals such as fish and cephalopods should be recognised as sentient animals.

Concern was shown for:

- using aversive training techniques with dogs
- prohibiting the use of aversive training collars such as pronged collars
- maintaining the regulation on e-collars in this space.

Further comments called for a ban of bow hunting and banning glue traps for mice. There were also over 100 responses calling for stronger regulation of the racing and entertainment industries. These focussed predominantly on greyhound racing, rodeos, and horse racing. Commentary also suggested that animals should not be permitted to be used for these purposes or transported in hot weather.

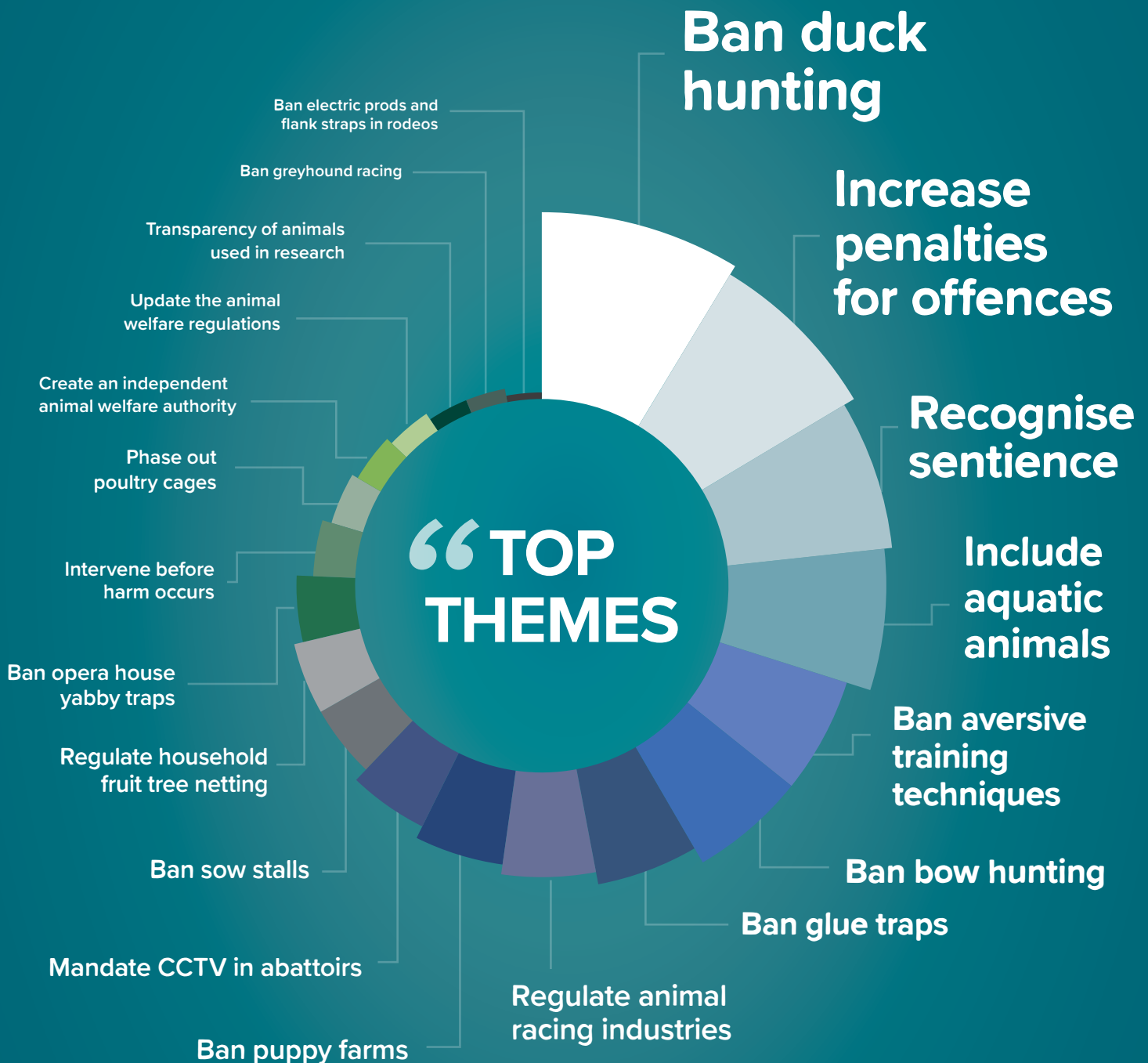
Of the free text responses, 13% mentioned backing a ban on puppy farms and were supportive of the state government's commitment to phase these out. There were also comments around stricter regulation of back yard breeders. Other topics of note with clear support were the implementation of CCTV in abattoirs so that there is more transparency of how livestock is slaughtered. Comments were made on the wish to ban intensive farming practices such as cage laying hens, most calling for a ban by no later than 2030. Banning farrowing crates (sow stalls) for pigs where the sow has limited movement was also frequently raised. There was support for banning of opera house traps for catching yabbies and regulating fruit netting in line with Victorian legislation. The feedback also suggested looking at how the Act could be amended to prevent harm before it occurs.

There were numerous topics that were mentioned either in isolation or by very few respondents. There were also comments that related to matters outside the scope of the Animal Welfare Act, or that are already enabled by the Act, and seek changes that would not be practical to implement.

Many of the topics mentioned by participants may be better addressed in the Animal Welfare Regulations rather than the Animal Welfare Act. The information collected during this consultation will help inform any future changes to the Regulations.



'Other Feedback' common themes*



*The identified 'top themes' were collated from feedback received from the 2023 YourSAy Consultation Paper's 'other feedback' final question and not representative of the themes received from the paper's other questions during the consultation period. The themes do not reflect any State Government commentary or thoughts on proposed reform options. It is acknowledged some identified 'themes' exist within the powers of the *Animal Welfare Act 1985*, while others fall outside the scope of the review process and better accommodated through other concurrent reform reviews and election commitments being undertaken.



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