

Open Letter

Animal Rights Reforms

Animal welfare laws are about to change in NSW.

The government is seeking to rewrite the Prevention of Cruelty to Animals Act (POCTAA) this is sponsored by the Minister for Agriculture and Fisheries, Adam Marshall.

The changes are drastic and include for the first time the introduction of the Animal Rights agenda as a definition of what cruelty means. The introduction of the 5 Freedoms of Animals and the changing of the definition of cruelty to now be the overarching concept of Harm, and for the first time also including psychological suffering as a form of animal cruelty, makes any interaction with any animal potentially fall within the ambit of POCTAA.

The 5 Freedoms will become mandatory obligations to be met. There will be a positive obligation under the Act and therefore a requirement that the aspirations of animal rights organisations will become the minimum standards.

Further, penalties have been significantly increased.

The Minister or his delegate can by Regulation increase the policing of the Act, by adding any animal rights organisations with the resources and ability to aid in the massively increased compliance burden (including private prosecution), these could include PETA, Animal Liberation, Voiceless and many others.

For Fishers Both Commercial & Recreational - any type of fishing or physical interaction could be considered as "bringing harm either physical or psychological to the animal"

Examples of where you would be charged under the Act

- Catch & Release
- Sport Fishing
- Bait Harvesting
- Removing a fish from the water for any reason
- Spearfishing
- Retention of Live Fish for any use

The Defence offered for fishing is only just that a "defence" how can one prove that harm wasn't done to the fish or octopus if it is caught on a hook and killed? If found guilty, you would incur heavy penalties.

This change will impact all recreational fishers, commercial fishers, charter operators, spear fisherman, businesses and trades that catch and use fish, crabs, lobster, octopus, and squid, and any seafood or freshwater catch, including live-seafood restaurants and aquatic farming.

The inclusion of decapod crustaceans (e.g., crabs, lobsters) and cephalopods (e.g., octopus and squid) into the definition of an animal closes the loop and puts all actions of the fisher under attack i.e. bait collection, use of the bait and or taking of the animal for consumption.

For farmers - this will allow for varied interpretations broadening the scope for animal cruelty transgressions, to a level where compliance will be impossible and non-compliance

the norm. The cost of upgrading farming infrastructure will be so high, that it will be unbearable by many, causing them to walk off the land.

Farming activities including use of caging, the use of stalls, grazing, shearing, tail docking, other husbandry activities, the use of working dogs etc will all come under the regulatory microscope.

For hunters – As for fishers hunters have a defence offered, but it is only just that, a “defence”. How can one prove that harm wasn’t done to an animal if it is killed for food or a trophy?

With the increased powers to animal welfare agencies and the broad changes to definitions the scope for animal welfare transgressions when participating socially or culturally in hunting practices are much broader.

Compliance will be impossible.

What You Can Do

1. Complete the E-Petition by [clicking here](#) to show your support and have this matter debated in parliament if we are unfortunate enough that it is carried through.
2. Write or call your local member opposing this review and seek to have it abandoned. Please [click here](#) to find your local member.
3. Share this letter and [link to the E-Petition](#) to your family, friends and interest groups. Many people are unaware that this is taking place.
4. Send a message directly to the minister The Hon Adam Marshall MP by [clicking here](#) voicing your objections, Email Subject: Prevention of Cruelty to Animals Act (POCTAA) and say that you object to the rewrite and review. You need to tick that you would like a response.

