



LICENCE FOR MORUYA RODEO

AN ANIMAL LIBERATION SUBMISSION



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Acknowledgement of country

We acknowledge the Traditional Owners of country throughout Australia.

We acknowledge that this document was prepared on land stolen from and never ceded by the Gadigal People.

We pay our respects to their Elders, past, present and emerging.



"We don't have a duty to **speak** for the animals;
we have an obligation to be **heard** for the animals" - Matt Ball

DOCUMENT DETAILS

Animal Liberation. 2023. A submission by Animal Liberation in response to Eurobodalla Shire Council's (ESC) current public exhibition relating to the proposed licence agreement between ESC Council and the Rodeo Association of Moruya Inc (Association) for the occupation of land to conduct the annual Moruya rodeo within Lot 1 DP 1141031 Crown Reserve 580020, Moruya Showground.

Prepared by Lisa J Ryan, Alex Vince and Nadia Kiternas.

ABOUT ANIMAL LIBERATION

Animal Liberation has worked to permanently improve the lives of all animals for over four decades. We are proud to be Australia's longest-serving animal rights organisation. During this time, we have accumulated considerable experience and knowledge relating to issues of animal welfare and animal protection in this country. We have witnessed the growing popular sentiment towards the welfare of animals, combined with a diminishing level of public confidence in current attempts, legislative or otherwise, to protect animals from egregious, undue, or unnecessary harm. Our mission is to permanently improve the lives of all animals through education, action, and outreach.

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CONTACT & ENQUIRIES

Lisa Ryan, Regional Campaigns Manager

Animal Liberation
Suite 378
846-850 Military Road
Mosman NSW 2088

Web: www.al.org.au
Email: lisa.r@animal-lib.org.au and alex@animal-lib.org.au
Phone: (02) 9262 3221

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DISCLOSURE

Animal Liberation confirms its understanding and acceptance that any submission made in response to the public exhibition of the proposed licence agreement between ESC and the Association "for the occupation of land to conduct the annual Moruya rodeo", may be published, and is available for public inspection under the provisions of the *Government Information (Public Access) Act 2009* via 'GIPAA' requests.

Animal Liberation hereby discloses and confirms that it has not made any political donations and/or gifts in the 2 years preceding this submission.

31 January 2023

Eurobodalla Shire Council

Via email: council@esc.nsw.gov.au.

We present this submission on behalf of Animal Liberation.

Animal Liberation hereby submits this formal submission to Eurobodalla Shire Council ('ESC') in response to council's current public exhibition relating to the proposed licence agreement between ESC and the Association, for the occupation of land to conduct the annual Moruya rodeo within Lot 1 DP 1141031 Crown Reserve 580020, Moruya Showground.

Animal Liberation is strongly opposed to the use and exploitation of animals for spectator sports and human entertainment. We abhor the commercial commodification of animals, and the corresponding pain, suffering and cruelty inflicted on sentient beings who are provoked and tormented to perform unnatural behaviours in rodeo events, and the consequential animal injuries and deaths which can and do occur.

Our compassion and empathy also extends to the humans who are injured or killed participating in these rodeo events which we consider to be high risk and are traumatising to the spectator audience, including young people witnessing such incidents.

It is our firm view that rodeo events involve wilful and intentional egregious, undue, and avoidable harm to animals. Further, we strongly contend that the use and indeed potential misuse of what is classified as 'general community use' land, is contrary to Sections 36A to 36N of the *Local Government Act 1993* ('LG Act'), and the core objectives of the respective Plan of Management ('POM'). It is also our view that ESC is in fact profiting from this animal cruelty through its receipt of the annual Association licence agreement fee for land deemed to be for community use.

We are also extremely concerned about the influence, impact and harm rodeo events have on young people both as participants in junior events and as spectators. Rodeos not only torment and cause extreme fear for animals, the events injure and kill many animals. These events also expose children to legally sanctioned animal abuse with children witnessing riders and ropers dominate, provoke, terrorise and injure animals. Children see the spurs, the cattle prods and the ropes, and they internalise this as 'normal'. We consider rodeo events involve violent and dominant practices inflicted on animals, and we would highlight the evidenced studies which links violence perpetuated against animals leading to violence including serious and criminal violence being inflicted against humans.

During our extensive research and compilation of this submission, we have reviewed all publicly available documents and historical information we have been able to access, together with other information submitted separately and independently to Animal Liberation.

Based on our research, we have also formed the view that ESC has failed to exercise good governance, as

is required, with its decision-making, management and public transparency in respect to the management and approval of consecutive licence agreements for the Association, and the necessary adherence to respective state-based legislation, and council's own strategies, plans and policies.

We have thoroughly considered and assessed all such information objectively in the context of all the relevant legislation at Council and State Government level, overwhelming scientific and expert evidence, and the greatly increased global and Australia wide public expectations about how we regard and treat animals.

We request that it be noted from the outset that the following submission is not intended to provide an exhaustive commentary, assessment or findings in response to the issues related to the scope of the ESC public exhibition. Rather, our submission is intended to provide a general examination, commentary and responses to select areas of key concern.

As such, the absence of discussion, consideration or analyses of any particular aspect or component must not be read as or considered to be indicative of consent or acceptance. For the purposes of this submission, Animal Liberation's focus covers aspects that we believe warrant critical consideration, attention and response.

Lisa J Ryan

Regional Campaigns Manager

Alex Vince

Campaign Director

Nadia Kiternas

Digital and social media strategist



TRIBUTE

We acknowledge and pay our respects to the humans who have been seriously injured or killed in rodeo events. To the unknown numbers of bovine and equine species exploited, abused, terrorised, injured and killed in rodeo events – we see you, we hear you, and we will continue to advocate strongly for a complete ban on all rodeo events.

We also acknowledge and pay our respects to all the brave, compassionate and committed animal advocates and activists across Australia and around the world who continue to dedicate their personal time and passion towards the complete abolition of rodeos, and all events which exploit and abuse animals for commercial profits and human entertainment.

**IF YOU REALLY
CARE ABOUT ANIMALS
STOP TRYING TO FIGURE OUT
HOW TO EXPLOIT THEM
"COMPASSIONATELY"**

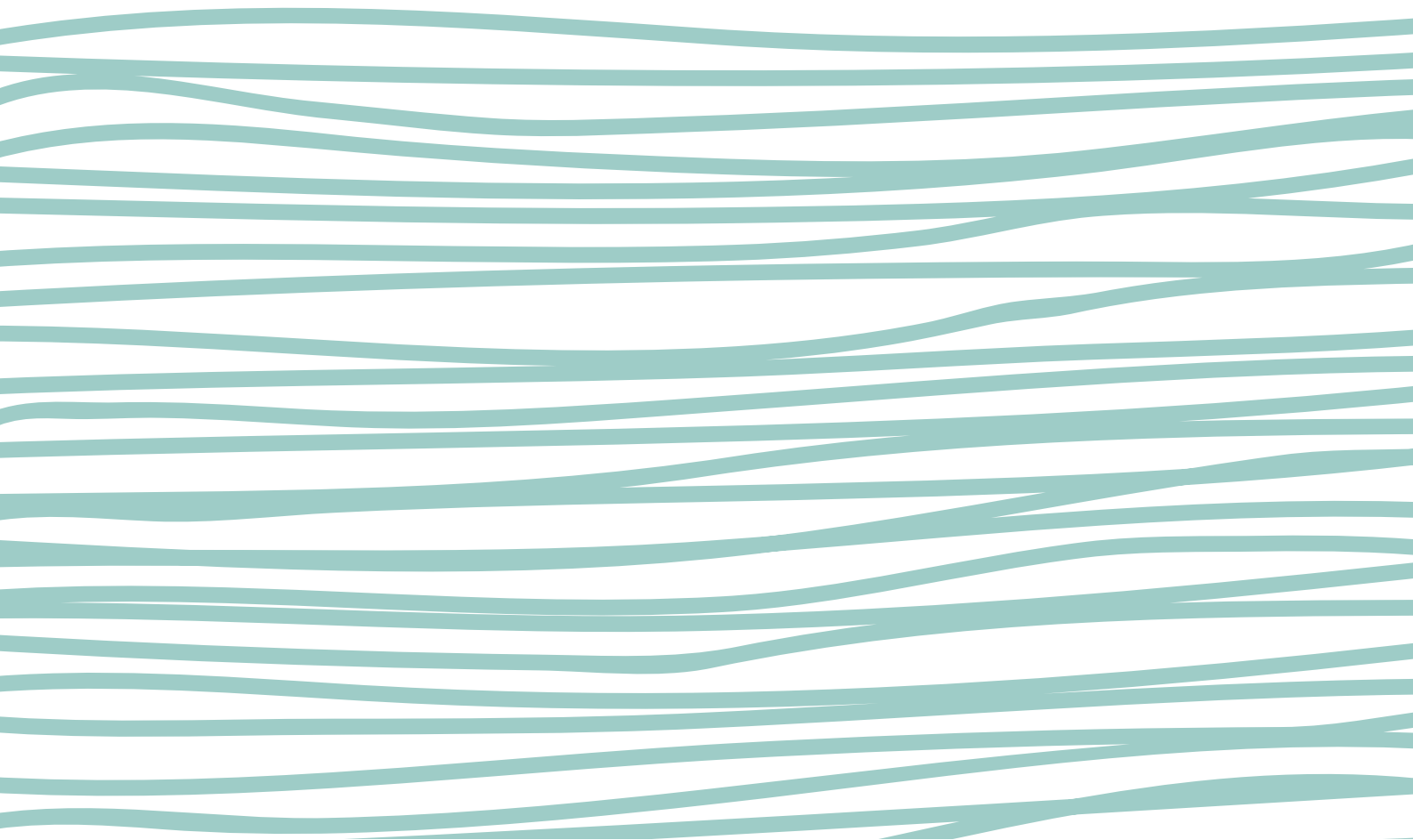
JUST STOP EXPLOITING THEM

GARY FRANCIONE



SECTION ONE

PREAMBLE



SECTION ONE

PREAMBLE

Animal Liberation is strongly opposed to rodeo events and indeed all activities and practices which use, exploit, threaten and actually cause and contribute to abhorrent physical and psychological harm to sentient beings for spectator sports and human entertainment through animal pain, discomfort, suffering, fear, distress, injuries and death.

We support the overwhelming scientific evidence that confirms animals are sentient beings, and that the animals used in rodeo events have the undisputed capacity to experience both the negative and positive aspects of sentience (i.e., fear, joy, pain and pleasure).

We maintain rodeo events which intentionally torment and provoke animals into performing unnatural behaviours cannot be deemed "tradition". Rather, such events constitute legalised and exempt examples of extreme animal abuse and cruelty.

It is our strong view that such events and activities are no longer supported by the broad public and can no longer be justified. As a publicly funded government organisation, no local government council should participate in, promote, support or gain financial advantage from such activities. Councils', including their appointed and elected decision-makers, have a clear obligation to listen to public views, adhere to animal cruelty and protections legislations and lead by example. This should include representation of broad public expectations concerning animal welfare and the general wellbeing of animals.

We strongly contend that the activities and practices undertaken involving sentient beings in rodeo events cause and contribute to known and scientifically demonstrable pain and suffering, as proscribed as 'animal cruelty' under Section 5 of the *Prevention of Cruelty to Animals Act 1979* ('POCTAA').

We maintain that Eurobodalla Shire Council ('ESC') has failed to exercise good governance, ethical and sound decision-making and public transparency with its management of and intentions regarding the Association's rodeo licence agreement, including the current public exhibition period. We note specifically that the wording of the ESC 22 November 2022 Agenda Item No PSR22/059 stipulated "public notification be given of *Council's intention to consider approving a further 5 year licence*" (emphasis added). We note, furthermore, that this was confirmed in the Meeting Minutes as an amendment put forward by Councillor Worthington and Councillor Schutz. As, in the respective ESC meeting Minutes, this amendment was put forward as as "Public Notification be given as soon as practical for an extended period until 31 January 2023 of *Council's intention to consider approving a further 5 year licence*" (emphasis added).

However, in serious and disturbing contrast, the wording of the ESC's public exhibition varies from Council's own meeting record. It states "Council's proposed intention to grant a licence for rodeo events, including a five-year licence to Rodeo Association of Moruya within Lot 1 DP 1141031 Crown Reserve 580020, Moruya Showground".

In regards to the above, the text used to describe the public submission strongly implies a clear ESC intention to "grant" (i.e., approve) a licence for rodeo events, including a five-year licence to Rodeo Association of Moruya within Lot 1 DP 1141031

Crown Reserve 580020, Moruya Showground, ahead of the submission period concluding and a subsequent review of public feedback provided during that community consultation process. We also maintain that ESC has intentionally withheld requested documents to enable a comprehensive and objective public review of all these subject matters.

Animal Liberation supports the public exhibition of this matter and council's associated 'consideration', of the subject matter, however, we strongly oppose ESC's 'proposed intention to grant a licence' which implies a foregone conclusion in blatant conflict to the spirit of genuine and meaningful public exhibition, public consultation and public interest, and ignores council's own published Agenda and Minutes from the 22 November 2022 ESC council meeting.

Throughout the following submission, Animal Liberation will establish and illustrate our reasoned and evidenced points of objection in line with scientific and expert evidence. We will discuss the nature of broad public sentiments and will demonstrate that the application lodged by the Association has no merit and is not in the public interest. We will conclude by recommending ESC reject the Association's application.

**THE WORST SIN TOWARD OUR FELLOW
CREATURES IS NOT TO HATE THEM,
BUT TO BE INDIFFERENT TO THEM:**

THAT'S THE ESSENCE OF INHUMANITY

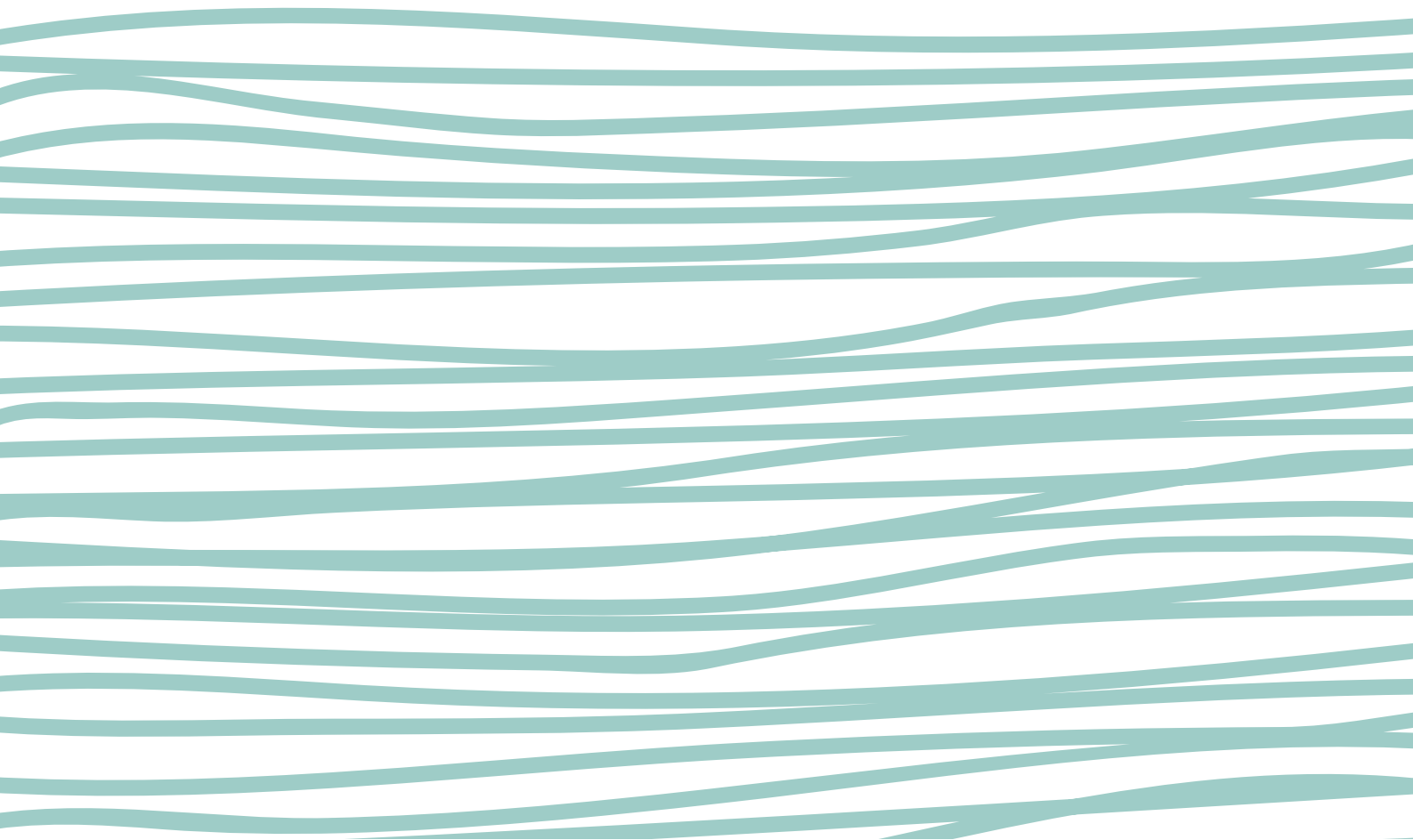
- GEORGE BERNARD SHAW





SECTION TWO

PREFACE



SECTION TWO

PREFACE

Animal welfare, as expected and demanded by the community and the broader public, includes animals being entitled to rights and protection under the internationally recognised 'Five Freedoms'. The latter represents a series of principles that have had a significant impact on animal welfare jurisprudence and regulation since their initial formulation in the early 1990s (Mellor 2016). The framework includes protections and provisions of positive bodily and mental states and maintains that good animal welfare implies physical fitness and a sense of well-being (Manning et al. 2021).

Currently, our seriously outdated and inadequate laws define the acceptable treatment of animals according to their use rather than their capacity to suffer. As a compassionate and aware society, we must consider that as history has demonstrated over and over again, just because something is legal, does not necessarily make it moral, ethical or right. Humanity dictates that we all have a moral obligation to challenge injustice and societal wrongs and collectively shape who we are as a society. Our leaders and decision-makers, including local government councils, have a clear responsibility to listen, question and act in this regard.

Sound science shows that all animals, including calves, cattle and horses, are sentient and capable of experiencing a wide array of emotions (Dawkins 2006; Proctor et al. 2013). Horses are in fact legally classified as companion animals, similar to those we share our lives and homes with. Such recognition is becoming increasingly present in legislation (Blattner 2019). The assessment of and decisions made regarding this licence agreement represents significant animal welfare risks and a range of potential adverse impacts as well as societal expectations.

As such, rather than being commercial products or economic assets, it is our view that the rodeo animals represent the key and priority stakeholders. Precedence must, as an absolute priority, accordingly concentrate on outcomes to ensure, facilitate and maintain their protection. This must include recognition of their sentience and ability not only to endure or experience suffering but a wide array of positive emotions as well (Bekoff 2020).

The use and exploitation of animals for spectator sports and human entertainment and the inherent and evidenced-based related animal cruelty is a major animal welfare issue across Australia. Current inadequate and outdated NSW 'animal welfare' legislation does not meet the behavioural, social and/or emotional needs of animals. Accordingly, events, activities and practices operating to these minimum standards do not provide or protect welfare or protection for these animals.

Council would be aware that currently in NSW the State Government is undertaking a Standing Committee on State Development Inquiry into Animal Welfare Policy in New South Wales which includes a review of the Exposure Draft Animal Welfare Bill 2022, intended to replace the Prevention of Cruelty to Animals Act 1979. These Inquiries reflect widespread public expectations about the treatment of nonhuman animals and the legal protection they are afforded.

We acknowledge ESC is somewhat constrained by current NSW animal welfare and protection legislation which permits legalised animal cruelty. Similarly, we acknowledge that current NSW animal welfare legislation, regulations and the

relevant Codes of Practice ('COPs') are outdated, inadequate and provide the bare minimum of protection for animals. Some activities and practices including those in rodeos are actually 'exempted' from prosecution of animal cruelty incidents.

However, we respectfully remind ESC that decision-makers have a clear responsibility to consider, be informed about, and take the necessary actions through strong and united leadership, on matters which involve strong public interest about how we regard and treat animals. Decision makers must consider the public interest. It is a fact that the public are overwhelmingly concerned about "animal welfare" (McGreevy et al. 2019).

ESC assessing staff and decision makers have an onerous responsibility concerning this public exhibition, and the assessment review must remain independent, objective and informed during the entire process. We acknowledge and appreciate that this public exhibition includes a range of risks and impacts, including strong public interest that extends beyond the ESC LGA, and accordingly, carries an additional burden of responsibility.

As the primary consent authority, ESC is required to thoroughly assess the adequacy of information provided, including evidenced science and any measures proposed by the Applicant to mitigate any potential risks and impacts, including cumulative impacts. Decision makers are compelled to act impartially and ensure the correct and consistent application of local, state and federal legislation, including the objective and transparent assessment of all submissions and the public interest.

It is accordingly imperative that decision makers thoroughly and transparently consider and account for the public interest. The interests of unsustainable, short-term or economic benefits of a privately owned commercial business or member bodies which have no standing under the LAW, must not be prioritised ahead of the welfare of animals, the environment or the long-term best interests of the broader public.

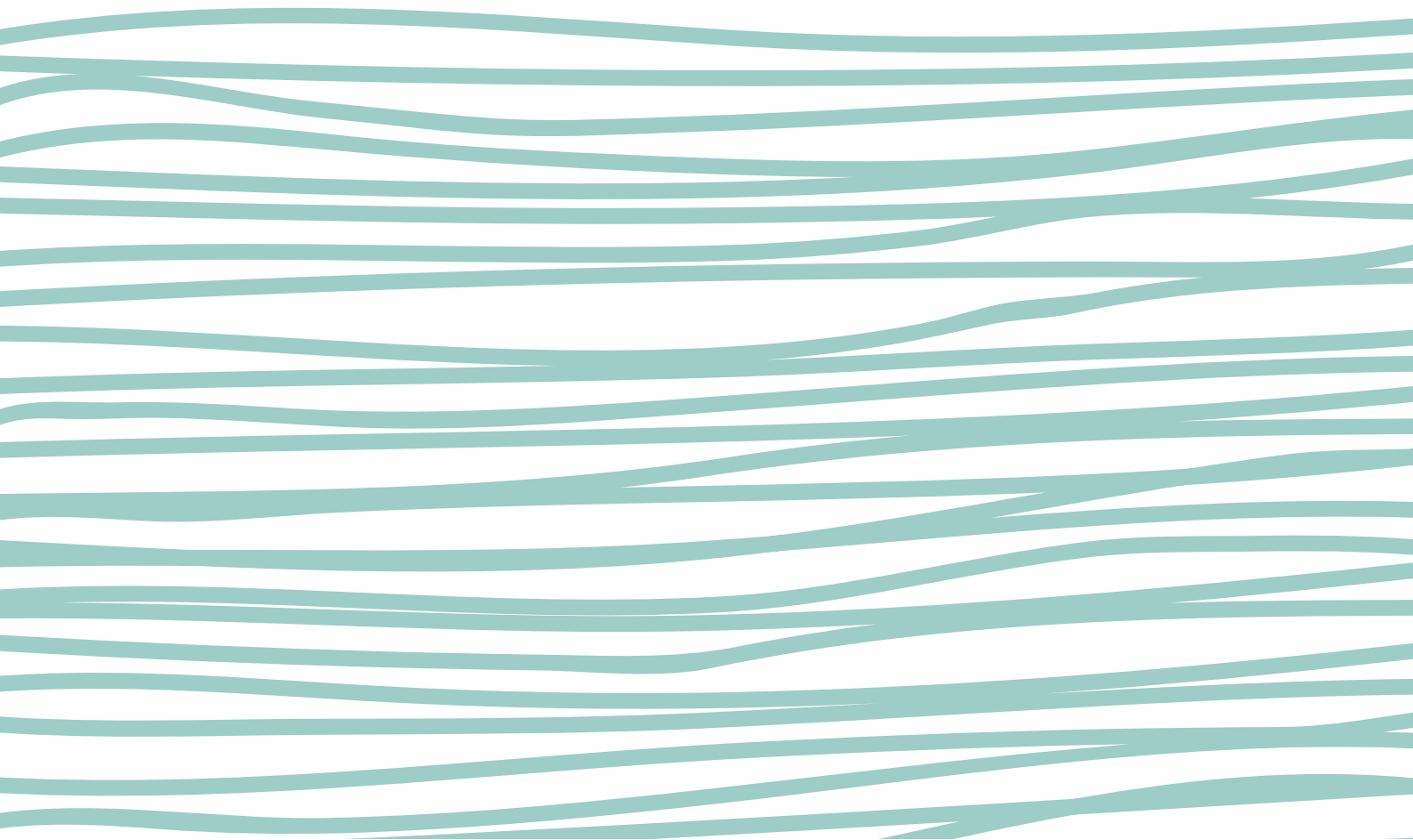
Animal Liberation strongly contends that these rodeo animal welfare and protection risks and impacts have historically not been adequately identified, assessed, or addressed. We do not believe this Licence Agreement application demonstrates any merit nor warrants ongoing assessment at the financial and emotional expense of the local community.





SECTION THREE

INTRODUCTION



SECTION THREE

INTRODUCTION

The *Animals in Entertainment* factsheet compiled and published by the NSW Young Lawyers explains that a rodeo is a "form of 'entertainment' or 'sport'" and that "horses and cattle are used to demonstrate riding and handling skills". Common events include bronco riding, bull riding, calf roping and steer wrestling. The NSW Young Lawyers note that "each of these activities has the potential to result in serious injury to the animal and human participants".

The factsheet goes on to reiterate expert advice from RSPCA Australia's 2019 publication 'What Laws Protect Animals in Rodeos?'. The latter states

bulls and horses that are ridden in rodeos are provoked into bucking through the use of spurs, electric prodders and a flank strap, which is wrapped around the animal's midsection. Animals in rodeos frequently suffer debilitating or fatal injuries and display signs of extreme distress.


The matters included in the public exhibition materials that are currently under review include ethical and moral considerations about events which are marketed as spectator sports and entertainment for human enjoyment and commercial profits; not only for those who run the events, but those who participate and even those who lease these land parcels (community use land) where such events are held. Our submission will challenge council's 'thinking' in this space and it is our request that council's decision-makers reflect on these considerations, all of which hold merit, before individually and collectively formulating decisions in the very best interests of the Eurobodalla community and broader NSW public.

These matters compel us to examine perceived and actual animal cruelty, suffering and exploitation, as well as oblige us to consider contemporary public expectations about these types of events and practices which we allow to occur on some animal species, but would condemn if practised on others.

Due to these issues, the Protection of Animals Act made traditional rodeos illegal in England, Scotland and Wales. Rodeos are also banned in parts of Europe and some rodeo practices in the United States have been heavily curtailed or stopped. Currently, in California decision makers are giving serious consideration to banning such events. In New Zealand, rodeos have been challenged in the courts. Calf roping events are already banned in Victoria and South Australia because of the stress caused and risk of serious injury to these vulnerable young animals. The ACT has a complete ban on rodeo events.

Have we truly evolved as a compassionate society if while we vehemently oppose using a stockwhip, flank strap, spurs or an electric prodder on dogs, we allow such practices on other species and pay to watch such cruelty? These matters also relate to council's leadership role and compel decision-makers to fully and transparently consider animal welfare and wellbeing expectations by those you are elected to represent.

Our animal welfare laws offer minimal protection against cruelty towards animals. Our codes of practice are riddled with exemptions and terms like 'should' rather than 'must'. The NSW rodeo code of practice is particularly lax and outdated; this year it will be 35 years old. Oversight and enforcement at rodeo events is almost non-existent because such events are often poorly regulated and frequently occur in remote locations. Council's responsibility and accountability must extend beyond signing a licence agreement and receipting an annual monetary fee – it



should be prioritised towards its community, broad public interest and upholding the state's animal welfare laws before its obligations to a member body Rodeo Association.

Thankfully, animal welfare is well and truly on the political agenda in NSW. A succession of state government inquiries and public feedback have all confirmed that animals matter. In very recent times, new laws to prevent the convenience killing of vulnerable, impounded animals have been implemented. New laws to curtail puppy factories have passed the Legislative Council. The NSW Parliament will continue to consider the NSW Greens Animal Sentience Bill and a Bill to establish an Independent Office of Animal Welfare and Protection. Meanwhile, the state's primary animal welfare and protection legislation, the *Prevention of Cruelty to Animals Act* ('POCTAA'), is also being reviewed and updated.

In reality, rodeos are nothing more than displays of human domination, torment and bullying. They often lead to cruelty to animals by prompting unnatural behaviours when they are physically provoked by the use of such devices as spurs, electric prods and flank straps. Rodeos result in painful injuries and sometimes the death of animals.

Horses and cows are normally calm and docile but rebel against their treatment. In rodeo events, frightened animals flail their spine and torso vertically and sideways, jumping and kicking, trying to remove sources of pain and irritation imposed on them by the show organisers. Calf roping abuses baby cows which are chased at high speed, roped around the neck, dragged to a sudden stop with the rope choking their neck, then thrown to the ground; a horrific experience causing stress, fear, pain and sometimes injury.

However, it is not only the actual rodeo events which contribute to animal suffering. Long-distance travel between events can also be punishing, with animals often transported over long distances in hot and overcrowded trucks and trailers. Similarly, the injuries are not only confined to the rodeos themselves. Practice sessions and rodeo schools can involve a calf being roped repeatedly, until the calf suffers injuries that require their replacement.

More and more people have become aware of just how cruel these events are for the animals forced to participate. The horses, bulls, steer, and calves suffer broken ribs, backs, and legs, torn tails, punctured lungs, internal organ damage, ripped tendons, torn ligaments, snapped necks, and agonising deaths. However, rodeos not only injure and kill many animals - they also expose children to legally sanctioned animal abuse with children witnessing riders and ropers dominate and injure animals. They see the spurs, the cattle prods and the ropes and they internalise this as 'normal'.

When we see a dog cower and whimper from pain and fear because it has been harmed we instinctively recognise this as animal cruelty. The very same logic and rationale applies to what we witness and experience at a rodeo. Animals are not voiceless; rather, we apply selective vision and hearing because to admit we have purchased tickets to watch such cruelty would make most of us very uncomfortable. As informed and intelligent human beings we have the capacity to choose to justify our participation in this deliberate and intentional abuse of animals which by its very nature is violent, simply because it's 'entertainment' and it's legal. It cannot and should never be justified, condoned, endorsed or approved.

COASTAL CONCRETE & QUARRY



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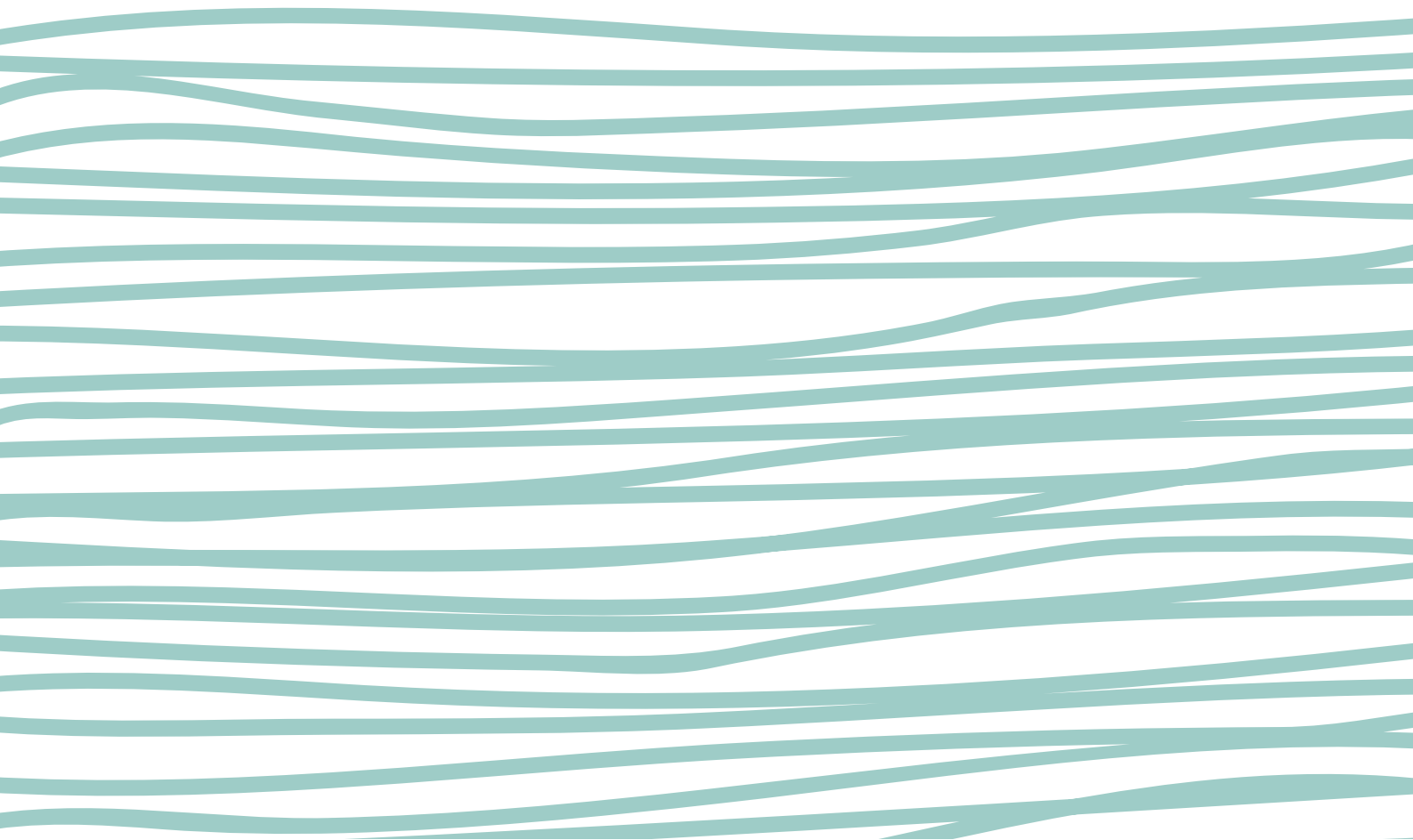
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SECTION FOUR

BACKGROUND



SECTION FOUR

LOCAL GOVERNMENT COUNCILS

LEADERSHIP, CONNECTION AND ETHICAL DECISION-MAKING

Council's Code of Conduct incorporates the Model Code of Conduct for Local Councils in NSW in line with Section 440 of the *Local Government Act 1993* ('LG Act') as it applies to decision-making. As outlined in the NSW Office of Local Government ('NSW OLG') 2021 Councillor Handbook:

Increasingly, councils are playing a role in not just delivering services to their community but also shaping the future of the community by working with local people to develop and deliver a vision for each place.

Amongst the many principles for local government prescribed under the LG Act, councils' are expected to:

- provide strong and effective representation, leadership, planning and decision-making
- consider social justice principles
- consider the long term and cumulative effects of actions on future generations
- ensure their decisions are transparent and that decision-makers are accountable for decisions and omissions.

LOCAL GOVERNMENT ACT (s47A)

Section 47A of the LG Act contains provisions relating to leases, licences and other estates in respect of community land for a term of five (5) years or less. It states that it applies to:

a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.

If a council intends to grant a lease, licence or other estate under s47A of the LG Act, it must adhere to a number of conditions. For example, s47A(2) states:

(a) the proposal must be notified and exhibited in the manner prescribed by section 47, and

(b) the provisions of section 47 (3) and (4) apply to the proposal, and

(c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)–(9) are to apply to the proposal.

Finally, if the Minister determines the provisions of the LG Act apply to the proposal the following conditions apply:

a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)–(8), and

(b) section 47 (9) has effect with respect to the Minister's consent.

EUROBODALLA LICENCING OF COUNCIL-CONTROLLED PUBLIC RESERVES AND ASSOCIATED BUILDINGS

LOCAL GOVERNMENT ACT 1993

If the classification of the Council land is 'Community' and the licence is for any period that does not exceed five (5) years, Council must give public notice of the proposal by advertising in the local press. The notice of the proposal must include:

- information sufficient to identify the land concerned
- the purpose for which the land will be used
- the term of the proposed licence (including any option term)
- the name of the proposed licensee
- a statement that submissions in writing may be made to the Council concerning the proposal within a period not less than 28 days which is in addition to the EOI process and timeframe.

If any objections are received, Council must consider all submissions before determining the licence.

If the licence period exceeds five (5) years, Council must give the same public notice of the proposal as above and if any objections are received consent for the licence will be required from the Minister for Local Government.

The objectives of this Code are to detail the process that will be followed for the granting of licences for the use of Council controlled public reserves and associated buildings in a timely manner that meets legislative requirements and establishes a consistent and fair framework to deal with requests for the use of public land. In addition, the Code should be read in conjunction with the following legislation, policy, plans or orders, standards or guidelines.

Animal Liberation contends that ESC has failed to objectively or thoroughly

consider or apply the Act as intended, or council's own internal strategies, plans or policies with regard to decisions about the successive Moruya rodeo licence agreements.

HISTORICAL EVENTS AND INCIDENTS

ESC NEW YEAR'S DAY RODEO 2023

Animal Liberation agents attended the Moruya New Year's Day Rodeo. They witnessed hour after hour of distressed and tormented animals. It was evident that in calf and steer roping, steer wrestling, and steer, bull, and bronco riding, animals were clearly suffering mentally and physically. They are isolated from their herd, have their ears pulled, tails twisted, faces hit, and are tormented, chased, lassoed, wrestled, or ridden, all in the name of "sport".

Incidents that stood out included a steer with an almost completely severed horn after becoming agitated and distressed, so much so it repeatedly rams its head into the metal bars to escape (see Fig. 1 below). In another incident, a bronco crashed head first into a metal fence trying to escape and then crashed heavily to the ground.

Fig. 1-2



In another alarming incident, pictured in Fig. 2 above, a chihuahua dog managed to enter the rodeo arena and was observed to be charging at a distressed bull (twice) in spite of explicit NSW COP restrictions regarding small animals in the arena.

On New Year's Eve we saw the death of a 25-year-old NSW man participating in a novice bull riding event at the Warwick, QLD rodeo. This tragic outcome can't be viewed as anything other than a senseless waste of a human life, with a young family now forever devastated, all for a few minutes of animal exploiting human entertainment, and the cost of a cheap rodeo ticket.

The Moruya New Year's Day rodeo also involved an injury to a very young male, who ironically, had likewise been participating in a novice bull riding event. After being dislodged from the terrified young bull, the male was observed to be motionless, face down on the ground, and was carried off by stretcher. Thankfully this young man has since been discharged from Moruya hospital, however the outcome could have been very different, far more serious, and potentially fatal.

Fig. 3-4



How many more people and animals have to suffer serious or catastrophic injury or death before publicly elected governments' intervene and outlaws these dangerous and abhorrent spectacles of legalised animal abuse?

Dr. Amanda Cohn, a NSW rural General Practitioner (Qualifications BA BMed MD MPH(Epi) MIPH FRACGP), confirmed for Animal Liberation:

The incident involving a young person at Moruya rodeo could have led to fatal injuries.


There is clearly a risk of life-threatening injury posed by close proximity to large animals that are able to exert a huge amount of force and have been put in a situation where they will behave unpredictably.

Participating in a rodeo is an extremely high risk activity for anyone, but particularly for children who don't have capacity to provide informed consent to the enormous risk they've been signed up for.

ESC decision-makers can't possibly justify the continuation of these shocking Moruya rodeo events, which they also financially profit from. We find it utterly disgraceful that in late 2022, the ESC Mayor, Councillor Mathew Hatcher, posted a social media video on council's own Facebook page, encouraging people to attend and support this rodeo event. Notably, he did this when ESC was launching its related public exhibition into future rodeo licence agreements. We should seriously question the Mayor leadership and impartiality, as is required by publicly elected councillors.

Animal Liberation will continue to work towards bringing about an end to these barbaric and cruel events, and guaranteed, the end will come – it's not a question of if, but rather when. The rodeo industry knows it's under an intense public and political spotlight, and they're clearly feeling the pressure, as the Moruya rodeo MC announced to the rodeo spectators, 'they're trying to shut us down'. Our response is, 'we are indeed and eventually we will succeed'."

While we continue to hear the noisy pro-rodeo advocates describe these abhorrent spectacles as 'tradition', and the participants as 'cowboys, this is all part of the mythical rodeo image. Rodeos are no more than contrived, unethical and manufactured displays of forced human dominance over sentient animals. This is really about bully's tormenting animals for a few minutes, a cheap thrill and financial gain. The entire concept of rodeo events and all similar forms of animal exploitation for commercial profits and human entertainment, is no longer considered acceptable by the broad animal loving public.



These events claim to be a form of sport where horses and cattle are used to demonstrate human riding and handling skills. If they truly want to test their 'own' skills, let them use mechanical technology which is insensitive to flank straps, electric jiggers, spurs, fear and terror. Rodeos aren't sport, there is no equal footing, and the animals do not give informed 'consent' – they are terrified and unwilling participants. There is no 'sport' involved where a calf, cattle or horse is chased, tormented, choked, injured or killed for the price of a rodeo ticket.

In spite of the claims made by rodeo organisers and rodeo industry bodies that all animals used in rodeo are unharmed and 'treated like royalty', there is no independent collation and review of injury records, making it impossible to know how prevalent injuries are or even if they are assessed by a qualified and licenced veterinary practitioner. It is also important to note that rodeos are not required to report animal injuries to a government department or any other relevant body in most Australian jurisdictions.

It's time for this industry to put up or shut up. Why do they continue to reject having a licenced and practising vet at the rodeos if they are legitimately concerned about these animals? No industry representative, no matter how experienced, will have the same level of veterinary knowledge, skill or experience that a practising and licenced veterinary practitioner has. The industry needs to either publish independent vet records of injuries and inspections of all animals immediately prior to and immediately after all rodeos for verification by those qualified to assess such records, or cease making such hollow and non-evidenced claims.

ANIMAL SENTIENCE AND CRUELTY

Animal Liberation fully concurs with RSPCA Australia's stated position that

There is increasing public concern regarding the welfare of horses and cattle used in rodeos due to the potential risks of injury and distress. The laws relating to rodeos vary widely between Industry claims vs veterinary science and expertise.

Rodeos are cruel human entertainment events which include activities which cause and contribute to wilful, intentional and ongoing fear, discomfort, suffering, pain and cruelty towards animals, and can and does result in animal injuries and death.

The matter of animal sentience has been evidenced and proven. We do not intend to debate this globally accepted concept and reality. We do however wish to express our extreme concern that some ESC decision makers may still not accept animal sentience as a 'fact'.

Animal Liberation fully concurs with RSPCA Australia's stated position that, "the laws relating to rodeos vary widely between states and only provide minimal requirements for the protection of animals".

We strongly contend that the Licence Agreement application should not be supported because there are no adequate or publicly acceptable animal welfare or animal protection safeguards under the current NSW regulatory framework, to protect animals or prevent animals from egregious harm, pain, suffering, cruelty, injury or death, in what is a high risk environment.

As it applies to rodeos, New South Wales has a regulatory framework that includes

the *Prevention of Cruelty to Animals Act 1979* ('POCTAA'), the *Prevention of Cruelty to Animals Regulation 2012*, and the *Code of Practice for Animals Used in Rodeo Events* ('COP').

Sections 18 and 18A of POCTAA prohibit bull-fighting, baiting an animal or causing an animal to fight. The CoP published in 1988, guides the interpretation of Sections 18 and 18A of POCTAA by stating that these sections also include:

the use of cattle when part of an exhibition, spectacle or display where they could be cruelly treated or inflicted with pain and suffering.

While it is reasonable to believe that Sections 18 and 18A could be applicable to rodeos in general, this interpretation is negated by Regulation 36 of the *Prevention of Cruelty to Animals Regulation 2012*. This Regulation creates "a clear exemption from the operation of ss 18 and 18A for rodeos". However, the exemption is limited by Regulation 36(3) which sets out that organisers and participants must conduct a rodeo in accordance with the COP in order to be protected by the exemption. That is, persons who engage in activities or actions that contravene the provisions of POCTAA and the COP may be prosecuted.

In practice, the Regulation excludes cattle and horses used in rodeo events from any protection that is not provided in the COP. As such, the Regulation effectively protects rodeos from prosecution under existing NSW animal protection legislation. In addition, adhering to the COP is not mandatory and the COP is littered with the term 'should' rather than 'must'.

Under these provisions, it would be an animal cruelty offence to carry out the usual animal events and practices in rodeos. These events and practices can however be undertaken lawfully, because the Regulation specifically exempts rodeos from the offence provisions in the Act.


Animal Liberation along with the broad public is extremely concerned that events and practices which are banned under NSW animal welfare laws, are exempted from those laws for mere human entertainment purposes. The standard legal test for determining whether harm inflicted on an animal is unlawful is if the harm is 'reasonable, justified or necessary'. Animal Liberation contends that it is not reasonable, justified or necessary to carry out these activities.

It is critical that decision makers understand that if it were not for this 'cruelty' legalised exemption under NSW's current animal welfare laws, the pain and suffering inflicted on animals used in rodeo events would attract a criminal offence of animal cruelty.

If it implements the proposed COP licence condition, Council would need to clarify whether the condition is meant to override the provisions under POCTAA which specify when the conditional exemption applies. Failure to do this would create uncertainty regarding the legal effect of the licence condition. Animal Liberation strongly contends that it is the NSW primary animal welfare and protection legislation which must be included.

The NSW Code of Practice for animals used in rodeo events is now 34 years old, and it allows:

- The use of 100 kg calves in calf roping events
- Non-mandatory attendance of vets at events

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- ✓ The use of horses under three years of age (structurally immature)
 - ✓ The use of standard electric prods
 - ✓ The use of standard electric prods, 'slappers' or polythene piping for the loading/unloading of animals
 - ✓ The use of flank straps
 - ✓ The use of semi-locked rowels (spurs) on cattle
 - ✓ Animals can be deprived of feed and water for up to 24 hours
 - ✓ Animals can be forced to participate in multiple events during each rodeo

A summary of legal requirements for rodeos in each state and territory is available in Appendix 1 of this document. The key differences between these are detailed in Appendix 2. Each are adapted from data provided by RSPCA Australia.

INDUSTRY BODIES

There are three (3) key industry bodies: the Australian Professional Rodeo Association ('APRA'), the Australian Bushmen's Campdraft and Rodeo Association ('ABCRA') and the National Rodeo Association ('NRA').


THIS IS WHAT ABCRA CLAIMS

In a January 2022 ABC Rural media story, Mr Craig Young, Executive Officer of ABCRA, claimed that "the sport" is "very respectful" of animal welfare.

In subsequent November 2022 ABC media, Mr Young went on to dismiss Animal Liberation's claims that rodeos were cruel and involved animal abuse, asserting: "The claims made by emotional activist groups generally are made with ignorance and a lack of understanding".

THIS IS ANIMAL LIBERATION'S RESPONSE

As Australia's longest running animal rights organisation, we will continue to challenge and expose the myths and misinformation spewed by those who seek to exploit animals, and those who contribute to physical and psychological pain, suffering and cruelty inflicted on sentient beings. It's time to end animal abusing spectacles and events which are marketed for human entertainment. Our focus, education and awareness raising includes strong advocacy for all abused animals, without fear or favour, and public transparency.



Animal cruelty, pain and suffering is of course “emotional” and we are proud to share the broad public’s capacity for compassion and empathy towards all sentient beings including humans.

We will refrain from unprofessional personal attacks against those we oppose however, we strongly refute that we are ignorant or lack understanding. The wilful, deliberate provoking, tormenting and causing pain, suffering and cruelty to animals is most certainly not being ‘respectful of animal welfare’. We have great confidence and trust in the public’s ability to see and understand the truth about rodeo events. When anyone witnesses animal cruelty, it smacks you in the face – it’s tangible and real and no PR spin can or will ever change that.

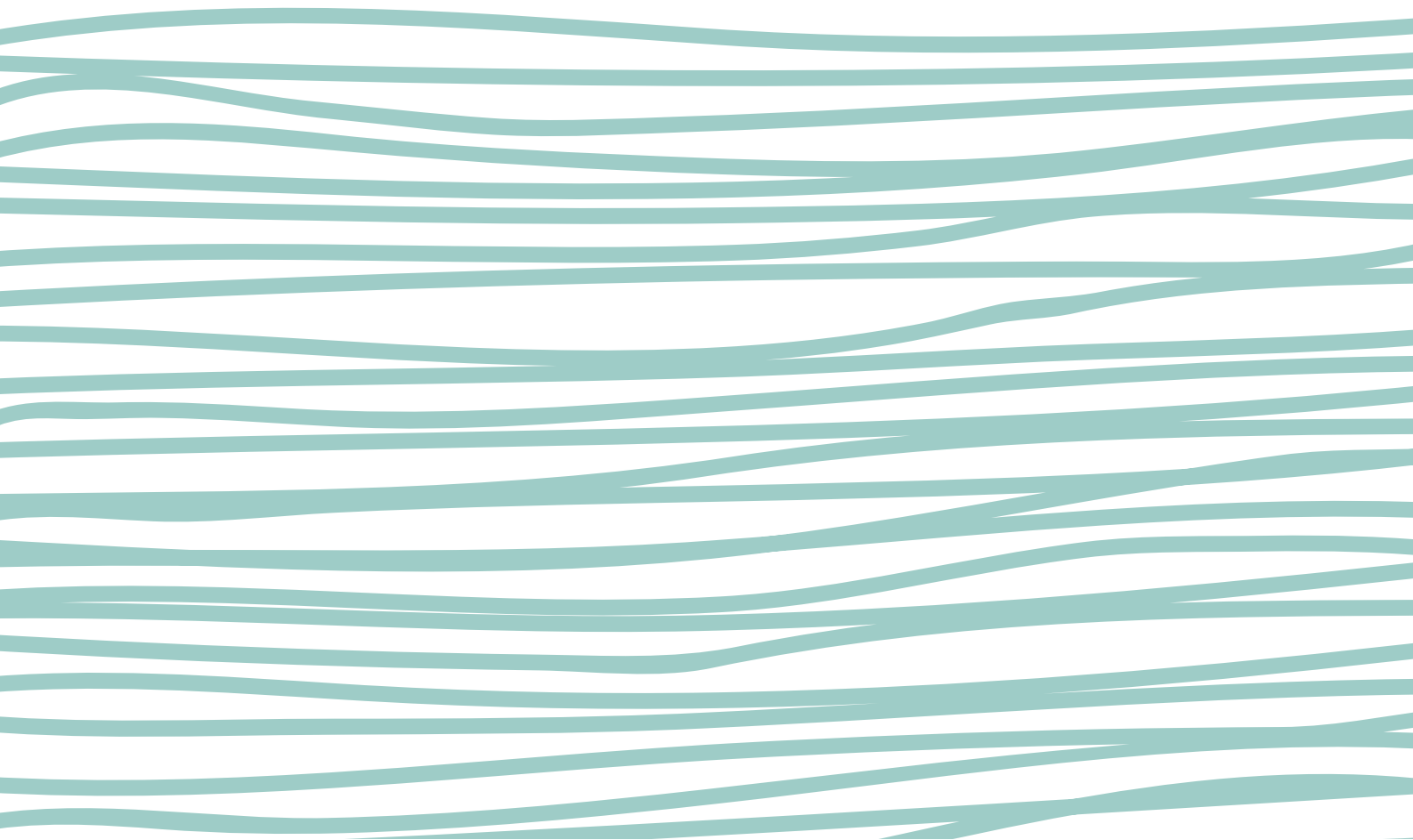
As well as the obvious animal cruelty, injuries and deaths, the very high risk of human injuries and fatalities, including to junior participants, are ever present. Similar to the tragic death of the 25-year-old NSW man in the novice bull riding event on New Year’s Eve at Warwick QLD, a young man, also in a novice bull riding event, was thrown at the 1 January 2023 Moruya rodeo and the bull appeared to make physical contact with him. He was carried out on stretcher and appeared to be unconscious.





SECTION FIVE

POINTS OF OBJECTION





SECTION FIVE


POINTS OF OBJECTION

Our submission points of objection as outlined above include, relate to and refer to the following five (5) distinct areas:


1. Animal sentience, welfare and wellbeing
2. Veterinary science, expertise and evidence vs. industry claims
3. Public interest and expectations
4. Inadequate and outdated animal welfare legislation with exemptions which permit legalised animal cruelty
5. ESC flawed and failed decision making and public transparency issues

OBJECTION

1. Rodeo events and practices cause and contribute to pain and suffering. 'Pain and suffering' is defined as 'cruelty under POCTAA.
2. Various rodeo events and practices cause and contribute to extreme agitation, fear, terror, and discomfort as a minimum, and in many instances, cause and contribute to both physical and psychological harm and animal cruelty.
3. The suffering of rodeo animals extends beyond the actual rodeo event and includes long distance transport, confinement in holding yards, training (rodeo schools) and herd separation.
4. The bovine and equine species used in rodeo events are naturally docile animals who are sentient. They are provoked and tormented to perform unnatural behaviours for human entertainment, against their will and without their consent.
5. Rodeo events are high risk to the welfare and wellbeing of animals, as well as human participants, and notably junior participants.
6. NSW State Government animal welfare and protection legislation is significantly outdated and fails to a) protect animals from pain, suffering and cruelty and b) align with broad public expectations.
7. NSW State Government animal welfare and protection legislation fails to recognise the sentience of animals, and specifically, both the negative and positive states of welfare and wellbeing, and the unique and individual needs of different species used in rodeo events.
8. NSW State Government legislation, as it applies to rodeo events and practices, allows egregious animal cruelty through legal exemptions.
9. In any other scenario, rodeo type events and practices would attract offences under the state's primary animal welfare legislation (POCTAA).

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10. ESC has failed to adhere to good governance and public transparency with related decision making, which we contend has previously lacked merit and has failed to be informed or evidenced based.
 11. Science, fact based evidence and informed opinions by experts should guide ESC decision making rather than unqualified statements or conflicted views.
 12. ABCRA and the Moruya Association are member bodies governed largely by self-interest and commercial gain.
 13. ABCRA's own internal COP is voluntary, not mandatory and is not recognised under NSW law.
 14. The NSW Animal Welfare Advisory Council ('AWAC') is a non-statutory body established to provide independent expert scientific advice to the NSW Government on animal welfare matters and proposed regulations. AWAC provides advice only and does not have a decision-making role. Members of the Council are appointed on the basis of their skills and expertise in the following categories: Animal welfare science, Animal behaviour, Veterinary science and Animal science. Members are appointed by the Minister for a term of up to three years. ABCRA are not part of AWAC and nor have we been able to establish their claimed 'formal' role in reviewing the NSW rodeo COP.
 15. Our own enquiries to the NSW. Chief Animal Welfare Officer, Animal Welfare Unit | Biosecurity and Food Safety have failed to confirm any formal review of the NSW CoP since its inception 34 years ago in 1988.
 16. We refute the claims by ABCRA that they 'liaise' with Animal Liberation.
 17. As ABCRA fails to publicly publish their animal injury reports (from rodeo events), we strongly question the reliability of their claims regarding low animal injury rates. Unless every single animal used in a rodeo event is inspected by an independent vet, immediately after the event, we would refute related claims made by ABCRA.
 18. The published results for the Moruya New Year's Day (NYD) rodeo fail to record the names of all the animals who were forced to participate. This lack of transparency precludes Animal Liberation from accurately determining the repeated use of individual animals at the Moruya NYD rodeo, or at other rodeo events in the preceding or subsequent days.
 19. Animal Liberation agents who attended the Moruya NYD rodeo observed and witnessed animals being physically and psychologically tormented and provoked, roughly and cruelly handled and many examples of animal suffering, pain, fear and terror.
 20. These rodeo events and organisations like ABCRA continue to ignore Section 4.1 of the COP that specifies:

An official veterinarian should be in attendance continuously from at least 2 hours before the advertised starting time of the rodeo until at least one hour after the completion of the final event on each day, and should have ready access to an appropriate range of drugs and equipment.

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20. *Where a veterinarian is not in attendance, the rodeo organisers must appoint a competent person, with experience with livestock, to examine animals.*

Preference should be given, whenever possible, to officers as defined under the Prevention of Cruelty to Animals Act.

Rather, they rely on having a veterinarian “on call and available to attend within a reasonable period of time”, however “reasonable” is not qualified.

21. The pro rodeo advocates, some councillors and council staff have continued to refer to the NSW COP as the NSW Department of Primary Industries COP. As a statement of fact, this COP is a NSW State Government COP (as are all our NSW animal related COP’s). It merely sits published on the NSW DPI website. It is very concerning to Animal Liberation that those responsible for decisions fail to have even a basic understanding of these important matters.
22. The pro-rodeo advocates continue to claim ‘Rodeo’ “is one of the most regulated and scrutinised and controlled sports in the country.” Animal Liberation strongly refutes this claim.
23. These animals are sentient – this is a proven, fact-based, evidenced scientific fact, accepted globally by every qualified veterinary practitioner, scientist and animal welfare organisation. To imply or suggest otherwise, is akin to saying the planet earth is flat rather than round or the moon is made of cheese. Any councillor upholding the view that these animals are not sentient will bring enormous embarrassment to council.
24. Whether or not some of the Moruya rodeo animals have names is completely irrelevant to their welfare or wellbeing needs being met by the legislation or rodeo organisers. Names are allocated like numbered ear-tags, to make identification easy rather than it being due to any regard at all for the individual animals as unique and sentient beings. Dogs and puppies in puppy factories also have names and decision-makers have experienced first-hand one of these hellholes, as Animal Liberation staff and volunteers have, they would agree an allocated ‘name’ means nothing. Likewise, animals caged in universities across NSW who are currently subjected to egregious and abhorrent animal experimentation practices, also have names – again, it means nothing. We would expect all councillors to base their views on fact rather than mythical claims, and in all instances, councillors must question and challenge rather than continue to accept myths and misconceptions.

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FUEL & PRODU


Harrisons
Horse and Rural

**Moruya
Rodeo**
New Years
Day

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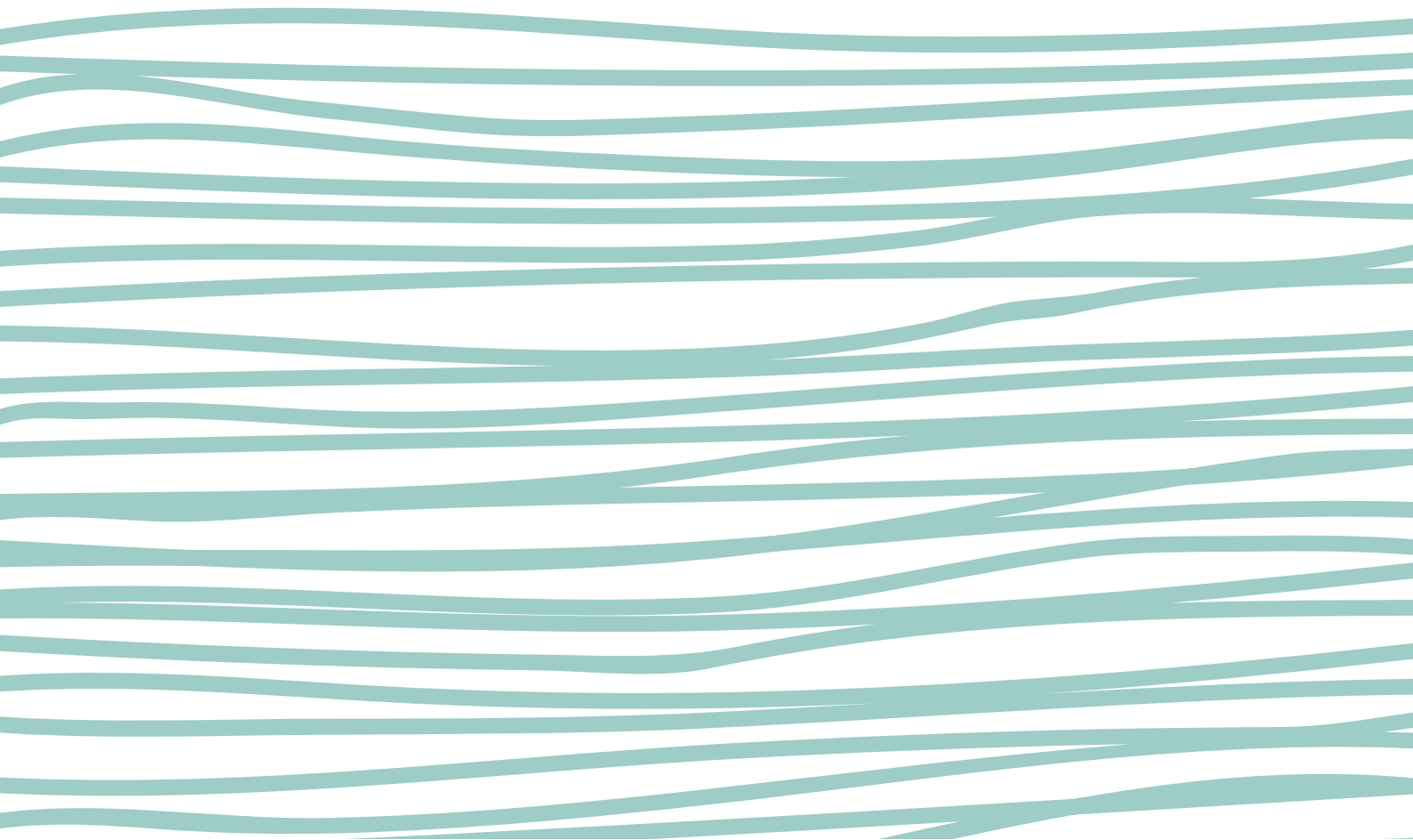
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SECTION SIX

SUMMARY AND CONCLUSION



SUMMARY AND CONCLUSION

Animal Liberation encourages decision makers and those who draft policy positions to consider council's fundamental leadership role in the community, and more broadly as one of many councils' across NSW who are listening and responding to the heightened call for stronger animal welfare practices with council managed or council approved and endorsed events held on council land or council controlled land.

This Moruya NYD event and indeed all rodeo events include what Animal Liberation maintains is very distressing animal pain, suffering, fear, terror and cruelty which is wilfully orchestrated through animals being provoked and tormented to perform for the cost of a rodeo ticket.

We appreciate as decision-makers, councillors may hold the view that your only responsibility is to your local community. This is only partly true. All NSW councils' need to operate consistently, and elected decision makers and staff are paid or remunerated partly by local community rates, but also through broader NSW taxpayer funds. This means you are accountable to the broad NSW public.

Councils' cannot simply "do their own thing". They must be mindful of the political platform and environment on which and in which they operate, and that includes other NSW councils, the NSW State and the Commonwealth Governments' and how various legislation and public expectations and views dovetail and apply.

Decision-makers must remain objective and informed, and decisions must be made in an evidenced and fact-based manner. You are required to listen to and apply the science from experts who are qualified and experienced - their advice must be given priority over pro-rodeo claims which lack evidence and are immersed in self-vested interests, including personal commercial profits. There are very clear and distinct choices presented here for council's decision makers. One is regressive and the other is progressive.


Historically, had bold and progressive decision makers not challenged themselves, others and the status quo, we would still have a flourishing legalised human slave trade, women would not have the right to vote and Australia would still have the 'White Australia' policy. History has clearly taught us that just because something is legal, it does not always mean it is ethically or morally right.

Progressive, strong and good leadership intended for the common good requires boldness and a willingness to extend one's thinking beyond one's comfort zone and what may be perceived as 'popular' or 'tradition'.

In 1789, as part of his British human slave trade abolition speech, UK member of parliament, William Wilberforce said: "you may choose to look the other way, but you can never say again that you did not know".

We ask ESC to consider these very wise words when formulating views and making decisions about any future licence agreement for the Rodeo Association of Moruya Inc be it for their independent rodeos or those held under the auspice of the local Agricultural Society.

It is our strong recommendation that ESC progress to a positive and progressive position in regards to how the council treats and regards all animal species in

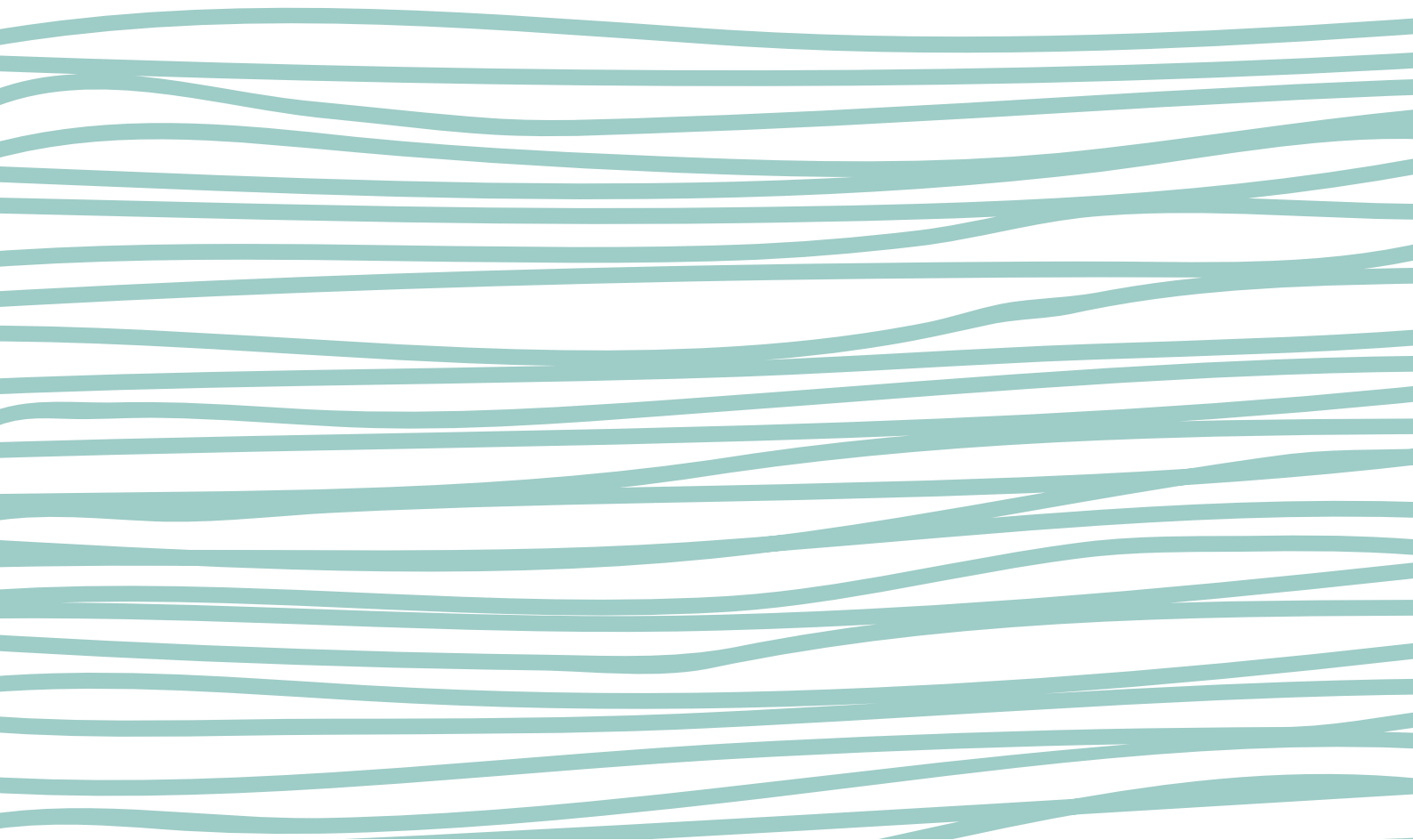


regards to all activities and practices held on council managed land, including community use land.

Public expectations about sentient beings and their welfare and public transparency are very clear. Decision makers are required to listen and respond accordingly.

We strongly contend this Licence Agreement applications should be unanimously and categorically refused by the ESC assessment staff and decision-makers.

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CONTACT US

Postal Address: Suite 378 | 846-850 Military Rd,
MOSMAN NSW 2088

ABN: 66 002228 328

Email: lisa.r@animal-lib.org.au

Web: www.al.org.au

Phone: (02) 9262 3221

Lisa J Ryan, Regional campaign manager

