

Dissenting Report – Democrat and Greens Senators

Background

This inquiry was established to look at a Private Senators Bill – namely the National Animal Welfare Bill 2005, introduced by Senator Andrew Bartlett. This Bill was an update of an earlier version, the National Animal Welfare Bill 2003, but contained some changes made after feedback had been sought from interested parties, from industry groups to animal welfare organisations.

Like many Private Senators' Bills, the legislation was introduced with the aim of facilitating community debate and raising awareness about an issue, rather than with an expectation that it would be passed.

Despite limited publicity, the Committee received over 200 submissions, which is an indication of the level of interest in this issue from the community. While no public hearings were held, the submissions none the less provide a useful body of material for people who wish to continue to work on the various issues raised. Unfortunately, the inquiry did not explore these issues as fully as it could have. Given that it is not uncommon for government Ministers to respond to community concerns about animal welfare issues by labelling those who campaign on such matters as extremists and generally reinforcing a perception that animal welfare is a fringe issue, it is particularly disappointing.

This is a decline from the situation 15 years ago, when the Senate Select Committee on Animal Welfare was concluding its work. This Committee operated from 1982 until 1991, producing 10 substantive and influential reports on a range of topics, and helping to bring a greater awareness and priority to animal welfare issues at the national level. Committee members engaged in the issues and were able to find many areas of common ground to produce valuable and important recommendations.

Upon the tabling of the final reports of the Animal Welfare Committee, Victorian Labor Senator, Barney Cooney said

"This Senate select committee (on Animal Welfare) has gone on for many years. I think this is because when people started to look at animal welfare two things happened: firstly, some concentration was applied to the subject and, secondly, there was a development. The way people think about animal welfare now is very different from the way in which they thought about it when this Committee was first set up."¹

This comment reflects the benefit of examining an issue seriously and genuinely, which generally leads to people of all perspectives recognising there is more common

¹ Senate Hansard, 3/9/91, page 1058

ground than is usually assumed and that concrete improvements can be made when goodwill and genuine engagement occur.

On the same occasion, NSW National Party Senator, David Brownhill, said

"The future of animal welfare is the responsibility of all of us in the community. We must ensure that the animals and their welfare are protected in every sphere in which animals are involved. The Committee has concluded but I believe the work has not. I hope that it will continue through the rural and regional affairs committee to be set up tomorrow."²

This hope of Senator Brownhill has not been borne out, with animal welfare issues rarely considered by the Committee in any substantive way in the ensuing 15 years.

The legislation

Submissions provided some useful feedback about ways the legislation could be improved.

Valid concerns were expressed by some researchers that provisions in the Bill could lead to an unreasonable impingement on privacy. There is undoubtedly a need for keeping better track of animal experimentation in Australia, but that should be focused on tracking the research, rather than give any appearance of targeting the researchers.

Some submissions also expressed concerns about a lack of consultation. The initial legislation was first tabled in 2003 and the updated 2005 version was based on consultations and feedback from industry and community organisations. Consultation is also a key purpose of Committee inquiries. Despite recent actions by the government since gaining control on the Senate to diminish the role of Senate Committees, the process of Committee inquiries remains an effective and important consultation mechanism.

Some submissions also expressed concern that the legislation may lead to severe restrictions or banning of recreational or other fishing. These concerns seem to have been fed by an incorrect and misleading media release issued by former Fisheries Minister, Senator Ian MacDonald.³ The legislation does not mention fishing, nor does the Second Reading Speech. The suggestion that it would inherently lead to restrictions on fishing is a long bow to draw, however to remove doubt and the potential for further misleading claims to be made, it would be advisable to amend the legislation to put this beyond dispute.

The majority of the Committee have expressed the view that "the current mechanism provided by the Australian Animal Welfare Strategy provides the best

² Senate Hansard, 3/9/91, page 1050

³ "Democrats' bill would see end of recreational fishing", media release issued by Senator Ian MacDonald, 13/1/06

approach to achieve improvements in this field." We have to respectfully disagree with this view.

As many submissions noted, despite the development of national Codes of Practice in a range of areas, significant inconsistencies in codification, interpretation and enforcement still exist between states and territories. There is also a major lack of resources and political will committed to the issue in many areas, particularly where meaningful reform has the potential to detract from the profitability of animal based industries. In some states, the RSPCA is placed in the invidious position of having to play the role of enforcer and prosecutor, despite being inadequately resourced and without having the protection of government backup if they have to cover the costs of an unsuccessful court case.

There is also a lack of interest and focus at national level on those areas where the Commonwealth does have legislative responsibility for animal welfare, such as live exports and imports of native, exotic and domestic animals, along with oversight areas such as funding used for experimentation on animals.

While the legislation still needs refinement, it provides a mechanism for addressing these inadequacies which has a greater chance of achieving worthwhile and necessary improvements than the limited, piecemeal gains which have occurred at state and territory level.

The Senate Select Committee on Animal Welfare played a significant role in advancing our nation's performance in reducing animal cruelty, reflecting significant community concerns of the time. Since then, the community concern has not diminished, but the political will and levels of interest have. Most of the significant improvements in animal welfare practices in recent times have come as a result of community-based publicity campaigns, often targeted at a specific practice or industry.

There have been a number of positive changes in the animal welfare area in recent years. While some do not yet go far enough, the changes in procedures in the live sheep and cattle trade, the decision by the wool industry to stop mulesing of sheep by 2010, the ban on the import of cat and dog fur, the increase in cage sizes for egg-laying hens and the reduction in duck and quail shooting in many states have all resulted from community campaigns, rather than leadership at the political level.

Animal based industries are understandably uneasy about being targeted by publicity or consumer driven campaigns portraying their industry in a bad light. Such campaigns can cause economic harm to an industry, and can be a blunt instrument to use.

By failing to engage genuinely and meaningfully with the community to make real advancements in animal welfare in Australia, governments are vacating the field and leaving it to the community to have to continue to undertake actions that will generate the necessary public and political pressure. This situation is less than ideal, as it

inevitably results in a piecemeal focus on individual issues, rather than a comprehensive and consistent overarching approach. It can also lead to community friction and antagonism that would otherwise be unnecessary.

However, in the absence of genuine political engagement or interest from the major political parties at federal level or in many states, there is little alternative.

Wider Social Implications

While there is still a widespread tendency to consider animal welfare as simply an issue of compassion towards other creatures, it is worth noting the growing body of evidence which shows a direct link between human cruelty towards animals and human violence towards other human beings.

The submission from Associate Professor Eleonora Gullone from Monash University stated that “research has consistently shown that deriving pleasure from killing or causing suffering to other sentient beings is predictive of low empathy levels.”⁴

If we continue to treat animal welfare issues as being disconnected from other social issues, and worthy of only selective and sporadic attention, it not only means more animal suffering, but also means a lost opportunity to reduce human suffering.

As Assoc Professor Gullone says, “as a society, we have much to gain from appropriately acknowledging the damaging effects of tolerating animal cruelty behaviours.”

Selective morality

At the recent meeting of the International Whaling Commission (IWC) in St Kitts and Nevis, Australia's Environment Minister, Senator Ian Campbell, released a report based on Greenpeace video footage of the killing of 12 whales. He was quoted as saying "I don't think anyone could describe it as anything other than absolutely inhumane"⁵ He was also quoted as saying it was "quite disgusting", a 'horrendous thing' "it is absolutely abysmal, it is wrong and it has to stop."⁶ All are comments we agree with.

Unfortunately, the impression that has been reinforced by this inquiry is one of selective and inconsistent concern about inhumane treatment of animals. Cruelty to whales is seen and proclaimed around the world to be barbaric and totally inexcusable,

⁴ Assoc Professor Eleonora Gullone, Psychology, Psychiatry, and Psychological Medicine, Monash University. Submission 156

⁵ “Japan under attack for inhumane humpback deaths”, *The Age*, 19/6/06.

⁶ “Japan faces whale cruelty claim”, BBC news website, accessed at <http://news.bbc.co.uk/1/hi/sci/tech/5091674.stm> on 20/6/06.

but cruelty to other animals is either ignored, dismissed or seen as a necessary component of maintaining profitable industries.

Unless there is a significant change in attitude and action from Australian governments and some industries, the moral stance of our nation's campaign against the cruelty of the whale slaughter is dramatically undermined.

Recommendation

1. That the legislation not proceed without further amendments being made to take into account concerns outlined in submissions to this Inquiry.
2. That further efforts be made to achieve stronger and more consistent animal welfare standards and enforcement at national level.

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