

SUBMISSION TO
THE SENATE COMMITTEE FOR RURAL
AND REGIONAL AFFAIRS AND
TRANSPORT

ANIMAL WELFARE BILL, 2003
PRIVATE MEMBERS BILL
Senator Andrew Bartlett

**“A Bill for an Act to promote humane, responsible
and accountable care, protection and use of
domestic animals, livestock, wildlife and animals
kept for scientific purposes, and the standards
required to achieve this end, and for related
purposes”**

Suzanne Cass
43 Purdon Street
OLD BEACH TAS 7017
Phone: (03) 6249 8221
Fax: (03) 6249 7726
Mobile: 0414 726935
Email: suzannecass@iprimus.com.au

**THE ANIMAL WELFARE BILL
PRIVATE MEMBERS' (Senator Andrew Bartlett) BILL
ANIMAL WELFARE 2003**

Purpose

To bring to the attention of the Committee information on the need for nationally uniform and enforced animal welfare legislation in line with community expectations (and the growing concerns of the community in this regard).

Scope of this paper

Topics covered in this submission include:

- ◆ An analysis of the current legislative framework
- ◆ The live export trade and animal transport
- ◆ Farm animals and intensive husbandry
- ◆ Vivisection (animal testing)

Background/Context

In the context of the proposed legislation, I seek to address the following:-

1. Preliminary

The reasons for, and purpose of this legislation were stated clearly by Senator Andrew Bartlett in his speech in relation to this Bill: “Animal welfare as practised in Australia is a dog’s breakfast of policies from state to state; however, this needn’t have been the case. The Australian Democrats have, throughout their political life, successfully used Federal Parliament to highlight numerous animal welfare issues” ¹

a) An analysis of the current legislative framework

Animal welfare/cruelty matters are dealt with under State systems, leading to at best an approach which is fragmented and inconsistent, and at worst manifestly inadequate. **Of particular concern is that the States’ legislation takes a fairly basic form, backed up by “Standards”, or “Codes of Practice” which are virtually voluntary, and are completely unenforceable.** If animal welfare matters, than proper, consistent, national legislation should be in place and rigorously enforced. All systems should be transparent and accountable to the community.

¹ Hansard 11/08/2003

A comparative look at animal welfare legislation across the states reveals that both Queensland (2001) and Western Australia (2002) have both implemented new, stronger protection – but the legislation cannot be, and is not, effectively policed, other than by animal welfare groups gathering the evidence and almost forcing the appropriate authorities to take action. And very often, the “action” taken by the judiciary is little more than the proverbial “slap on the wrist” (such as in the cases of the individuals from the Defence Forces in Queensland who tortured kittens to death, and others who bit the tails off live mice in a “pub competition”).

A paper by Katrina Sharman (*Animal Law in Australia - Animal law and the Australian Constitution*) points out:-

“A brief survey of Australia's anti-cruelty legislation suggests that there is little uniformity between the provisions. However some attempts to achieve model standards have been made, by encouraging each State and Territory to incorporate Model ‘Codes of Conduct’ or ‘Codes of Practice in their anti-cruelty statutes.

“The Codes which were developed by the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ), now subsumed by the Primary Industries Ministerial Council (PIMC) cover issues such as the welfare of pigs, sheep, goats, livestock, the farming of deer, the intensive husbandry of rabbits, the keeping of poultry at slaughtering establishments, the keeping of animals in sale yards, the sea and air transport of livestock and the care and use of animals for scientific purposes. However their legal status and effectiveness varies between States depending on how they are enshrined in each States’ or Territories’ legislation”

“Example - Commonwealth Jurisdiction

“The import and export of live animals

“Notwithstanding the States’ plenary powers, the area of import and export of live animals tends to be administered by the Commonwealth. The Commonwealth department that deals with the import and export of live animals is the Department Of Agriculture, Fisheries and Forestry - Australia (AFFA). AFFA and its agencies are responsible for administering a number of laws which include the Quarantine Act 1981 (Cth), the Imported Food Control Act 1992 (Cth), the Export Control Act 1982 (Cth) and the Australian Meat and Livestock Industry Act 1997 (Cth). Although there are a number of operating groups within AFFA that regulate animal matters, the main group concerned with the import and export of live animals is the Australian Quarantine Inspection Service (AQIS).

“The kinds of animal law matters that AFFA and AQIS are involved with include:

- ◆ *administering the import and export of cats, dogs (including disability assistance dogs) and horses;*

- ◆ *issuing licenses and certifications for the live export of cattle, sheep and goats;*
- ◆ *implementing government policy with respect to live exports; and*
- ◆ *investigating the deaths of animals during shipment*

“Notwithstanding the role of AFFA, the live export of cattle, sheep and goats from Australia is largely self-regulated. The relevant industry body, which is responsible for accrediting exporters, is the Australian Livestock Export Corporation Ltd (LiveCorp). The accreditation scheme operated by LiveCorp is known as the Livestock Export Accreditation Programme (LEAP). Licenses are granted by AFFA to accredited exporters under the Australian Meat and Livestock Industry Act 1997 (Cth) and Australian Meat and Livestock Industry (Export Licensing) Regulations 1998 (Cth). The regulatory framework for the export of live animals has recently been subjected to considerable scrutiny due to the high incidence of sheep mortalities during voyages to the Middle East. It is possible that the existing framework will be subject to reform in the near future”².

These issues are addressed most clearly in the proposed legislation in Parts 6 and 8, covering the live export trade and transportation and animal experimentation.

The case now is that the Commonwealth Government is able to abrogate its responsibilities to animals and their treatment. Matters are supposed to be enforced by the RSPCA (although there is provision in some of the State systems for “Special Constables”, or the conferring of rights on “other organizations with similar aims and objectives”³(Tasmania), which has been shown to be highly problematical.

This was demonstrated graphically by the “Four Corners” program on ABC TV on June 21, 2004, and the issues shown in that program have been well-known to concerned animal welfare groups and individuals for a considerable time.

The appropriateness of the RSPCA in this role has, in three states, at least, and in my experience in Tasmania, become questionable, because of “vested interests” in areas of intensive farming and live exports holding positions related to the management of the organization.

The National President, Dr Wirth, clearly stated on the “Four Corners” program that he has no control over the governance or activities (or lack thereof) in the States, therefore the States have been able to continue serving the “vested interests” with which they are involved in contravention of stated National RSPCA policy (e.g. the live export trade in Western Australia).

1. In Western Australia, there are two members on the Committee who allegedly have interests in the live export trade, in breach of the National RSPCA’s (and indeed the WA State RSPCA’s) stance against the trade. On “Four Corners”, it was further alleged that the President

² *“Animal Law in Australia” Sharman K*

³ *Animal Welfare Act (Tasmania) 1993, 2002*

and CEO had deliberately withheld vital information from the Committee in relation to a legal challenge that the welfare group Animals Australia intended to bring against the live export trade.

2. In Tasmania, a shipment of about 57,000 sheep and lambs was sent from Devonport in January 2004. Several days before the ship was due to arrive, an executive from RSPCA NSW (Steve Coleman) was sent to Tasmania, and he held a “closed door meeting” with the live export agents, the ship’s agents, the feedlot owners and the Tasmania Police. Amongst the outcomes of this meeting was the determination of an exclusion zone, and an appeal to “protesters” “not to do anything to compromise the welfare of the animals”. Protesters accordingly remained outside the wharf area, stopping each truck for a maximum of 30 seconds and photographing “breaches of standards”. They also reported the breaches by mobile phone to RSPCA officers at the wharf, but none was acted upon.

It was reported to me by eye-witnesses that there were “sheep down on trucks”, overcrowding, and “sheep with eyes hanging out”, as well as “lambs still crying for their mothers”. The AMIEU State Secretary reported that there were lambs of between 6 and 12 weeks of age loaded, and that the RSPCA only attended for about 50% of the duration, and did not attend the feedlots at all, these reports being strongly denied by Steve Kons, the Minister for Primary Industry, Water and the Environment here in Tasmania, who also claimed that there were no breaches of Tasmanian Animal Welfare standards, even after being sent these photographs.



(Photographs by AACT (Against Animal Cruelty Tasmania) and Animal Rescue Tasmania), Devonport, January 2004

Not long after the departure of the “Al Shuwaikh” for Kuwait, I researched the website of RSPCA Tasmania Inc. and found that the Roberts Group, the live export agents, featured prominently as a “sponsor” of the RSPCA. This was subsequently removed (*transparency?*)

I have been informed by RSPCA Inspector Andrew Cook in Hobart that in Tasmania, DPIWE (the Department of Primary Industry, Water and the Environment) funds the RSPCA inspectors, a position which would appear to be a “conflict of interest”.

Farm, or “food” animals are particularly disadvantaged by the current framework, and cruelty abounds in this sector.

“Surgical Mutilations

In Australia many farm animals – particularly sheep and cattle – are kept on very large grazing properties and are not usually individually checked on a regular basis [extensive grazing systems]. Other animals – particularly pigs, laying hens and meat chickens - are kept in large numbers at relatively high stocking densities [intensive farming], and individual animals do not receive close attention. To partially compensate for the lack of individual attention, and to modify animal behaviours or reduce the impact of outcomes which are unwanted or uneconomic, these animals have a number of ‘surgical mutilations’ performed upon them, usually without any pain relief. The pain and suffering caused to these farm animals is usually described in the relevant ‘Code of Practice’ and is thus considered ‘routine’ and is exempted from the animal welfare laws in each State and Territory of Australia.

Following are some brief descriptions of the most common ‘mutilations’.

‘Surgical’ mutilations of Sheep

Mulesing

Flystrike, where blowflies lay their eggs on the moist areas of a sheep’s body and the growing maggots then feed on the sheep’s flesh, is a problem that is endemic in some of Australia’s sheep growing areas. If the ‘strike’ is not detected early, then the maggots will cause general systemic toxæmia and death. It has been estimated that 3 million Australian sheep die each year from flystrike.

*A number of preventative approaches are used by sheep farmers, including trying to reduce the number of blow flies in an area, and treating the sheep with chemical sprays. Perhaps the most well known method is the cutting off (**docking**) of **lamb’s tails** to prevent faecal and urine soiling and thus attraction of flies in later life.*

*A further and perhaps most controversial preventative measure, is the practice of **‘mulesing’**. During the 1940s Mr JWH Mules, a stockman, developed and introduced a method of slicing off flesh around the breech (hind quarters) of lambs to reduce or remove the wrinkles on Merinos which attracted moisture and thus flystrike.*

Lambs are held in a ‘cradle’ and a modified set of shearing or dagging shears are used to cut a crescent-shaped piece of skin and flesh from each buttock, and from the sides and stump of the docked tail. The healed scar is free of wrinkles and wool, and is less likely to attract flies. Of course flystrike may still occur near the pizzle in males, or on the head or body of the sheep.



*A lamb
in a
cradle
after
being
mulesed*

This bleeding and large wound, inflicted without any sedation or pain relief, causes considerable acute suffering, and the wound may take several weeks to heal. The behaviour of lambs immediately after the 'operation' indicates suffering – standing with their head down, nose almost touching the ground, back arched and body hunched.

Alternatives to this invasive and painful mutilation include breeding for sheep without wrinkles in the breech area, vaccination to increase sheep immunity to strike, chemical applications to kill the wool follicles in the breech area, biological and other control of blow flies, and the traditional methods of applied chemicals to repel flies, increased crutching to remove fly-attracting dags and increasing surveillance to detect flystrike before it effects the health of struck sheep. Considerable funding has been made available in recent years in a number of these areas of research (vaccine development, chemical applications), but none has yet reached fruition.

Recent discussions include the idea of developing long-acting analgesia compounds to inject prior to mulesing and which may reduce the pain of the wound for up to 2 days afterwards. Such a practice could only be acceptable in the short term, whilst more acceptable and humane methods of are developed.

In 1989 a Senate Select Committee on Animal Welfare report stated: 'The Committee recommends continued research into all means of preventing blowfly strike, so that the need for mulesing is removed'. It is extremely regrettable that such 'means' are still neither developed nor adopted.

Other mutilations:

A further method of reducing the incidence of flystrike is '**pizzle dropping**'. Male sheep may soil their underbelly, and so the tissue between the body and the penis is cut to enable the penis to hang down away from the body. Pizzle dropping is not practiced widely.

Tail docking of lambs is undertaken on virtually all lambs in Australia in order to reduce flystrike which would be attracted by urine and faeces staining. The tails may be removed through cutting with a knife, or by the application of a tight rubber ring.

At the same time, male lambs will be **castrated**, usually referred to as 'marking'. Similarly to tail docking, either a knife or a rubber ring will be used. If a knife is used the scrotum is cut and the testes removed, or, if a rubber ring is used, the testes will drop off once the rubber ring has cut off the blood supply and the tissue has atrophied. Both methods cause obvious and prolonged suffering.

'Surgical' mutilations of Cattle (beef and dairy)

Most cattle are subjected to a number of surgical mutilations throughout their lives. They include castration of males, hot iron branding of some, freeze branding of others, spaying of cattle in remote rangelands, and disbudding of 'bobby' calves and dehorning of mature cattle. Analgesia is not used.

Branding

Despite the increase in technological knowledge, many thousands of cattle are still identified by branding using hot irons. A red hot iron is placed on the skin for several seconds to burn the skin sufficiently to leave a permanent identifiable mark. Even capturing and restraining calves/cattle for this procedure is stressful. Freeze branding has been shown to cause less pain and distress, but still requires mustering, yarding and restraint.

More appropriate identification methods must be adopted and will include ear tattoos, electronic receivers in ear tags, and microchips (already being used extensively with companion animals).

Castration/desexing

Male cattle, unless they are to be used for breeding, will normally be castrated early in life (to become 'steers'). The procedure is to cut open the scrotum and remove the testes, or alternatively to place a strong rubber ring around the top of the scrotum. It will wither from lack of blood supply and fall off. The calves react violently, kicking their legs and stamping – indicating their pain. The relevant Model Code of Practice allows the use of rubber rings up until the age of 2 weeks, but allows castration by knife (or burdizzo, an implement which crushes the testes) until the age of 6 months.

The CSIRO has developed a vaccine (Vaxstrate) which immunizes cattle (male and female), affecting their reproductive hormones and preventing conception. Regrettably this is not widely used, particularly due to the need for two injections and thus the animals must be mustered twice – a task not welcomed by farmers on extensive properties.

Female cattle in some particularly remote and extensive properties (Qld and NT) may be 'spayed' without analgesia to prevent pregnancies caused by 'scrub' bulls, and which would make survival difficult for pregnant cattle in poor grazing areas. Graziers are also likely to be able to market cows which have therefore gained more

weight prior to muster.

Flank spaying is still undertaken, and involves a cut to the side of the cow, the operator insert his/her hand with an implement to cut and remove the ovaries. The areas is then swabbed and a few stiches may be inserted. No analgesia/anaesthesia is usually used (except in NSW where it is required). Some cattle die of infections, and most will have a growth set back during recovery.

Another method, the Willis Technique, is increasingly being used in the Northern Territory and Queensland. This method involves an operator placing his/her arm into the back passage of the cow and cutting the ovaries out. Again, no analgesia or anaesthesia is used, and the operators must be highly skilled to avoid internal damage and infections.

Dehorning

Many breeds of cattle naturally have horns. This can be a problem when the cattle are later yarded or during transportation and may cause injury or bruising to other cattle. Dairy cattle are routinely dehorned, either via disbudding at an early age (chemical or mechanical) or by physically cutting them off as adults.

The horn tissue, although appearing extremely hard, is in fact an extension of the animal's skull, and contained many nerves and blood vessels. After the horn is cut off, there is extensive bleeding and the animals exhibit signs of pain and distress. The resulting wound may become infected or even fly blown. Some researchers are of the view that this surgical mutilation is in fact the worst of all such operations routinely performed on farm animals.

Anaesthetics and analgesics are not used, even though they have been shown to assist the animals. However, the proper approach would be for farmers to breed selectively for 'polled' cattle (without horns).

'Surgical' mutilations of pigs

Pigs are kept in intensive conditions with relatively high stocking densities.

Castration of males; *increasing number of male pigs are being held until after puberty, and thus the fear of 'boar taint' leads some producers to routinely castrate piglets without anaesthesia/analgesia in the first week of life.*

Tail docking *of piglets in the first few days of life, using scissors without anaesthesia/analgesia, is common.*

Teeth clipping *of piglets, using clippers or a grinder, is common and is designed to reduce damage during fighting between litter mates, or to protect the sows teats. A recent study stated '...it is likely that tooth resection induces severe pain in piglets. ... the pain probably lasts at*

least up until the fiftieth day of life, when they lose their lacteal teeth' [Animal Welfare Journal (V 13, Issue 1) February 2004]



*A piglet
having his
teeth cut*

Ear notching of young piglets for identification is also common.

Of further concern is that these 'mutilations' and invasive techniques such as injections and assisted mating may be undertaken by workers that have received inadequate training.

'Surgical' mutilations of laying hens

Debeaking: *Hens have a 'pecking order' which refers to the hierarchy natural in a flock. In the cages frustrated natural urges lead to more aggressive pecking, and weaker hens who cannot escape may suffer.*

Debeaking is carried out to reduce this behaviour, but it is only partial solution, and is cruel. Egg producers routinely debeak chicks at 1-10 days old by cutting off up to half of the upper mandible and a third of the bottom with a red hot blade or wire. This procedure is sometimes termed "beak trimming". If beaks have regrown, producers debeak a second time just prior or during the laying period.

Debeaking is a painful procedure which causes chicks extreme shock, and some may even die. Pain is immediate, causing chicks to react visibly to the blade, but there are also long-term effects because the beak contains sensitive nerves which are exposed by cutting. As the beak is tiny and the process mechanical and executed with "production line" speed, sometimes too much beak can be removed.

Measures to eliminate the barbaric debeaking of hens include the implementation of improved husbandry practices and a breeding program which reverses the trend towards aggression in birds.



The hen on the left has been debeaked, a painful procedure to reduce feather pecking.

WHY is it acceptable to treat these animals **so differently** under legislation than “companion” animals?

4

b) With reference to Part 5 of the proposed legislation, and specifically the “transparency” and “accountability” the community is now demanding of the the live export trade, the industry continues to be shielded by the Federal Government from a requirement to make various reports, including mortality reports, publicly available by “commercial in confidence” provisions. And Senator Bartlett quite rightly points out that it is very likely that state and territory laws, standards and codes of practice are consistently being breached during all stages of the transport, and subsequent slaughter of the animals on foreign soil.

Further, animals in Australia are routinely subjected to transport across state boundaries, so who knows, or checks, whether any even basic “standards” or “codes of practice” are being met?



Photo 1: AAQ

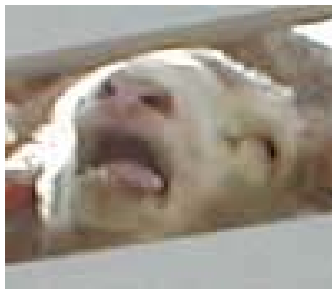


Photo 2: Anonymous for Animal Rights



Photo 3: AACT and Animal Rescue, Tasmania

One distinct shortfall in the present system was identified by the “Four Corners” program, which discussed a complaint that Animals Australia had lodged with authorities in Western Australia under its new legislation. Animals Australia had expert legal advice that its investigation of the treatment of sheep exported on board the “Al Kuwait” (also filmed by “Sixty

⁴ *Animals Australia website – Fact sheets*

Minutes” and shown in March 2004) indicated that this constituted a breach of animal cruelty legislation in Western Australia. “Four Corners” claimed in June that the President and/or CEO of the RSPCA WA Inc. had deliberately withheld this vital information from the committee, strongly suggesting that a prosecution would not be successful. It was further alleged that such a prosecution could place in jeopardy funding that the RSPCA WA Inc. received from the WA State Government. The RSPCA’s approach to Animals Australia’s complaint led to it being removed from the RSPCA and lodged with the WA government instead.

Despite repeated requests to the WA Government on the progress of this, and other related complaints, to information has been forthcoming.

The fact that both the live export and animal experimentation “industries” are protected from having to disclose the true nature of their activities by “Commercial in Confidence” provisions is, I believe, unacceptable to the community, a fact being demonstrated by increased media attention both in Australia and overseas, public demonstrations and representations to government.

The animal experimentation sector avails itself of several euphemistic strategies, claiming variously:-

- ◆ Government/regulatory requirements are such that products have to be tested upon animals before being used on humans/placed on the market
- ◆ This product is not tested on animals (but it is not disclosed that components of the product are tested on animals)
- ◆ This product is not tested upon animals in Australia (but it is likely that it would have been elsewhere)

A groundswell of medical and scientific opinion is now suggesting that a majority of the torture to which animals are subjected is irrelevant and unnecessary. And it is common sense that animals do not respond like humans, for psychological, biological and physiological reasons.

Meanwhile, the community is misled into buying such products, unaware that tests such as the Draize test have been used in its preparation. I believe that this issue could be resolved by labelling regulation requiring that manufacturers/retailers must state any tests carried out upon animals in the manufacture of the product. Certainly it is unacceptable that cosmetic and household cleaning products, for example, have put thousands upon thousands of animals through immeasurable suffering for what are basically frivolous reasons.



Photos: Humane Charities
Australia and
<http://members.iinet.net.au>

I would therefore recommend further provision in Part 7 of this Bill that labelling must clearly state ANY impact these products have had upon animal welfare.

One important point raised by the Explanatory Memoranda, and in Senator Bartlett's speech is the fact that this lack of transparency and accountability means that there is no reliable database on animal experimentation. This would appear to suggest that multiple tests are carried out needlessly and repetitiously across the states, and across institutions. This is nothing less than an atrocity, and clearly must be made public, and dealt with at a Federal government level.



Skin toxicity: a burned rabbit
Photo: Animal Liberation

A dog, burned alive
Photo: <http://www.all-creatures.org/>

Statistics on animal experimentation in Australia

Type of Animals	Vic	NSW	WA	Qld	Tas	Total
Mouse	267,894		58,470	57,491	4084	387,939
Rat	38,429		19,986	13,992	1958	74365
Guinea Pig	10,284		997	424		11705
Rabbit	2,665		480	759	16	3920
Other lab mammals		167373		1,107	400	168880
Cat			72	646		718
Dog			864	1,463		2327
Other domestic		2529		77		2606
Sheep			2,396	20,582	2422	25400
Cattle			2,272	55,858	170	58300
Pig			1582	6,273		7855

Horse/donkey			506	937		1443
Other stock animals		769764	84	3,392		773240
Native mammals		18468	1,741	4,866	721	25796
Exotic 'feral' animals				1,973		1973
Primates	68	128	23	433		652
Domestic Fowl			563	301,907	75	302545
Other birds		299870	6,591	10,018	3637	320116
Chick embryos			300			300
Reptiles		13039	2484	18,055	861	34439
Fish			163,544	161,778	226926	552248
Amphibians			5,414	15,443	451	21308
Other aquatic animals		1103112	21	1,717	1882	1106732
Other	119,793	2444	184			122421
Totals	439,133	2,376,727	268,574	679,191	243,603	4,007,228

⁵ **The rates of “success” and “failure” in animal experimentations are:-**

- ◆ 63% failure rate when detecting human carcinogens
- ◆ 75-95% failure rate for detecting drug side effects
- ◆ 70% failure rate for detecting drugs which cause birth defects

These success rates would be lower than those achieved by uneducated guesswork – so why is it allowed on the – largely improperly regulated - scale at which it is?

This is what a former “Vivisection” practitioner has to say:-

“It is an institution; a bureaucracy in its own right. They have no idea what they would do if they were forced to empty the cages in their labs. On the other hand, we are convinced that this is exactly what they must do in order to finally understand enough about human physiology, psychology etc to help humans. Trouble is, we're fighting an industry; we cannot expect rapid changes from such vested interests. We are slowly recruiting more and more individuals from the ranks of medicine, veterinary medicine and other scientific fields with whom to refute the trite assertions of the vivisection industry.....

“I came to Australia in 1990 to testify before a Senate Select Committee with Peter Singer and Richard Ryder. We were desperately trying to limit the growth of the vivisection industry. Did we fail? Perhaps. But perhaps we detailed the escalation of the industry for a time, thereby saving countless numbers of sentient beings from pain and suffering and death. I would come over again tomorrow to argue the case if I could”.

(Extracts from an interview with former experimentation scientist Dr Don Barnes with Claudette Vaughan, 2000 ⁶)

⁵ Humane Charities Australia

⁶ Animal Liberation website

And from Animals Australia:-

CONSUMERS REJECT ANIMAL TESTING

A public opinion poll carried out in England in August 1989 produced the following results, as described in a Campaign Sheet issued by The Body Shop (March 1990):

- 85% of people thought that cosmetics and toiletries should not be tested on animals.
- 58% said they would either probably not or definitely not continue to buy a cosmetic or toiletry if they knew it had been tested on animals.
- 88% thought that cosmetic and toiletry products should be clearly labelled to indicate whether or not they have involved animal testing.
- 72% said they would be fairly confident or very confident that a cosmetic or toiletry which had not been tested on animals would be safe to use.
- 66% said they would be prepared to pay at least 10% more for a product which guaranteed that it had not been tested on animals

Meanwhile, largely “behind closed doors” and with highly dubious ethics and regulation, the “testing” continues. But a backlash has begun, from scientists as well as the community in Australia and overseas.



Albino Rabbits cannot “cry away” burning substances. Beagles are used because they are “manageable”. Photos: BUAV



In the UK, “The Protection of Animals Act (1911) protects domestic animals in the UK from abuse and cruel treatment. Under the 1911 Act it is an offence to “ill-treat, torture, terrify any animal ... or, by wantonly or unreasonably doing or omitting to do an act, cause any unnecessary suffering to an animal...”; to “wilfully, without any reasonable cause or excuse, administer ... any poisonous or injurious drug or substance to any animal...”; or to subject “any animal to any operation which is performed without due care and humanity.” Experiments performed on living animals however, are specifically excluded from the provisions of the 1911 Act, and are instead licensed under the Animals (Scientific Procedures) Act 1986 as likely to cause animals “pain, suffering or lasting harm.” So whilst you or I would, quite rightly, be punished for deliberately poisoning, burning, blinding or electrocuting our family pet, researchers can simply apply for a Home Office license to do any of these things perfectly legally. This presents a completely indefensible legal anomaly. A dog, rabbit or hamster in the laboratory is exactly the same as the dog,

rabbit or hamster that you love as your family pet. They have the same capacity to suffer. So if deliberately harming them in the home is a punishable offence, how can deliberately harming them in the laboratory be justifiable?"
⁷Inconsistency in legal systems again disadvantages vulnerable animals

“Vivisection is a flawed science

"All species, all varieties of animals and even individuals of the same species differ from one another. No experimentation carried out on one species can be extrapolated to any other. The belief that such extrapolation could be legitimate is the main reason for the failures, and sometimes for the catastrophes, that modern medicine inflicts on us, especially where drugs are concerned."

“Professor Pietro Croce, Honorary President of Doctors and Lawyers for Responsible Medicine.

“The fact is that animal experiments tell us about animals, not about people. The results of animal studies can never guarantee the safety or efficacy of human medicines or other products because of the fundamental differences between the species. Different species can have completely contradictory responses to a range of substances; on average there is only a 5-25% correlation between harmful drug effects in humans and the results of animal experiments. For example, Aspirin is used as a relatively safe and effective painkiller for humans but can be fatal to cats; Penicillin is a widely used antibiotic in humans and yet it can kill both cats and guinea pigs; Arsenic is very dangerous for humans but does not present the same level of threat to rats, mice or sheep; insulin, a drug used safely by people with diabetes, can produce terrible deformities in mice, rabbits and chickens. Even something as mundane as chocolate, which is consumed in large quantities by humans worldwide, can be extremely toxic in dogs. The danger of relying on animal studies is illustrated by the long list of animal tested drugs that are withdrawn from sale or restricted in their use as a result of unexpected side effects in human patients. In April 2000 a study published by US watchdog group Public Citizen reported that an estimated 100,000 Americans die every year from adverse drug reactions. ⁸

Conclusion

Cruelty to farm animals and to laboratory animals cannot be stopped immediately. But Australia clearly needs to develop consistency and uniformity in its legislation to work towards educating those involved in this “institutionalized cruelty” to find a way to a more compassionate society. A piece-meal, fragmented, state-by-state approach characterized by unenforceable “standards” or “codes of practice” has been shown, time and time again, to abysmally fail the gentle, voiceless creatures whom we cruelly abuse in their millions every day.

⁷ BUAV website

⁸ BUAV website

ATTACHMENT 1

SUMMARY DOCUMENT

National Animal Welfare Bill 2003

Part 1—Preliminary 1

1 Short title	1
2 Commencement	2
3 Purposes of Act.	2
4 How purposes are to be primarily achieved.	2
5 Application of Act	3
6 Saving of certain State and Territory laws	4
7 Act to bind the Crown	5

Part 2—National Animal Welfare Authority 6

8 National Animal Welfare Authority	6
9 Legal status of Authority	6
10 Constitution of Authority	6
11 Terms and conditions of appointment	7
12 Advisory committees	7
13 Functions and powers of Authority	7
14 Reports and advice to be provided to the Ministerial Council	8

Part 3—Inspection 9

Division 1—General 9

15 Appointment of inspectors	9
16 Qualifications of inspectors	9
17 Powers of inspectors—general powers	10

Division 2—Entry to places other than vehicles 11

Subdivision 1—Power to enter places other than vehicles 11

18 Power of entry	11
19 Limited entry to provide relief to animal	12

Subdivision 2—Procedure for entry without warrant 12

20 Procedure for entry with consent	12
21 Procedure for other entries without warrant.. .. .	13

Subdivision 3—Warrants 14

22 Application for warrant.	14
23 Issue of warrant	14
24 Special warrants.. .. .	15
25 Warrants—procedure for entry	16

Division 3—Entry to vehicles 18

Subdivision 1—Power to enter vehicles 18

Part 1—Preliminary 1

1 Short title	1
2 Commencement	2
3 Purposes of Act.	2
4 How purposes are to be primarily achieved	2
5 Application of Act	3
6 Saving of certain State and Territory laws	4
7 Act to bind the Crown	5

ii) National Animal Welfare Bill 2003 No. , 2003

Part 2—National Animal Welfare Authority 6

8 National Animal Welfare Authority	6
9 Legal status of Authority	6
10 Constitution of Authority	6
11 Terms and conditions of appointment	7
12 Advisory committees	7
13 Functions and powers of Authority	7
14 Reports and advice to be provided to the Ministerial Council ..	8

Part 3—Inspection 9

Division 1—General 9

15 Appointment of inspectors	9
16 Qualifications of inspectors	9
17 Powers of inspectors—general powers	10

Division 2—Entry to places other than vehicles 11

Subdivision 1—Power to enter places other than vehicles 11

18 Power of entry	11
19 Limited entry to provide relief to animal	12

Subdivision 2—Procedure for entry without warrant 12

20 Procedure for entry with consent	12
21 Procedure for other entries without warrant.. .. .	13

Subdivision 3—Warrants 14

22 Application for warrant	14
23 Issue of warrant	14
24 Special warrants.. .. .	15
25 Warrants—procedure for entry	16

Division 3—Entry to vehicles 18

Subdivision 1—Power to enter vehicles 18

54 How animal or property may be dealt with	33
55 Appeal against forfeiture.. .. .	34
56 Where a person makes an appeal in accordance with section 55..	34

Division 6—Animal welfare directions 35

57 Application of Division	35
58 Power to give animal welfare direction	35
59 Requirements for giving animal welfare direction	36
60 Failure to comply with animal welfare direction	37

Division 7—Inspector’s power to destroy animals 38

61 Power of destruction	38
62 Other duties	38

Part 4—Animal welfare offences 39

Division 1—Breach of duty of care 39

63 Breach of duty of care prohibited	39
--	----

Division 2—Cruelty offences 40

64 Animal cruelty prohibited	40
65 Alleviation of pain	41

Division 3—Prohibited conduct 42

66 Unreasonable abandonment	42
67 Prohibited release	42
68 Causing captive animal to be injured or killed by dog	42
69 Releasing animal for injury or killing by dog	42
70 Keeping or using as kill or lure for blooding or coursing	43
71 Possession of prohibited trap or spur unlawful	43
72 Use of prohibited trap or spur unlawful	44
73 Baits or harmful substances	44
74 Unlawfully allowing an animal to injure or kill another animal.. .. .	45
75 Cropping dogs' ears	45
76 Docking dogs' tails	45
77 Debarking operations	46
78 Removal of cats' claws	47
79 Docking tails of cattle or horses	47
80 Use for certain scientific purposes unlawful.. .. .	48

Division 4—Prohibited events 49

81 Meaning of <i>prohibited event</i>	49
82 Participation in prohibited event.	49
83 Presence at prohibited event	50

Division 5—Regulated conduct 51

84 Obligation to exercise closely confined dogs	51
85 Feral animals or pests	51
86 Animals used to feed another animal.. .. .	52

Part 5—Live exports 53

87 Limitation on live exports	53
88 Export permits	53
89 Duties of veterinary surgeons	54
90 Liability	54

Part 6—Imports of animal products 56

91 Limitation on import of animal products	56
92 Import permits	56

Part 7—Labelling of animal products 57

93 Authority to develop draft code of practice	57
--	----

Part 8—Animals used for experimental purposes 58

94 Definitions	58
95 Offence to operate research unit or supply unit without a licence	59
96 Offence to conduct research with animals other than in accordance with NHMRC code of practice.. .. .	59
97 Matters of responsibility	59
98 Data bank	61
99 Licences	61
100 Public notice of licences	62
101 Conditions of licences	62
102 Objections to licences	62

iv) National Animal Welfare Bill 2003

103	Suspension or revocation of licence	62
104	Acquisition of animals for research	63
105	Revoked licences	63
106	Management of pain	63
107	Notice of revocation, refusal or suspension of licence	63
108	Annual report of research unit operator	64
109	Annual report of supply unit operator	65
110	Register	65
111	Registration details	65
112	Inspection of register	66
113	False representations about registration	66
114	Conditions for cancellation or suspension	66

Part 9—Funding for animal research etc. 68

115	Prohibition on research funding	68
-----	---	----

Part 10—Administrative provisions 69

Division 1—Staff 69

116	Staff	69
117	Consultants	69

Division 2—Payments and application of money 70

118	Payments to the Authority	70
119	Application of money of the Authority	70
120	Estimates	70

Division 3—Procedure of the Authority 71

121	Authority to regulate its procedure	71
122	Convening meetings	71
123	Presiding at meetings	71
124	Quorum	71
125	Voting at meetings	71
126	Conduct and records of meetings	72

Division 4—Administrative provisions 73

127	Delegation	73
128	Remuneration and allowances	73
129	Leave of absence	73
130	Resignation	73
131	Disclosure of interests	74
132	Ceasing to be Chairperson	74
133	Termination of appointment	74
134	Acting appointments	75

Part 11—Miscellaneous 77

135	Regulations	77
-----	---------------------	----

Schedule 1—A national animal welfare system 78

Schedule 2—Definitions 80

(Summary ends)