

Hon Andrew Bartlett
Australian Democrats

Dear Senator Bartlett,
May I congratulate you on the immense project of putting together the National Animal Welfare Bill 2005. Whatever parts of it are accepted by Parliament will lead to an improvement in the life of animals. Thank you for all the hard work and for never giving up.

Best wishes
JO BELL
for Animal Liberation

NATIONAL ANIMAL WELFARE BILL 2005
Submission by Animal Liberation – NSW
26 November 2005

PREAMBLE

Animal Liberation is an animal rights group with a particular focus on farm animals, factory farming, live export, non-native (feral) animals and circus. Therefore my comments will be mainly in those areas

Section 2/3

Purposes of Act

(b)(i) From the animal rights point of view the capture and killing of healthy wildlife whether native or non-native is neither ethical nor scientific – all spaces created by the lethal control of wild animals is rapidly filled by the other animals, who now live longer because of increased food, by survival of more of the young and by others of the same species moving in.

We are also concerned by the phrase ‘unnecessary cruelty’. If a procedure is cruel it is cruel and should not be done.

(d) accountable, open and responsible. We appreciate that this Bill will not stop experimentation on animals. But all experimentation must be authorized by an Ethics

Committee and no Ethics Committee is fairly balanced. Perhaps 'necessary' could be used in this context. The researcher is obliged to prove that the experiment on animals is necessary (and for what?)

Part 2 – 10

Constitution of Authority.

It is troubling that defenders of animals are well outnumbered by users of animals. Out of 14 possible members, only 3 members (b&f) represent the animals' interests, 7 members (a,b,& e) are for the status quo and 4 other members (d&e) might go either way. Even under optimum circumstances, the best that can be hoped for the animals is a split vote – 7/7.

Part 3 Inspection

17 Powers of Inspectors

(5) There would be occasions on which no prior warning should be given of an inspection, or that the animals should be inspected immediately without informing the owner that this is happening.

Division 4 – Powers of entry to all place

Section 33 - General Powers

(i) brand.....if this refers to hot iron branding, it should not be done. The pain of a burn is just about the worst there is and never should it be inflicted on an animal.

Forbidden to keep an animal(s)

Suggested entry – Any person convicted of cruelty to an animal should be forbidden to keep an animal in his/her care. Maximum Penalty – prohibition for life (plus whatever sentence is handed down by the magistrate).

Part 4, Div 3

Section 73 - Baits or harmful substances

Lethal control of animals has nothing to recommend it and should be abandoned. In the interim period, no bait should be laid or administered which does not contain an effective analgesic.

Section 78 - Removal of cats claws

(2) A vet surgeon.....or in the interests of native wildlife. Removal of cats claws is a monstrously cruel operation which in effect cripples the cat.. The pain continues for months if not for ever and is the cause of much of the difficulty in the US (where declawing is widespread) of persuading housebound cats to use a litter tray. Contact with the litter is painful and that is why they will not willingly use it.

Section 79 – Docking tails of cattle or horses
Removal of an animals tail is a painful mutilating operation and should not be done. Except for cancer or some such disease, it is difficult to see in what way such removal could contribute to the animal welfare.

Section 80 – Mulesing
Agreed

81 – Use for certain scientific purposes unlawful
Excellent in so far as it goes. However no research for any purpose without consent whether on human or other species can be justified.

82-83-84 - Meaning of, participation in and presence at a prohibited event Agreed

Division 5 – Regulated conduct
Section 85 – Obligation to exercise closely confined dogs
Two hours is an improvement on the half hour presently allowed

Section 86 – Feral animals as pests
The implication of this section is that it is a lesser offence or no offence to damage or kill a non-native (feral) animal. This is unscientific and unethical. Each animal wants to live, feels pain and has not chosen to be where it is. All animals have rights. In the wild, species must be left to find their own level. ‘Pest’ is a meaningless word of the same order as ‘chow’ or ‘nigger’. It signifies nothing but the twisted thinking of the user. It has no place in the legislature of a country.

Section 87 - Animals used to feed another animal
Agreed – in the situation as it is. However confining a wild animal – for experimentation,

observation or for the amusement of humans (as in a circus or zoo) is cruel, unacceptable and unethical. The only exception would be if the animal is injured or ill and being nursed to health before it is released back into the wild.

Part 5 – Live Exports

Section 89 - Export permits

(5) You would be aware of the matters going through in WA at the moment. It is impossible for authorities in Australia to guarantee a humane end for the sheep when they reach another country. This should be borne in mind when drafting this legislation.

Section 9 - Duties of vet surgeons

(1)-(2) It is essential a vet accompany all live animal ships.

Part 7 – Labelling of Animal Products.

Agreed

Part 8 – Animals used for experimental purposes

Animal Liberation is totally opposed to the confinement of any animal for live experimentation for any purpose. In the interim, such controls as 108 – Management of Pain are welcome. But total abolition is the only acceptable outcome.

Schedule 2 – Definitions

(d) ‘However, a human being is not an animal.....’.

It may seem pedantic to object to this definition of animal, but it is not. Biologically humans are animals and for legislation to insist that we are not, is not only incorrect it is mischievous. It paves the way for the kind of cruelty and exploitation of species which we accept as normal - ‘because they are animals’.

Biologically we are all animals – we feel pain; we require freedom to express our behavioural needs; we feel happy or sad; we need love.

JO BELL

for Animal Liberation

NSW Branch

ADDENDUM

Factory farming and conditions for farm animals in general are the main focus for the work of Animal Liberation. In common with other animal rights groups, we would maintain that nothing justifies the intensive farming of animals – even if we were totally dependent on their products to survive – which of course we are not.

The following is our agreed position statement:

1. Battery Hens

A. The Cage. The circumstances under which egg-laying hens are kept are abhorrent to any civilised person. Surveys have shown that the public wishes the government to immediately begin a phaseout of the battery cage.

B. The sloping wire floors of the cages force the hens to continually move their feet in order to find purchase and they suffer foot and leg problems because of this. In a successful court case brought by Pam Clarke of Tasmania some years ago, the magistrate described their condition as ‘constant suffering without relief’.

C. De-beaking should be banned immediately. It causes the birds lifelong pain. Many die. Dissection of the beak of a dead broiler by Breward and Gentle (1985) revealed that pain continues:the damaged nerve tissue degenerates but then regrows. The new nerves are unable to innervate the scar tissue formed after cauterization of the beak stump and so turn in on themselves and form a complex mass of intertwining nerve fibres. In this neuroma Breward and Gentle found large numbers of spontaneously active units, that is, nerves that discharge without stimulation. As they note (p1134) such neuromas in human amputees are associated with chronic pain and there is no reason to believe that the situation for hens is any different.

2. Broiler chicks are packed in their tens of thousands into sheds and like their egg-laying cousins, never see the light of day or feel grass under their feet. By selective breeding and antibiotics (which act as growth promotants) they reach their full market weight in as little as 35-40 days. Because the skeleton of the bird is still juvenile, it cannot support the weight of

what is in effect an obese adult bird. By two weeks of age the hen is suffering the diseases of old age, rheumatism and heart disease. Their legs cannot support them. They sit down constantly and suffer ammonia burns to their chests from the urine soaked straw. They are in constant pain. Intensive farming of broilers must be banned. In the interim there must at least be a limit placed on the size of the farm and number of birds.

3. Pigs are known to be as intelligent and sensitive as dogs, yet sows are confined to concrete and metal cages barely larger than their own bodies for most of their lives. They never see daylight except when they are loaded onto trucks headed for the slaughterhouse, by which time they are worn out from constant breeding and many are unable to walk. There is no justification, moral or economic, for this cruel confinement. In the stall the sow can move one step back or one step forward. Codes of Practice state that hooved animals become "foresore" from being confined on concrete surfaces, yet the "Model CoP for the Welfare of Animals - Pigs" provides for just that. Sows live in sow stalls until they are due to give birth, when they are moved to an even smaller structure, a farrowing crate. Within this, the sow cannot reach to touch her young. This denies the animals the most fundamental rights, as set out in the "Five Freedoms". Sow stalls are banned in the UK and Florida, and are being phased out in the EU.

Producers claim that this close confinement curbs aggression - if the animals were not so grossly overcrowded, there would be little aggression to curb. Piglets ears are notched, their tails cut off, their teeth clipped, and they are castrated without any anaesthetic or analgesia. This would be a criminal offence if done to companion animals.

4. The live export trade has been denounced as the gross cruelty by various interest groups, and a WA exporter is facing cruelty charges over what was a voyage "representative of the industry" (Animals Australia, 2005). Animal welfare in the trade is measured solely by mortality rates,

without regard to the fact that for every animal who dies, countless others suffer appallingly - blindness, lameness, salmonellosis (a form of gastro-enteritis), starvation (inanition, shy feeding), and trauma from brutal handling. The government and the industry openly state that they cannot influence animal welfare in importing countries, so no animals should be sent to countries which have absolutely no animal welfare safeguards in place. The journey is long and arduous, on third world wrecks of ships, most of which are registered under "flags of convenience", and those unlucky enough to survive the journey are the victims of horrific cruelty in the destination countries. Review after review has failed to address these issues. The live export trade must end.

5. Animals in saleyards and feedlots are often left without food water or shelter (certainly in Tasmania at least). They are deprived of the use of their natural behaviours in conditions that are usually atrocious. Safeguards must be put into place to address the issue of "curfews" (denial of food and water in the animals' language), and shelter at these establishments. "Bobby" calves and young lambs often are too weak from being removed from their mothers to stand, and should never be loaded for transport. In addition, animals are now routinely being transported on trucks from Western Australia to the Eastern states - simply because there is no journey time limit in the Model CoP. Clearly this is a cruel, unnecessary and indefensible practice, and it must be banned. Animals should (if they must) be slaughtered as close as possible to the point of production.

6. Surgical mutilations – mulesing and the docking of the tails of dairy cattle and horses must be banned. There is absolutely no evidence to suggest that there is any benefit to the animal or the herd with this practice; in fact it is detrimental. The docking of the tails (not to mention cutting the ears) of dogs has been banned, why do farm animals not receive the same legislative protection?

7 FEEDLOTS

In one weekend, in February 2000, 1250 cattle in a feedlot in Tabbita near Griffith collapsed and died from heat stroke. They died because they had inadequate shade. Death from heat stroke is not uncommon in feedlots. The only reason this one made headlines is because of the numbers involved. Cattle are kept in feedlots from 10 months to 3 years while they are fattened for the overseas market. They are forced to change from low protein grass to high protein grain in order to gain weight quickly. Many become sick with bloat and other unpleasant diseases because of the unnatural change. When the animals died of heat stroke in 2000 causes were first, lack of shade, followed by length of time in the feedlot leading to increased obesity. For less than 50 days in the feedlot it was 1%, for 200 or more days it was 17%. So in summer it is lack of shade, in the winter it is standing in mud and excrement in their barren paddocks. Cattle spend 12½ hours of every 24 grazing. This method of food intake suits the complex digestive action of their four-part stomach, and also provides them with the exercise they require. In the feedlot, the day's eating (of grain) is accomplished in ten minutes and for the rest of the time the animals have nothing to do – and no reason to walk. Life in a feedlot is miserable, boring, unhealthy, too hot or too cold and often lethal.