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Submission

National Animal Welfare Bill 2005

The Fishing Party

*I care about the environment too - but the
green agenda have gone past the practical*



30 November 2005

Senator Heffernan
Chair
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
Parliament House
Canberra ACT 2600
Australia

rrat.sen@aph.gov.au

Senators,

National Animal Welfare Bill 2005

On behalf of our members, the 30,000 voters who voted for us in the last Senate Election, and to a wider degree some 19.9% of the Australian population that regularly fish, we ask you to take whatever steps are necessary to reject Senator Bartlett's Bill.

This Act is the most deceptive and singular attack on basic rights and the way of life in Australia that we have ever seen. This Bill would have the effect of placing a complete ban on Recreational Fishing and give the power to control that implementation to an Authority that is biased in its very design – taking the power away from democratically elected representatives or the wisdom of the Courts.

We would appreciate an opportunity to address the committee and express our concern in greater detail.

Sincerely

Kevin Collins
Chairman
TFPQ

Key Implications

This Act is much more than Senator Bartlett would have us believe – it's a modern Trojan Horse.

This Act seeks to ban all Fishing

We are very concerned by the implications of this Bill. While Senator Bartlett's second Reading speech sounds appealing and positive, the Act itself is a Trojan Horse. It has far reaching implications which, if passed, could virtually enforce vegetarianism in Australia.

How?

First it only allows wildlife to be killed when it is "deemed necessary". We have doubts that the law would allow the human right to capture fish for food would continue under such a paragraph. (3 (b) (ii))

It treats all animals, fish and reptiles as if they had Human feelings - both in terms of physical and psychological pain. (S64) Then it outlaws any act inflicting any pain. (S96)

And it caps it off by giving control to an Authority, (S8) a biased group (S10) by design that is, once established, outside of the democratic process – a power unto itself.

If this Act succeeds then we are ascribing rights and almost, what economists term “property rights” to animals. That is incredibly dangerous for our economy and our country.

As a case study let us look at Recreational Fishing. Recreational fishing with the Kids if you like.

Is Recreational Fishing banned by the Bill?

In the Definitions (Schedule 2) the Bill defines an animal as any of the following:

- (a) a live member of a vertebrate animal taxon;

The common definition of a vertebrate is - An animal with a backbone that includes mammals, birds, reptiles, amphibians, and **fishes**.

Fish are therefore included in the proposed Act.

What is “cruelty”?

Section 64 (Page 40) of the Bill states:

Division 2—Cruelty offences 64 Animal cruelty prohibited

- (1) A person must not be cruel to an animal.
- (2) Maximum penalty: 1000 penalty units or imprisonment for 2 years.
- (2) Without limiting subsection (1), a person is taken to be cruel to an animal if the person does any of the following to the animal:
 - (a) causes it pain that, in the circumstances, is unjustifiable, unnecessary or unreasonable;

Further in the Definitions (S96) pain refers to both “psychological and physical pain and, in an animal, is taken to be the same sensation that an average well human, having suffered the same trauma, would experience”. So what the Act declares is that to hook a fish in the mouth is no different to hooking a human in the mouth.

The facts are that even the most pro animal science does not say fish feel the same sensations as humans. Others say they react but do not feel pain as we know it. Despite the scientific debate we do know that fish eat whole crabs and common Bream cough up sharp pieces of oyster shell when caught and placed in a live well. No human could do that.

Catching a fish with a hook and line clearly does not equate to human pain yet this Act would declare it so.

The definition of pain is wholly inadequate in another dimension. If a person were left to be placed on a carpeted deck on a sunny day for twenty minutes, they would hardly risk sunburn. Therefore the Act would say “no pain” To a fish this would be a slow and inhumane way to die – the full sun blasting into an unprotected eye that was meant for the soft light conditions under water, while the gills collapsed through dehydration causing slow asphyxiation. Of course anglers do not do this. We place fish in a darkened livewell if catch and release is our aim, or stun the fish in an ice slurry before quickly killing it if the fish is for the home table. Our point is that the Act is inadequate in its definition of pain.

Analysis: This legislation therefore overrides any compelling scientific fact. There is contradictory scientific argument but the majority of the evidence is that fish react but do not feel pain like humans do. But this Act, in the stroke of a pen, will declare Human psychological and physical pain on every animal. So that if poor cows are left to sleep outdoors without a blanket and a mattress is that cruelty? It would be for a human. Arguably it would also be covered by this Act.

Therefore: Recreational Fishing using a line and hook, as practiced by some 20%¹ of the Australian Population, would be banned by this Act.

The committee may want to consider what political backlash that would incur: banning the recreation/hobby/sport of 20% of all Australians.

¹ FIRDC

Banning Popular Activities

The Act further seeks to ban:

- Kids Fishing Days
- Fishing competitions
- Live Baiting (e.g.: using worms, prawns or baitfish to catch fish)

Section 82 (Page 49) states:

Meaning of prohibited event

A prohibited event means:

- (a) a bullfight or organised event held for public entertainment in which a person provokes a bull in a way that is likely to cause it to charge;
- (b) a cockfight or dogfight or other event in which an animal fights, or is encouraged to fight, with another animal;
- (c) a canned hunt or other event in which an animal is killed in an enclosure to obtain a trophy;
- (d) coursing or any other event in which an animal is released from captivity to be hunted, injured or killed by another animal;
- (e) an event in which an animal is released from captivity to be hunted, or shot at by a person;
- (f) an event prescribed under a regulation held for public enjoyment or entertainment, with or without charge to anyone present, at which anyone participating in the event causes an animal pain.

Consider the final paragraph (f) above. *An event where an animal is caused pain.*

That clearly includes any fishing event, given this Act's definition of pain as Human pain. This would ban fishing competitions, Kids Fishing Days, in fact any fishing club activity of any form.

Outlawing traditional fishing practices

Another Section (S87) bans feeding and Animal to another animal except in very certain circumstances. That means that using a worm, prawn or baitfish as bait would be banned.

The second reading speech of Senator Bartlett is misleading in that the true ramifications of the proposed Act were not disclosed.

Authority without Democracy

This Bill makes the proven mistake of granting power without controls to an Authority, which is not controlled by the Government or the Judiciary.

The tendency to Bureaucratic Rule (encouraged by the Uhrig Report) at the expense of democracy is a frightening development. It sidesteps the separation of powers, the 3 pillars of democracy and leads to the same narrow, bureaucratic judgement that was inherent in the USSR's GossPlan – that eventually brought down the Soviet economy.

An example closer to home? The GBRMPA under its own Authority closed off some 33% of the Great Barrier Reef to recreation fishing. This was endorsed by the Government in a deal with the Democrats to get the GST passed through the Senate. But the GBRMPA is accused of embarking on its own political agenda, closing off far more of the recreationally usable part of the reef, in some areas up to 75% closures. As the Minister said in October 2004 “some of those in the middle order of the bureaucracy who were actually doing the work had different objectives” (Senator Ian Macdonald, Canberra).

Leaving the interpretation and implementation of this Act in the hands of perhaps 5 enthusiastic individuals – outside of the control of the democratic process is dangerous and fool hardy. Looking at the proposed composition of this Authority there is a clear bias to those on the “Greenie” side of politics - a stacked deck. We say "bias" because of the thirteen members; three will be from Government - who are potentially far from impartial (see GBRMPA). But in any case five from the Vegetarian/Green side of community and five from the producer side.

Not one representing the recreational side of hunting or fishing.

The proposed Authority composition is biased because it does not reflect society as a whole - we are not a 50% “Greenie” society. (E.g. not 50%

vegetarians, not 50% voters for the Greens or Democrats etc). But we are 20% Recreational Anglers. Therefore the Authority is, by design, a biased misrepresentation of Australian Society – with the power to interpret laws, and make rules – but not answerable to Parliament for its decisions and beyond the reach of the Judiciary

Such a biased Authority, which Senator Bartlett envisages as “not a toothless tiger” (e.g. its own inspectors) could conceivably eat away at our economy by placing unworkable requirements on food producers and destroy our way of life.

Duplication of States efforts

If nothing else this Act is a duplication of states legislation, and would appoint inspectors that duplicate State employees and is therefore be a waste of public resources.

Who goes fishing and what would the Act outlaw?

Appended below is a brief analysis and explanation of Recreational fishing in Australia.

This Act would seek to outlaw this Sport and all of the positive effects on society.

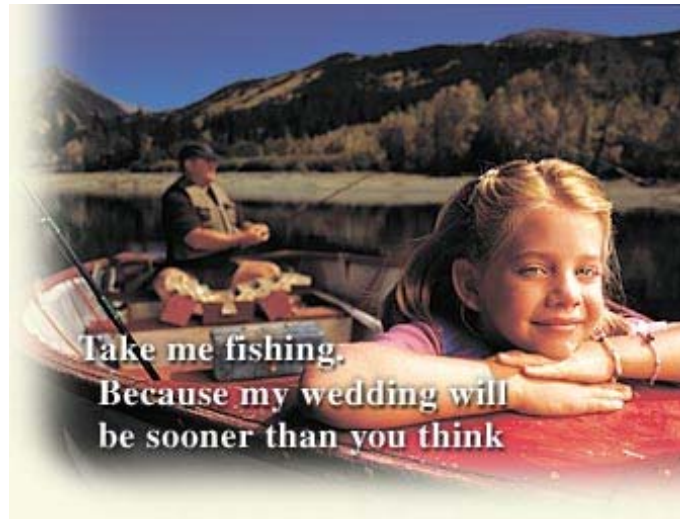
This Act would seek to make a crime an activity that is enjoyed by 20% of Australians every year and close down a \$1.8 billion industry.

We ask that you reject the Act in its entirety – banishing it to a complete redraft.

Yours sincerely

Kevin Collins

Chairman.



Fishing is Family

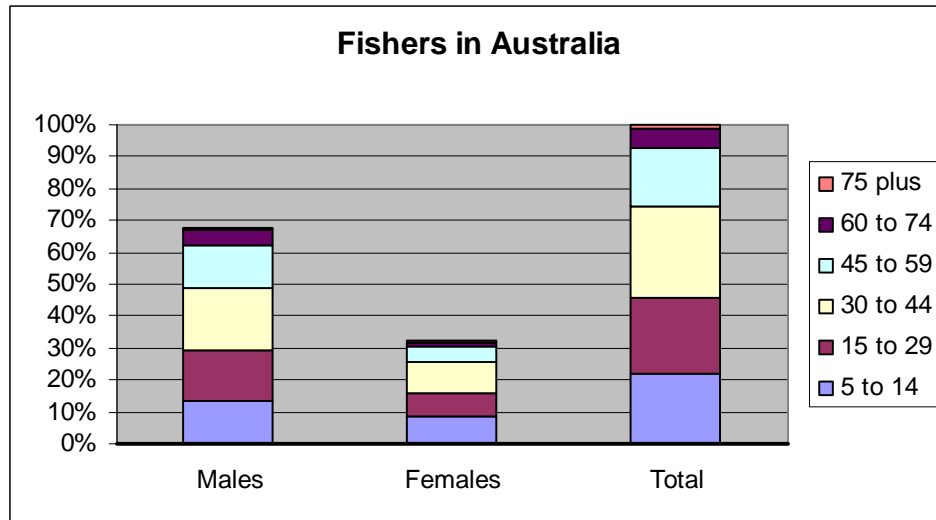
Fishing deserves to be recognized and for the societal benefits it provides. Quality Family time, healthy outdoor activities, lowering community minor crimes and improving community health.

Fishing is everyone

Women fish too ... and the youth

Recreational anglers are not just men over 45 - they are just 19% of all who went fishing over the last year.

- 20% of all Australians go fishing
- 32% of all anglers are Women.
- 52% of all anglers are under 30.



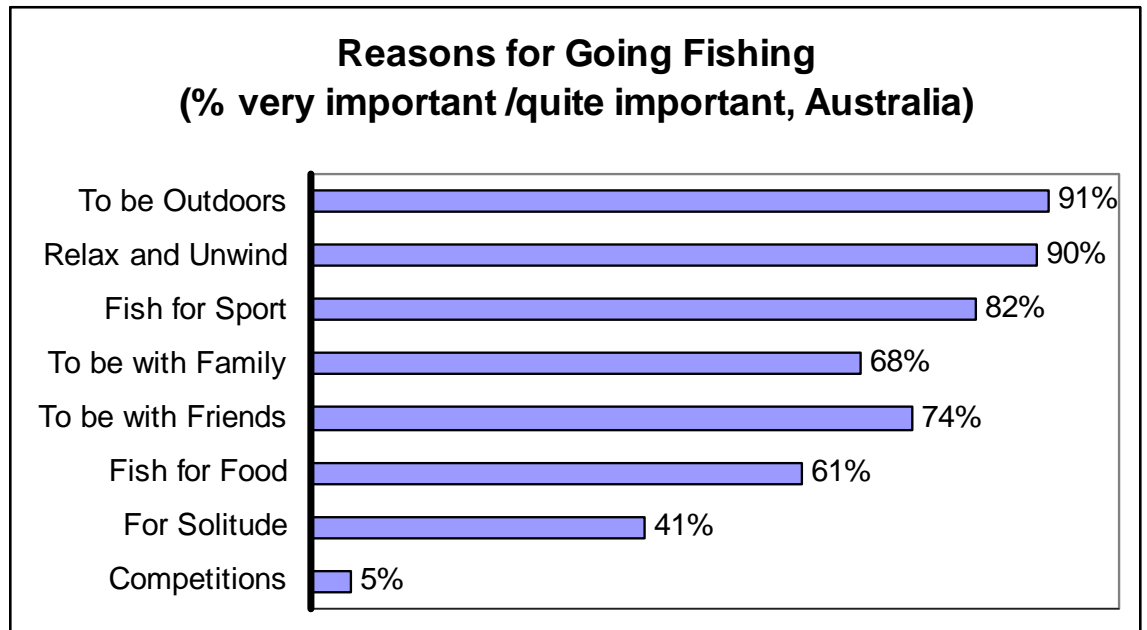
	Males	% of pop	Females	% of pop	Total	% of pop
5 to 14	444,675	33.2%	289,026	22.8%	733,701	28.1%
15 to 29	547,232	27.0%	252,560	12.7%	799,792	19.9%
30 to 44	643,710	30.7%	319,824	14.9%	963,534	22.8%
45 to 59	448,380	25.9%	167,359	9.7%	615,739	17.8%
60 to 74	172,677	17.7%	46,628	4.5%	219,305	11.0%
75 plus	26,368	7.2%	4,549	0.9%	30,917	3.5%
Total	2,283,042	26.7%	1,079,946	12.4%	3,362,988	19.5%

Source: The National Recreational and Indigenous Fishing Survey FRDC Project No. 99/158



Why do people go fishing?

Fishing is all about pastimes that increase the health of society



Source: The National Recreational and Indigenous Fishing Survey FRDC Project No. 99/158 07 47713066

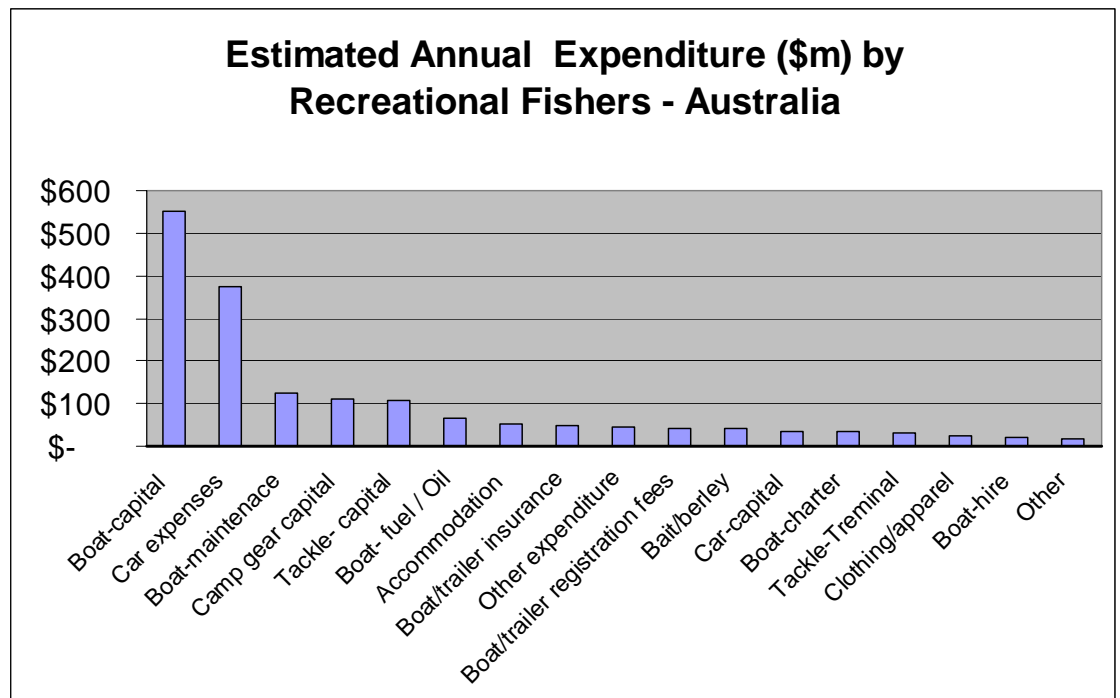
- More boat owners said their health is excellent or good (83 %) than did non-boat owners (77 %).
- Sixty seven percent of boat owners said having a boat has contributed to their well-being.
- Boat owners experience greater self-esteem (+10%), ability to enjoy life (+9%) and a better sex life (+7%).
- Non-boat owners are more prone to feeling useless (+8%), lonely (+7%) unhappy (+5%) and fatigued (+ 4%).
- Nearly two-thirds of boat owners said owning a boat has brought their family closer
- Most boat owners said the benefits of owning a boat include being outdoors (89 %), spending time on the water (85 %), being able to unwind and leave pressures behind (79 %) and finding tranquillity (71 %).

Source: Impulse Research Corporation 2003

What does Recreational Fishing mean to the economy?

Fishing expenditure is \$1,854 m p.a. and \$400m in taxes

Fishing GST is \$185 million each year, and fishing accounts for \$220m in Fuel excise.



Source: The National Recreational and Indigenous Fishing Survey FRDC Project No. 99/158